

By: Representatives Moore, Dixon

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 369

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI CHARTER SCHOOLS ACT OF
2 2013"; TO DECLARE THE LEGISLATIVE PURPOSES OF CHARTER SCHOOLS; TO
3 DEFINE CERTAIN TERMS AND PHRASES USED IN THE ACT; TO CREATE THE
4 MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD AS A STATE AGENCY
5 HAVING EXCLUSIVE CHARTERING JURISDICTION; TO AUTHORIZE THE BOARD
6 TO APPROVE CHARTER SCHOOLS IN CERTAIN SCHOOL DISTRICTS; TO
7 PRESCRIBE THE BOARD'S MEMBERSHIP; TO PROVIDE FOR THE EMPLOYMENT OF
8 AN EXECUTIVE DIRECTOR AND GENERAL COUNSEL FOR THE BOARD; TO
9 PRESCRIBE THE BOARD'S POWERS AND DUTIES; TO PROVIDE FOR FUNDING
10 FOR THE AUTHORIZER BOARD; TO REQUIRE THE STATE DEPARTMENT OF
11 EDUCATION TO PROVIDE TECHNICAL INFORMATION AND ASSISTANCE TO THE
12 AUTHORIZER; TO REQUIRE THE AUTHORIZER TO ANNUALLY PUBLISH A
13 PAMPHLET ON THE LAWS AND REGULATIONS APPLICABLE TO CHARTER
14 SCHOOLS; TO REQUIRE THE AUTHORIZER TO ANNUALLY DISSEMINATE A
15 REQUEST FOR PROPOSALS FOR CHARTER SCHOOL APPLICATIONS AND TO
16 PRESCRIBE THE REQUIRED COMPONENTS OF CHARTER APPLICATIONS; TO
17 DECLARE THE PURPOSES OF A CHARTER APPLICATION AND TO PROHIBIT A
18 CHARTER APPLICATION FROM SERVING AS A CHARTER CONTRACT; TO
19 ESTABLISH STANDARDS FOR AUTHORIZING CHARTER SCHOOLS WHICH MUST BE
20 EQUAL TO NATIONALLY ESTABLISHED BEST PRACTICES; TO PRESCRIBE THE
21 PROCESS BY WHICH THE AUTHORIZER MUST REVIEW AND MAKE DECISIONS ON
22 CHARTER SCHOOL APPLICATIONS; TO ESTABLISH AN INITIAL TERM OF FIVE
23 YEARS FOR CHARTER CONTRACTS AND TO PRESCRIBE CERTAIN REQUIREMENTS
24 FOR EXECUTING CHARTER CONTRACTS; TO ESTABLISH REQUIREMENTS
25 RELATING TO THE ENROLLMENT OF STUDENTS IN CHARTER SCHOOLS,
26 INCLUDING OPEN ENROLLMENT TO ALL STUDENTS RESIDING IN THE
27 GEOGRAPHICAL BOUNDARIES OF THE SCHOOL DISTRICT IN WHICH THE
28 CHARTER SCHOOL IS LOCATED AND A LOTTERY PROCESS FOR SELECTING
29 STUDENTS WHEN CAPACITY IS INSUFFICIENT TO ENROLL ALL STUDENTS
30 DESIRING TO ATTEND A CHARTER SCHOOL; TO ESTABLISH CERTAIN
31 ENROLLMENT PREFERENCES; TO REQUIRE ALL PUBLIC SCHOOLS IN THE STATE
32 TO ACCEPT TRANSFER CREDITS FROM CHARTER SCHOOLS; TO REQUIRE SCHOOL
33 DISTRICTS TO PUBLICIZE INFORMATION ABOUT CHARTER SCHOOLS TO THE
34 SAME EXTENT AS NONCHARTER PUBLIC SCHOOLS; TO REQUIRE EACH CHARTER



35 CONTRACT TO INCLUDE A PERFORMANCE FRAMEWORK SETTING FORTH THE
36 ACADEMIC AND OPERATIONAL PERFORMANCE STANDARDS THAT THE AUTHORIZER
37 WILL USE TO GUIDE ITS EVALUATIONS OF THE CHARTER SCHOOL; TO
38 REQUIRE THE AUTHORIZER TO ANNUALLY MONITOR THE PERFORMANCE OF
39 CHARTER SCHOOLS AND TO ASSIST THE CHARTER SCHOOL IN TAKING
40 CORRECTIVE ACTION WHEN NECESSARY; TO ESTABLISH PROCESSES FOR
41 RENEWING AND REVOKING CHARTER SCHOOL CONTRACTS; TO REQUIRE THE
42 AUTHORIZER TO DEVELOP A CHARTER SCHOOL CLOSURE PROTOCOL FOR A
43 CHARTER SCHOOL THAT IS TO BE CLOSED AND TO PROVIDE FOR THE
44 DISBURSEMENT OF UNSPENT FUNDS AND ASSETS; TO REQUIRE THE
45 AUTHORIZER BOARD TO ANNUALLY REPORT TO THE GOVERNOR AND
46 LEGISLATURE ON THE STATUS OF CHARTER SCHOOLS OPERATING IN THE
47 STATE; TO REQUIRE A CHARTER SCHOOL TO BE A NONPROFIT EDUCATION
48 ORGANIZATION THAT FUNCTIONS AS A LOCAL EDUCATIONAL AGENCY; TO
49 PRESCRIBE CERTAIN POWERS RELATING TO THE FISCAL AND OPERATIONAL
50 MANAGEMENT OF A CHARTER SCHOOL WHICH MAY BE EXERCISED BY THE
51 SCHOOL; TO PROHIBIT CHARTER SCHOOLS FROM ENGAGING IN
52 DISCRIMINATION AND FROM CHARGING TUITION; TO PROVIDE THAT CHARTER
53 SCHOOLS ARE NOT SUBJECT TO RULES AND REGULATIONS ADOPTED BY THE
54 STATE BOARD OF EDUCATION OR THE SCHOOL BOARD OF THE SCHOOL
55 DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED; TO ENUMERATE
56 CERTAIN STATUTES FROM WHICH CHARTER SCHOOLS ARE NOT EXEMPT; TO
57 PRESCRIBE CERTAIN QUALIFICATIONS OF EMPLOYEES OF CHARTER SCHOOLS;
58 TO REQUIRE AT LEAST SEVENTY-FIVE PERCENT OF TEACHERS IN A CHARTER
59 SCHOOL TO BE LICENSED BY THE STATE WHEN THE INITIAL CHARTER
60 APPLICATION IS APPROVED; TO EXEMPT ADMINISTRATORS FROM STATE
61 LICENSURE REQUIREMENTS; TO PROHIBIT CHARTER SCHOOL EMPLOYEES FROM
62 PARTICIPATING IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO
63 REQUIRE CRIMINAL BACKGROUND CHECKS FOR CHARTER SCHOOL EMPLOYEES;
64 TO AUTHORIZE CHARTER SCHOOLS TO PARTICIPATE IN STATE AND DISTRICT
65 SPONSORED ATHLETIC AND ACADEMIC INTERSCHOLASTIC LEAGUES AND
66 COMPETITIONS; TO REQUIRE CHARTER SCHOOLS TO CERTIFY AVERAGE DAILY
67 ATTENDANCE AND QUALIFY FOR STATE ADEQUATE EDUCATION PROGRAM
68 ALLOCATIONS ON A PER-PUPIL BASIS; TO AUTHORIZE LOCAL FUNDING FOR
69 CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO
70 MAKE ADEQUATE EDUCATION PROGRAM PAYMENTS TO CHARTER SCHOOLS BASED
71 ON THE SCHOOL'S AVERAGE DAILY ATTENDANCE; TO AUTHORIZE EQUAL
72 TRANSPORTATION FUNDING UNDER THE ADEQUATE EDUCATION PROGRAM FOR
73 CHARTER SCHOOLS; TO REQUIRE CHARTER SCHOOLS TO UNDERGO AN ANNUAL
74 FINANCIAL AUDIT; TO PROVIDE THAT FUNDS REMAINING IN A CHARTER
75 SCHOOL'S ACCOUNTS AT THE END OF A YEAR MUST REMAIN IN THE SCHOOL'S
76 ACCOUNTS FOR USE IN SUBSEQUENT YEARS; TO AUTHORIZE CHARTER SCHOOLS
77 TO ACCEPT GIFTS, DONATIONS AND GRANTS; TO GRANT CHARTER SCHOOLS
78 THE RIGHT OF FIRST REFUSAL TO VACANT SCHOOL FACILITIES AND
79 PROPERTY AND TO AUTHORIZE THE USE OF PUBLIC SPACE FOR CHARTER
80 SCHOOL OPERATIONS UNDER PREEXISTING ZONING REGULATIONS; TO AMEND
81 SECTION 11-46-1, MISSISSIPPI CODE OF 1972, TO REVISE THE
82 DEFINITION OF THE TERMS "EMPLOYEE" AND "POLITICAL SUBDIVISION," AS
83 THOSE TERMS ARE USED UNDER THE TORT CLAIMS ACT, TO EXTEND COVERAGE
84 FOR TORTS TO CHARTER SCHOOLS; TO AMEND SECTION 25-41-3,
85 MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A



86 CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED
87 UNDER THE OPEN MEETINGS LAWS; TO AMEND SECTION 25-61-3,
88 MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A
89 CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED
90 UNDER THE PUBLIC RECORDS ACT; TO AMEND SECTION 31-7-1, MISSISSIPPI
91 CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "AGENCY" AND
92 "GOVERNING AUTHORITY," AS THOSE TERMS ARE USED IN THE PUBLIC
93 PURCHASING LAWS, TO EXEMPT CHARTER SCHOOLS FROM REQUIREMENTS
94 RELATING TO PUBLIC PURCHASES; TO AMEND SECTION 37-1-3, MISSISSIPPI
95 CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT BOUND TO THE
96 CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION FOR SCHOOL
97 DISTRICTS; TO AMEND SECTION 37-1-12, MISSISSIPPI CODE OF 1972, TO
98 EXEMPT CHARTER SCHOOLS FROM CERTAIN ANNUAL REPORTING REQUIREMENTS
99 ESTABLISHED BY THE STATE BOARD OF EDUCATION; TO AMEND SECTION
100 37-1-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT REGULATIONS
101 REGARDING RELOCATABLE CLASSROOMS ISSUED BY THE STATE BOARD OF
102 EDUCATION ARE NOT APPLICABLE TO CHARTER SCHOOLS; TO AMEND SECTION
103 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE LIMITATIONS
104 ON THE EMPLOYMENT OF NONLICENSED TEACHERS WHICH ARE APPLICABLE TO
105 SCHOOL DISTRICTS DO NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION
106 37-3-4, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM
107 CONTINUING EDUCATION REQUIREMENTS FOR SCHOOL DISTRICT
108 ADMINISTRATORS AND PRINCIPALS; TO AMEND SECTION 37-3-5,
109 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE GENERAL DUTIES OF
110 THE STATE DEPARTMENT OF EDUCATION RELATE TO PUBLIC SCHOOL
111 DISTRICTS; TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO
112 CLARIFY THAT THE DUTY OF THE STATE SUPERINTENDENT OF PUBLIC
113 EDUCATION TO RECOMMEND RULES GOVERNING PUBLIC EDUCATION RELATES TO
114 THE SUPERVISION OF PUBLIC SCHOOL DISTRICTS; TO AMEND SECTION
115 37-3-46, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DUTY OF THE
116 STATE DEPARTMENT OF EDUCATION TO ASSIST CERTAIN SCHOOLS IN
117 ESTABLISHING A PROGRAM OF EDUCATIONAL ACCOUNTABILITY DOES NOT
118 APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-49, MISSISSIPPI
119 CODE OF 1972, TO CLARIFY THAT REQUIREMENTS RELATING TO THE
120 ADOPTION OF INSTRUCTIONAL PROGRAMS AND MANAGEMENT SYSTEMS DO NOT
121 APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-51, MISSISSIPPI
122 CODE OF 1972, TO REQUIRE NOTICE TO BE GIVEN TO THE MISSISSIPPI
123 CHARTER SCHOOL AUTHORIZER BOARD OF THE CONVICTION OF CHARTER
124 SCHOOL EMPLOYEES OF CERTAIN FELONIES AND SEX OFFENSES; TO AMEND
125 SECTION 37-3-53, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
126 MISSISSIPPI REPORT CARD TO INCLUDE DATA ON CHARTER SCHOOLS; TO
127 AMEND SECTION 37-3-61, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
128 CHARTER SCHOOLS ARE NOT REQUIRED TO PARTICIPATE IN THE ALLIANCE
129 FOR FAMILIES PROGRAM; TO AMEND SECTION 37-3-105, MISSISSIPPI CODE
130 OF 1972, TO CLARIFY THAT CHARTER SCHOOL TEACHERS ARE EXEMPT FROM
131 IN-SERVICE TRAINING REQUIREMENTS IN RESEARCH-BASED READING
132 METHODS; TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO
133 CLARIFY THAT COUNTY SUPERINTENDENTS OF EDUCATION HAVE NO AUTHORITY
134 OVER CHARTER SCHOOLS; TO AMEND SECTION 37-7-455, MISSISSIPPI CODE
135 OF 1972, TO PROVIDE THAT SCHOOL DISTRICT PROPERTY NO LONGER NEEDED
136 FOR SCHOOL PURPOSES MAY BE DISPOSED OF AFTER THE CHARTER SCHOOLS



137 LOCATED IN THE DISTRICT HAVE ELECTED NOT TO USE THEIR RIGHT OF
138 FIRST REFUSAL; TO AMEND SECTION 37-7-473, MISSISSIPPI CODE OF
139 1972, TO CLARIFY THAT SCHOOL DISTRICT PROPERTY MAY BE SOLD OR
140 LEASED TO CHARTER SCHOOLS; TO AMEND SECTION 37-9-1, MISSISSIPPI
141 CODE OF 1972, TO CLARIFY THAT CERTAIN STATUTES RELATING TO SCHOOL
142 DISTRICT SUPERINTENDENTS AND EMPLOYEES ARE NOT APPLICABLE TO
143 CHARTER SCHOOLS UNLESS SPECIFICALLY PROVIDED OTHERWISE; TO AMEND
144 SECTION 37-9-103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
145 EDUCATION EMPLOYMENT PROCEDURES LAW DOES NOT APPLY TO CHARTER
146 SCHOOL TEACHERS AND ADMINISTRATORS; TO AMEND SECTION 37-11-1,
147 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE
148 EXEMPT FROM RESTRICTIONS REGARDING THE ASSIGNMENT OF STUDENTS TO
149 PARTICULAR CLASSROOMS; TO AMEND SECTION 37-11-17, MISSISSIPPI CODE
150 OF 1972, TO EXEMPT CHARTER SCHOOL STUDENTS FROM ANY SCREENING FOR
151 ABNORMAL SPINAL CURVATURE WHICH MAY BE REQUIRED IN SCHOOLS BY THE
152 STATE BOARD OF EDUCATION; TO BRING FORWARD SECTION 37-11-25,
153 MISSISSIPPI CODE OF 1972, WHICH CREATES A MISDEMEANOR FOR SCHOOL
154 OFFICIALS HAVING AN INTEREST IN THE PROCEEDS OF SALES OR RENTALS
155 OF PROPERTY USED IN PUBLIC SCHOOLS, FOR PURPOSES OF POSSIBLE
156 AMENDMENT; TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972, TO
157 INCLUDE CHARTER SCHOOL EMPLOYEES IN THE PROVISIONS GRANTING PUBLIC
158 SCHOOL PERSONNEL IMMUNITY FOR ACTIONS RELATING TO THE CONTROL AND
159 DISCIPLINE OF STUDENTS; TO AMEND SECTION 37-13-21, MISSISSIPPI
160 CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM
161 PARTICIPATING IN HEALTH EDUCATION PROGRAMS PROVIDED BY THE STATE
162 BOARD OF HEALTH AND COUNTY HEALTH DEPARTMENTS; TO AMEND SECTION
163 37-13-41, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM
164 REPORTING REQUIREMENTS RELATING TO THE TYPE AND AMOUNT OF WORK
165 PERFORMED IN EACH GRADE; TO AMEND SECTION 37-13-91, MISSISSIPPI
166 CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOL STUDENTS MUST COMPLY
167 WITH THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO AMEND
168 SECTIONS 37-15-1 AND 37-15-3, MISSISSIPPI CODE OF 1972, TO CLARIFY
169 THAT CHARTER SCHOOLS MUST MAINTAIN PERMANENT STUDENT RECORDS AND
170 CUMULATIVE FOLDERS IN THE SAME MANNER AS NONCHARTER PUBLIC
171 SCHOOLS; TO AMEND SECTION 37-15-6, MISSISSIPPI CODE OF 1972, TO
172 REQUIRE CHARTER SCHOOLS TO SUBMIT INFORMATION REGARDING EXPULSIONS
173 TO THE STATE DEPARTMENT OF EDUCATION FOR INCLUSION IN THE CENTRAL
174 REPORTING SYSTEM; TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF
175 1972, TO CLARIFY THAT MINIMUM AGE REQUIREMENTS FOR KINDERGARTEN
176 AND FIRST GRADE ENROLLMENT ARE APPLICABLE TO CHARTER SCHOOL
177 STUDENTS; TO AMEND SECTIONS 37-16-1 AND 37-16-3, MISSISSIPPI CODE
178 OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MUST PARTICIPATE IN THE
179 STATEWIDE ASSESSMENT TESTING PROGRAM; TO AMEND SECTION 37-17-1,
180 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHARTER SCHOOL
181 AUTHORIZED BY THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD MUST
182 BE GRANTED ACCREDITATION BY THE STATE BOARD OF EDUCATION BASED
183 SOLELY ON THE CHARTER SCHOOL'S APPROVAL BY THE AUTHORIZER; TO
184 AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
185 THE PERFORMANCE-BASED ACCREDITATION SYSTEM CREATED BY THE STATE
186 BOARD OF EDUCATION APPLIES ONLY TO NONCHARTER PUBLIC SCHOOLS; TO
187 AMEND SECTION 37-18-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT



188 CHARTER SCHOOLS MAY BE RECOGNIZED FOR IMPROVEMENT BY THE STATE
189 BOARD OF EDUCATION THROUGH THE SUPERIOR-PERFORMING AND EXEMPLARY
190 SCHOOLS PROGRAMS; TO AMEND SECTION 37-21-3, MISSISSIPPI CODE OF
191 1972, TO EXEMPT CHARTER SCHOOL EMPLOYEES FROM CERTAIN EDUCATIONAL
192 QUALIFICATIONS REQUIRED OF EARLY CHILDHOOD PROGRAM EMPLOYEES; TO
193 AMEND SECTIONS 37-41-1, 37-41-3 AND 37-41-23, MISSISSIPPI CODE OF
194 1972, TO CLARIFY THAT THE REQUIREMENTS RELATING TO THE
195 TRANSPORTATION OF STUDENTS AND SCHOOL BUSES ARE NOT APPLICABLE TO
196 CHARTER SCHOOLS; TO BRING FORWARD SECTION 37-41-25, MISSISSIPPI
197 CODE OF 1972, WHICH ESTABLISHES PENALTIES FOR FALSE REPORTS
198 RELATING TO STUDENT TRANSPORTATION BY SCHOOL OFFICIALS, FOR
199 PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 37-41-31,
200 37-41-43, 37-41-45, 37-41-49 AND 37-41-53, MISSISSIPPI CODE OF
201 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD
202 SECTION 37-41-57, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE
203 STATE BOARD OF EDUCATION TO ADOPT REGULATIONS GOVERNING THE DESIGN
204 AND OPERATION OF SCHOOL BUSES, FOR PURPOSES OF POSSIBLE AMENDMENT;
205 TO AMEND SECTION 37-43-1, MISSISSIPPI CODE OF 1972, TO CLARIFY
206 THAT CHARTER SCHOOLS ARE NOT PARTICIPANTS IN THE STATE TEXTBOOK
207 PROGRAM; TO BRING FORWARD SECTION 37-43-39, MISSISSIPPI CODE OF
208 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION
209 37-45-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER
210 SCHOOLS ARE EXEMPT FROM THE REQUIREMENT OF HAVING THE STATE BOARD
211 OF EDUCATION APPROVE PLANS FOR THE LOCATION AND CONSTRUCTION OF
212 SCHOOL BUILDINGS; TO AMEND SECTION 37-47-9, MISSISSIPPI CODE OF
213 1972, TO CLARIFY THAT ANNUAL GRANTS BY THE STATE FOR THE
214 CONSTRUCTION OF SCHOOL FACILITIES ARE PAYABLE TO SCHOOL DISTRICTS
215 ONLY; TO AMEND SECTION 37-143-11, MISSISSIPPI CODE OF 1972, TO
216 AUTHORIZE RECIPIENTS OF WILLIAM F. WINTER TEACHER SCHOLARSHIPS TO
217 DISCHARGE THEIR TEACHING OBLIGATIONS IN CHARTER SCHOOLS; TO AMEND
218 SECTION 37-143-12, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
219 PARTICIPANTS IN THE SPEECH-LANGUAGE PATHOLOGISTS LOAN FORGIVENESS
220 PROGRAM TO DISCHARGE THEIR LOANS BY RENDERING SERVICE IN A CHARTER
221 SCHOOL; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO
222 DEFINE THE TERM "CHARTER SCHOOL" AS USED UNDER THE ADEQUATE
223 EDUCATION PROGRAM; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF
224 1972, TO CONFORM THE ADEQUATE EDUCATION PROGRAM FUNDING FORMULA TO
225 THE ALLOCATION OF FUNDS TO CHARTER SCHOOLS; TO AMEND SECTIONS
226 37-151-101 AND 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE
227 FOR THE DISTRIBUTION OF STATE FUNDS TO CHARTER SCHOOLS AT THE SAME
228 TIME AND IN THE SAME MANNER SUCH FUNDS ARE PAID TO SCHOOL
229 DISTRICTS; TO AMEND SECTION 37-57-107, MISSISSIPPI CODE OF 1972,
230 TO REQUIRE EACH SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS
231 LOCATED TO TRANSFER TO THE CHARTER SCHOOL ITS PER PUPIL PRO RATA
232 SHARE OF LOCAL AD VALOREM SCHOOL DISTRICT MAINTENANCE FUNDS; TO
233 REPEAL SECTIONS 37-165-1 THROUGH 37-165-27, MISSISSIPPI CODE OF
234 1972, WHICH ARE THE CONVERSION CHARTER SCHOOL ACT OF 2010; TO
235 REPEAL SECTION 37-167-1, MISSISSIPPI CODE OF 1972, WHICH CREATES
236 THE NEW START SCHOOL PROGRAM; TO PROVIDE FOR THE REPEAL OF THE
237 MISSISSIPPI CHARTER SCHOOLS ACT OF 2013 ON JULY 1, 2020; AND FOR
238 RELATED PURPOSES.



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

240 **SECTION 1.** Sections 1 through 31 of this act shall be known
241 and may be cited as the "Mississippi Charter Schools Act of 2013."

242 **SECTION 2.** (1) The Legislature finds and declares that the
243 general purposes of the state's charter schools are as follows:

244 (a) To improve student learning by creating
245 high-quality schools with high standards for student performance;

246 (b) To close achievement gaps between high-performing
247 and low-performing groups of public school students;

248 (c) To increase high-quality educational opportunities
249 within the public education system for all students, especially
250 those with a likelihood of academic failure;

251 (d) To create new professional opportunities for
252 teachers, school administrators and other school personnel which
253 allow them to have a direct voice in the operation of their
254 schools;

255 (e) To encourage the use of different, high-quality
256 models of teaching, governing, scheduling and other aspects of
257 schooling which meet a variety of student needs;

258 (f) To allow public schools freedom and flexibility in
259 exchange for exceptional levels of results driven accountability;

260 (g) To provide students, parents, community members and
261 local entities with expanded opportunities for involvement in the
262 public education system; and



263 (h) To encourage the replication of successful charter
264 schools.

265 (2) All charter schools in the state established under this
266 act are public schools and are part of the state's public
267 education system.

268 (3) No provision of this act may be interpreted to allow the
269 conversion of private schools into charter schools.

270 **SECTION 3.** As used in this act, the following words and
271 phrases have the meanings ascribed in this section unless the
272 context clearly indicates otherwise:

273 (a) "Applicant" means any person or group that develops
274 and submits an application for a charter school to the authorizer.

275 (b) "Application" means a proposal from an applicant to
276 the authorizer to enter into a charter contract whereby the
277 proposed school obtains charter school status.

278 (c) "Authorizer" means the Mississippi Charter School
279 Authorizer Board established under Section 4 of this act to review
280 applications, decide whether to approve or reject applications,
281 enter into charter contracts with applicants, oversee charter
282 schools, and decide whether to renew, not renew, or revoke charter
283 contracts.

284 (d) "Charter contract" means a fixed-term, renewable
285 contract between a charter school and the authorizer which
286 outlines the roles, powers, responsibilities and performance
287 expectations for each party to the contract.



288 (e) "Charter school" means a public school that is
289 established and operating under the terms of charter contract
290 between the school's governing board and the authorizer. The term
291 "charter school" includes a conversion charter school and start-up
292 charter school.

293 (f) "Conversion charter school" means a charter school
294 that existed as a noncharter public school before becoming a
295 charter school.

296 (g) "Education service provider" means a charter
297 management organization, school design provider or any other
298 partner entity with which a charter school intends to contract for
299 educational design, implementation or comprehensive management.

300 (h) "Governing board" means the independent board of a
301 charter school which is party to the charter contract with the
302 authorizer and whose members have been elected or selected
303 pursuant to the school's application.

304 (i) "Noncharter public school" means a public school
305 that is under the direct management, governance and control of a
306 school board or the state.

307 (j) "Parent" means a parent, guardian or other person
308 or entity having legal custody of a child.

309 (k) "School board" means a school board exercising
310 management and control over a local school district and the
311 schools of that district pursuant to the State Constitution and
312 state statutes.



313 (l) "School district" means a governmental entity that
314 establishes and supervises one or more public schools within its
315 geographical limits pursuant to state statutes.

316 (m) "Start-up charter school" means a charter school
317 that did not exist as a noncharter public school before becoming a
318 charter school.

319 (n) "Student" means any child who is eligible for
320 attendance in a public school in the state.

321 (o) "Underserved students" means students participating
322 in the federal free lunch program who qualify for at-risk student
323 funding under the Mississippi Adequate Education Program and
324 students who are identified as having special educational needs.

325 **SECTION 4.** (1) There is created the Mississippi Charter
326 School Authorizer Board as a state agency with exclusive
327 chartering jurisdiction in the State of Mississippi. Unless
328 otherwise authorized by law, no other governmental agency or
329 entity may assume any charter authorizing function or duty in any
330 form.

331 (2) (a) The mission of the Mississippi Charter School
332 Authorizer Board is to authorize high-quality charter schools,
333 particularly schools designed to expand opportunities for
334 underserved students, consistent with the purposes of this act.
335 Subject to the restrictions and conditions prescribed in this
336 subsection, the Mississippi Charter School Authorizer Board may



337 authorize charter schools within the geographical boundaries of
338 any school district.

339 (b) The Mississippi Charter School Authorizer Board may
340 approve a maximum of fifteen (15) qualified charter applications
341 during a fiscal year.

342 (c) In any school district designated as an "A," "B" or
343 "C" school district by the State Board of Education under the
344 accreditation rating system, the Mississippi Charter School
345 Authorizer Board may authorize charter schools only if a majority
346 of the members of the local school board votes at a public meeting
347 to endorse the application or to initiate the application on its
348 own initiative.

349 (3) The Mississippi Charter School Authorizer Board shall
350 consist of seven (7) members, to be appointed as follows:

351 (a) Three (3) members appointed by the Governor, with
352 one (1) member being from each of the Mississippi Supreme Court
353 Districts.

354 (b) Three (3) members appointed by the Lieutenant
355 Governor, with one (1) member being from each of the Mississippi
356 Supreme Court Districts.

357 (c) One (1) member appointed by the State
358 Superintendent of Public Education.

359 All appointments must be made with the advice and consent of
360 the Senate. In making the appointments, the appointing authority



361 shall ensure diversity among members of the Mississippi Charter
362 School Authorizer Board.

363 (4) Members appointed to the Mississippi Charter School
364 Authorizer Board collectively must possess strong experience and
365 expertise in public and nonprofit governance, management and
366 finance, public school leadership, assessment, curriculum and
367 instruction, and public education law. Each member of the
368 Mississippi Charter School Authorizer Board must have demonstrated
369 an understanding of and commitment to charter schooling as a
370 strategy for strengthening public education.

371 (5) To establish staggered terms of office, the initial term
372 of office for the three (3) Mississippi Charter School Authorizer
373 Board members appointed by the Governor shall be four (4) years
374 and thereafter shall be three (3) years; the initial term of
375 office for the three (3) members appointed by the Lieutenant
376 Governor shall be three (3) years and thereafter shall be three
377 (3) years; and the initial term of office for the member appointed
378 by the State Superintendent of Public Education shall be two (2)
379 years and thereafter shall be three (3) years. No member may
380 serve more than two (2) consecutive terms. The initial
381 appointments must be made before September 1, 2013.

382 (6) The Mississippi Charter School Authorizer Board shall
383 meet as soon as practical after September 1, 2013, upon the call
384 of the Governor, and shall organize for business by selecting a



385 chairman and adopting bylaws. Subsequent meetings shall be called
386 by the chairman.

387 (7) An individual member of the Mississippi Charter School
388 Authorizer Board may be removed by the board if the member's
389 personal incapacity renders the member incapable or unfit to
390 discharge the duties of the office or if the member is absent from
391 a number of meetings of the board, as determined and specified by
392 the board in its bylaws. Whenever a vacancy on the Mississippi
393 Charter School Authorizer Board exists, the original appointing
394 authority shall appoint a member for the remaining portion of the
395 term.

396 (8) No member of the Mississippi Charter School Authorizer
397 Board or employee, agent or representative of the board may serve
398 simultaneously as an employee, trustee, agent, representative,
399 vendor or contractor of a charter school authorized by the board.

400 (9) The Mississippi Charter School Authorizer Board shall
401 appoint an individual to serve as the executive director and
402 general counsel of the board. In addition to possessing the
403 qualifications established by the board which are based on
404 national best practices, the executive director and general
405 counsel must be licensed to practice law in the State of
406 Mississippi and must possess an understanding of state and federal
407 education law. The executive director and general counsel, who
408 shall serve at the will and pleasure of the board, shall devote
409 his full time to the proper administration of the board and the



410 duties assigned to him by the board and shall be paid a salary
411 established by the board, subject to the approval of the State
412 Personnel Board. Subject to the availability of funding, the
413 executive director and general counsel may employ such
414 administrative staff as may be necessary to assist the director
415 and board in carrying out the duties and directives of the
416 Mississippi Charter School Authorizer Board.

417 (10) The Mississippi Charter School Authorizer Board shall
418 be located, for administrative purposes, within the offices of the
419 State Institutions of Higher Learning, which shall provide meeting
420 space and clerical support for the board.

421 **SECTION 5.** (1) The authorizer is responsible for
422 exercising, in accordance with this act, the following powers and
423 duties:

424 (a) Developing chartering policies and maintaining
425 practices consistent with nationally recognized principles and
426 standards for quality charter authorizing in all major areas of
427 authorizing responsibility, including:

428 (i) Organizational capacity and infrastructure;

429 (ii) Solicitation and evaluation of charter
430 applications;

431 (iii) Performance contracting;

432 (iv) Ongoing charter school oversight and
433 evaluation; and

434 (v) Charter renewal decision-making;



435 (b) Approving quality charter applications that meet
436 identified educational needs and promote a diversity of
437 educational choices;

438 (c) Declining to approve weak or inadequate charter
439 applications;

440 (d) Negotiating and executing charter contracts with
441 approved charter schools;

442 (e) Monitoring, in accordance with charter contract
443 terms, the performance and legal compliance of charter schools;

444 (f) Determining whether each charter contract merits
445 renewal, nonrenewal or revocation; and

446 (g) Applying for any federal funds that may be
447 available for the implementation of charter school programs.

448 (2) The authorizer shall carry out all its duties under this
449 act in a manner consistent with nationally recognized principles
450 and standards and with the spirit and intent of this act.

451 (3) The authorizer may delegate its duties to the executive
452 director and general counsel.

453 (4) Regulation by the authorizer shall be limited to those
454 powers and duties prescribed in this section and all others
455 prescribed by law, consistent with the spirit and intent of this
456 act.

457 (5) Except in the case of gross negligence or reckless
458 disregard of the safety and well-being of another person, the
459 authorizer, members of the authorizer board in their official



460 capacity, and employees of the authorizer in their official
461 capacity are immune from civil liability with respect to all
462 activities related to a charter school approved by the authorizer.

463 **SECTION 6.** (1) To cover the costs of overseeing charter
464 schools in accordance with this act, the authorizer shall receive
465 three percent (3%) of annual per-pupil allocations received by a
466 charter school from state and local funds for each charter school
467 it authorizes.

468 (2) The authorizer may receive appropriate gifts, grants and
469 donations of any kind from any public or private entity to carry
470 out the purposes of this act, subject to all lawful terms and
471 conditions under which the gifts, grants or donations are given.

472 (3) The authorizer may expend its resources, seek grant
473 funds and establish partnerships to support its charter school
474 authorizing activities.

475 **SECTION 7.** (1) Upon request, the State Department of
476 Education shall assist the Mississippi Charter School Authorizer
477 Board with implementing the authorizer's decisions by providing
478 such technical assistance and information as may be necessary for
479 the implementation of this act.

480 (2) Before July 1 of each year, the authorizer shall publish
481 a pamphlet, which may be in electronic form, containing:

482 (a) All statutes in Title 37, Mississippi Code of 1972,
483 which are applicable to the charter schools;



484 (b) Any rules, regulations and policies adopted by the
485 State Superintendent of Public Education, the State Board of
486 Education or the State Department of Education with which charter
487 schools must comply by virtue of the applicability to charter
488 schools, as well as other public schools, of the state law to
489 which those relevant rules, regulations and policies pertain; and

490 (c) Any other state and federal laws and matters that
491 are relevant to the establishment and operation of charter schools
492 in the State of Mississippi.

493 The Mississippi Charter School Authorizer Board shall make
494 the pamphlet available to the public on the board's website and
495 shall notify all prospective applicants of the pamphlet.

496 **SECTION 8.** (1) To solicit, encourage and guide the
497 development of quality charter school applications, the authorizer
498 shall issue and publicize a request for proposals before September
499 1 of each year; however, during 2013, the authorizer shall issue
500 and publicize a request for proposals before December 1. The
501 content and dissemination of the request for proposals must be
502 consistent with the purposes and requirements of this act.

503 (2) The authorizer annually shall establish and disseminate
504 a statewide timeline for charter approval or denial decisions.

505 (3) The authorizer's request for proposals must include the
506 following:



507 (a) A clear statement of any preferences the authorizer
508 wishes to grant to applications intended to help underserved
509 students;

510 (b) A description of the performance framework that the
511 authorizer has developed for charter school oversight and
512 evaluation in accordance with Section 15 of this act;

513 (c) The criteria that will guide the authorizer's
514 decision to approve or deny a charter application; and

515 (d) A clear statement of appropriately detailed
516 questions, as well as guidelines, concerning the format and
517 content essential for applicants to demonstrate the capacities
518 necessary to establish and operate a successful charter school.

519 (4) In addition to all other requirements, the request for
520 proposals must require charter applications to provide or describe
521 thoroughly all of the following mandatory elements of the proposed
522 school plan:

523 (a) An executive summary;

524 (b) The mission and vision of the proposed charter
525 school, including identification of the targeted student
526 population and the community the school hopes to serve;

527 (c) The location or geographic area proposed for the
528 school;

529 (d) The grades to be served each year for the full term
530 of the charter contract;



531 (e) Minimum, planned and maximum enrollment per grade
532 per year for the term of the charter contract;

533 (f) Evidence of need and community support for the
534 proposed charter school;

535 (g) Background information, including proof of United
536 States citizenship, on the applicants, the proposed founding
537 governing board members and, if identified, members of the
538 proposed school leadership and management team. The background
539 information must include annual student achievement data,
540 disaggregated by subgroup, for every school under the current or
541 prior management of each board member and leadership team member;

542 (h) The school's proposed calendar, including the
543 proposed opening and closing dates for the school term, and a
544 sample daily schedule. The school must be kept in session no less
545 than the minimum number of school days established for all public
546 schools in Section 37-13-63;

547 (i) A description of the school's academic program,
548 aligned with state standards;

549 (j) A description of the school's instructional design,
550 including the type of learning environment (such as
551 classroom-based or independent study), class size and structure,
552 curriculum overview and teaching methods;

553 (k) The school's plan for using internal and external
554 assessments to measure and report student progress on the



555 performance framework developed by the authorizer in accordance
556 with Section 15 of this act;

557 (l) The school's plan for identifying and successfully
558 serving students with disabilities (including all of the school's
559 proposed policies pursuant to the Individuals with Disabilities
560 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
561 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
562 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
563 Section 12101 et seq., and the school's procedures for securing
564 and providing evaluations and related services pursuant to federal
565 law), students who are English language learners, students who are
566 academically behind, and gifted students, including, but not
567 limited to, compliance with any applicable laws and regulations;

568 (m) A description of cocurricular or extracurricular
569 programs and how those programs will be funded and delivered;

570 (n) Plans and timelines for student recruitment and
571 enrollment, including lottery policies and procedures that ensure
572 that every student has an equal opportunity to be considered in
573 the lottery and that the lottery is equitable, randomized,
574 transparent and impartial so that students are accepted in a
575 charter school without regard to disability, income level, race,
576 religion or national origin;

577 (o) The school's student discipline policies, including
578 those for special education students;



579 (p) An organizational chart that clearly presents the
580 school's organizational structure, including lines of authority
581 and reporting between the governing board, education service
582 provider, staff, related bodies (such as advisory bodies or parent
583 and teacher councils), and all other external organizations that
584 will play a role in managing the school;

585 (q) A clear description of the roles and
586 responsibilities of the governing board, education service
587 provider, school leadership team, management team and all other
588 entities shown in the organizational chart;

589 (r) A staffing chart for the school's first year, and a
590 staffing plan for the term of the charter;

591 (s) Plans for recruiting and developing school
592 leadership and staff, which may not include utilization of
593 nonimmigrant foreign worker visa programs;

594 (t) The school's leadership and teacher employment
595 policies, including performance evaluation plans;

596 (u) Proposed governing bylaws;

597 (v) Explanations of any partnerships or contractual
598 relationships central to the school's operations or mission;

599 (w) The school's plans for providing transportation,
600 food service and all other significant operational or ancillary
601 services;

602 (x) Opportunities and expectations for parent
603 involvement;



604 (y) A detailed school start-up plan, identifying tasks,
605 timelines and responsible individuals;

606 (z) A description of the school's financial plans and
607 policies, including financial controls and audit requirements;

608 (aa) A description of the insurance coverage the school
609 will obtain;

610 (bb) Start-up and five-year budgets with clearly stated
611 assumptions;

612 (cc) Start-up and first-year cash flow projections with
613 clearly stated assumptions;

614 (dd) A disclosure of all sources of private funding and
615 all funds from foreign sources, including gifts from foreign
616 governments, foreign legal entities and domestic entities
617 affiliated with either foreign governments or foreign legal
618 entities. For the purposes of this paragraph, the term "foreign"
619 means a country or jurisdiction outside of any state or territory
620 of the United States;

621 (ee) Evidence of anticipated fundraising contributions,
622 if claimed in the application; and

623 (ff) A sound facilities plan, including backup or
624 contingency plans if appropriate.

625 (5) In the case of an application to establish a charter
626 school by converting an existing noncharter public school to
627 charter school status, the request for proposals additionally
628 shall require the applicant to demonstrate support for the



629 proposed charter school conversion by a petition signed by a
630 majority of teachers or a majority of parents of students in the
631 existing noncharter public school, or by a majority vote of the
632 local school board or, in the case of schools in districts under
633 state conservatorship, by the State Board of Education.

634 (6) In the case of a proposed charter school that intends to
635 contract with an education service provider for substantial
636 educational services, management services or both types of
637 services, the request for proposals additionally shall require the
638 applicant to:

639 (a) Provide evidence of the education service
640 provider's success in serving student populations similar to the
641 targeted population, including demonstrated academic achievement
642 as well as successful management of nonacademic school functions,
643 if applicable;

644 (b) Provide a term sheet setting forth: the proposed
645 duration of the service contract; roles and responsibilities of
646 the governing board, the school staff and the education service
647 provider; the scope of services and resources to be provided by
648 the education service provider; performance evaluation measures
649 and timelines; the compensation structure, including clear
650 identification of all fees to be paid to the education service
651 provider; methods of contract oversight and enforcement;
652 investment disclosure; and conditions for renewal and termination
653 of the contract;



654 (c) Disclose and explain any existing or potential
655 conflicts of interest between the school governing board and
656 proposed service provider or any affiliated business entities; and

657 (d) Background information, including proof of United
658 States citizenship, on the principal individuals affiliated with
659 the education service provider.

660 (7) In the case of a charter school proposal from an
661 applicant that currently operates one or more schools in any state
662 or nation, the request for proposals additionally shall require
663 the applicant to provide evidence of past performance and current
664 capacity for growth. The applicant shall be required to submit
665 clear evidence that it has produced statistically significant
666 gains in student achievement or consistently produced proficiency
667 levels as measured on state achievement tests.

668 **SECTION 9.** (1) The following are the purposes of a charter
669 application:

670 (a) To present the proposed charter school's academic
671 and operational vision and plans;

672 (b) To demonstrate the applicant's capacities to
673 execute the proposed vision and plans; and

674 (c) To provide the authorizer a clear basis for
675 assessing the applicant's plans and capacities.

676 (2) An approved charter application may not serve as the
677 school's charter contract.



678 **SECTION 10.** (1) In reviewing and evaluating charter
679 applications, the authorizer shall employ procedures, practices
680 and criteria consistent with nationally recognized principles and
681 standards for quality charter authorizing. The application review
682 process must include thorough evaluation of each written charter
683 application and in-person interview with the applicant group.

684 (2) In deciding whether to approve charter applications, the
685 authorizer must:

686 (a) Grant charters only to applicants that have
687 provided evidence of competence in each element of the
688 authorizer's published approval criteria, and in the case of an
689 applicant that currently operates one or more schools in any state
690 or nation, clear evidence that the management or leadership team
691 of the charter school or schools currently operated by the
692 applicant has produced statistically significant gains in student
693 achievement or consistently produced proficiency levels as
694 measured on state achievement test;

695 (b) Base decisions on documented evidence collected
696 through the application review process; and

697 (c) Follow charter-granting policies and practices that
698 are transparent, based on merit and avoid conflicts of interest or
699 any appearance thereof.

700 (3) Before the expiration of one hundred eighty (180) days
701 after the filing of a charter application, the authorizer must
702 approve or deny the charter application; however, an application



703 submitted by a public historically black college or university
704 (HBCU), in partnership with a national nonprofit public HBCU
705 support organization, for a charter school to be operated on or
706 near the campus of the HBCU must be considered for expedited
707 approval by the authorizer. The authorizer shall adopt by
708 resolution all charter approval or denial decisions in an open
709 meeting of the authorizer board.

710 (4) An approval decision may include, if appropriate,
711 reasonable conditions that the charter applicant must meet before
712 a charter contract may be executed pursuant to Section 11 of this
713 act.

714 (5) For a charter denial, the authorizer shall state
715 clearly, for public record, its reasons for denial. A denied
716 applicant may reapply subsequently with the authorizer.

717 (6) Before the expiration of ten (10) days after taking
718 action to approve or deny a charter application, the authorizer
719 shall provide a report to the applicant. The report must include
720 a copy of the authorizer's resolution setting forth the action
721 taken and reasons for the decision and assurances as to compliance
722 with all of the procedural requirements and application elements
723 set forth in this act.

724 **SECTION 11.** (1) The authorizer shall grant an initial
725 charter to each qualified applicant for a term of five (5)
726 operating years. The term of the charter shall commence on the
727 charter school's first day of operation. An approved charter



728 school may delay its opening for one (1) school year in order to
729 plan and prepare for the school's opening. If the school requires
730 an opening delay of more than one (1) school year, the school must
731 request an extension from the authorizer. The authorizer may
732 grant or deny the extension depending on the particular school's
733 circumstances.

734 (2) (a) The authorizer and the governing board of the
735 approved charter school shall execute a charter contract that
736 clearly sets forth the academic and operational performance
737 expectations and measures by which the charter school will be
738 judged and the administrative relationship between the authorizer
739 and charter school, including each party's rights and duties. The
740 performance expectations and measures set forth in the charter
741 contract must include, but need not be limited to, applicable
742 federal and state accountability requirements. The performance
743 provisions may be refined or amended by mutual agreement after the
744 charter school is operating and has collected baseline achievement
745 data for its enrolled students.

746 (b) The charter contract must be signed by the chairman
747 of the authorizer board and the president of the charter school's
748 governing board.

749 (c) A charter school may not commence operations
750 without a charter contract executed in accordance with this
751 section and approved in an open meeting of the authorizer board.



752 (3) The authorizer may establish reasonable preopening
753 requirements or conditions to monitor the start-up progress of a
754 newly approved charter school and to ensure that the school is
755 prepared to open smoothly on the date agreed and that the school
756 meets all building, health, safety, insurance and other legal
757 requirements before the school's opening.

758 **SECTION 12.** (1) A charter school must be open to any
759 student residing in the geographical boundaries of the school
760 district in which the charter school is located.

761 (2) A school district may not require any student enrolled
762 in the school district to attend a charter school.

763 (3) Except as otherwise provided under subsection (8)(d) of
764 this section, a charter school may not limit admission based on
765 ethnicity, national origin, religion, gender, income level,
766 disabling condition, proficiency in the English language, or
767 academic or athletic ability.

768 (4) A charter school may limit admission to students within
769 a given age group or grade level, including prekindergarten
770 students, and may be organized around a special emphasis, theme or
771 concept as stated in the school's application.

772 (5) The underserved student composition of a charter
773 school's enrollment collectively must reflect that of students of
774 all ages attending the school district in which the charter school
775 is located, to be defined for the purposes of this act as being at
776 least eighty percent (80%) of that population. If the underserved



777 student composition of an applicant's or charter school's
778 enrollment is less than eighty percent (80%) of the enrollment of
779 students of all ages in the school district in which the charter
780 school is located, despite the school's best efforts, the
781 authorizer must consider the applicant's or charter school's
782 recruitment efforts and the underserved student composition of the
783 applicant pool in determining whether the applicant or charter
784 school is operating in a nondiscriminatory manner. A finding by
785 the authorizer that a charter school is operating in a
786 discriminatory manner justifies the revocation of a charter.

787 (6) A charter school must enroll all students who wish to
788 attend the school unless the number of students exceeds the
789 capacity of a program, class, grade level or building.

790 (7) If capacity is insufficient to enroll all students who
791 wish to attend the school based on initial application, the
792 charter school must select students through a lottery.

793 (8) (a) Any noncharter public school or part of a
794 noncharter public school converting to a charter school shall
795 adopt and maintain a policy giving an enrollment preference to
796 students who reside within the former attendance area of that
797 public school. If the charter school has excess capacity after
798 enrolling students residing within the former attendance area of
799 the school, students outside of the former attendance area of the
800 school, but within the geographical boundaries of the school
801 district in which the charter school is located, are eligible for



802 enrollment. If the number of students applying for admission
803 exceeds the capacity of a program, class, grade level or building
804 of the charter school, the charter school must admit students on
805 the basis of a lottery.

806 (b) A charter school must give an enrollment preference
807 to students enrolled in the charter school during the preceding
808 school year and to siblings of students already enrolled in the
809 charter school. An enrollment preference for returning students
810 excludes those students from entering into a lottery.

811 (c) A charter school may give an enrollment preference
812 to children of the charter school's applicant, governing board
813 members and full-time employees, so long as those children
814 constitute no more than ten percent (10%) of the charter school's
815 total student population.

816 (d) This section does not preclude the formation of a
817 charter school whose mission is focused on serving students with
818 disabilities, students of the same gender, students who pose such
819 severe disciplinary problems that they warrant a specific
820 educational program, or students who are at risk of academic
821 failure. If capacity is insufficient to enroll all students who
822 wish to attend the school, the charter school must select students
823 through a lottery.

824 **SECTION 13.** If a student previously enrolled in a charter
825 school enrolls in another public school in this state, the
826 student's new school must accept credits earned by the student in



827 courses or instructional programs at the charter school in a
828 uniform and consistent manner and according to the same criteria
829 that are used to accept academic credits from other public
830 schools.

831 **SECTION 14.** A school district must provide or publicize to
832 parents and the general public information about charter schools
833 as an enrollment option within the district to the same extent and
834 through the same means that the district provides and publicizes
835 information about noncharter public schools in the district.

836 **SECTION 15.** (1) The performance provisions within a charter
837 contract must be based on a performance framework that clearly
838 sets forth the academic and operational performance indicators,
839 measures and metrics that will guide the authorizer's evaluations
840 of the charter school. The performance framework must include
841 indicators, measures and metrics, at a minimum, for the following:

- 842 (a) Student academic proficiency;
- 843 (b) Student academic growth;
- 844 (c) Achievement gaps in both proficiency and growth
845 between major student subgroups;
- 846 (d) Attendance;
- 847 (e) Recurrent enrollment from year to year;
- 848 (f) In-school and out-of-school suspension rates and
849 expulsion rates;
- 850 (g) For charter high schools, postsecondary readiness,
851 including the percentage of graduates submitting applications to



852 postsecondary institutions, high school completion, postsecondary
853 admission and postsecondary enrollment or employment;

854 (h) Financial performance and sustainability; and

855 (i) Board performance and stewardship, including
856 compliance with all applicable laws, regulations and terms of the
857 charter contract.

858 (2) Annual performance targets must be set by each charter
859 school in conjunction with the authorizer and must be designed to
860 help each school meet applicable federal, state and authorizer
861 expectations.

862 (3) The performance framework must allow the inclusion of
863 additional rigorous, valid and reliable indicators proposed by a
864 charter school to augment external evaluations of its performance;
865 however, the authorizer must approve the quality and rigor of any
866 indicators proposed by a charter school, which indicators must be
867 consistent with the purposes of this act.

868 (4) The performance framework must require the
869 disaggregation of all student performance data by major student
870 subgroups (gender, race, poverty status, special education status,
871 English learner status and gifted status).

872 (5) The authorizer shall collect, analyze and report all
873 data from state assessments in accordance with the performance
874 framework for each charter school. Multiple schools overseen by a
875 single governing board must report their performance as separate,



876 individual schools, and each school must be held independently
877 accountable for its performance.

878 (6) Information needed by the authorizer from the charter
879 school governing board for the authorizer's reports must be
880 required and included as a material part of the charter contract.

881 **SECTION 16.** (1) The authorizer shall monitor annually the
882 performance and legal compliance of each charter school it
883 oversees, including collecting and analyzing data to support the
884 school's evaluation according to the charter contract. The
885 authorizer may conduct or require oversight activities that enable
886 the authorizer to fulfill its responsibilities under this act,
887 including conducting appropriate inquiries and investigations, so
888 long as those activities are consistent with the intent of this
889 act, adhere to the terms of the charter contract and do not unduly
890 inhibit the autonomy granted to charter schools.

891 (2) As part of its annual report to the Legislature, the
892 authorizer shall publish and provide a performance report for each
893 charter school it oversees in accordance with the performance
894 framework set forth in the charter contract. The report must be
895 made available to the public at the same time as it is submitted
896 to the Legislature. The authorizer may require each charter
897 school it oversees to submit an annual report to assist the
898 authorizer in gathering complete information about each school,
899 consistent with the performance framework.



900 (3) If a charter school's performance or legal compliance is
901 unsatisfactory, the authorizer shall notify promptly the charter
902 school of the problem and provide reasonable opportunity for the
903 school to remedy the problem unless the problem warrants
904 revocation, in which case the revocation timeframes will apply.

905 (4) The authorizer may take appropriate corrective actions
906 or exercise sanctions in response to apparent deficiencies in a
907 charter school's performance or legal compliance. If warranted,
908 the actions or sanctions may include requiring a charter school to
909 develop and execute a corrective action plan within a specified
910 timeframe.

911 **SECTION 17.** (1) A charter may be renewed for successive
912 five-year terms of duration. The authorizer may grant renewal
913 with specific conditions for necessary improvements to a charter
914 school and may lessen the renewal term based on the performance,
915 demonstrated capacities and particular circumstances of each
916 charter school.

917 (2) Before September 30, the authorizer shall issue a
918 charter school performance report and charter renewal application
919 guidance to any charter school whose charter will expire the
920 following year. The performance report must summarize the charter
921 school's performance record to date, based on the data required by
922 this act and the charter contract, and must provide notice of any
923 weaknesses or concerns perceived by the authorizer which may
924 jeopardize the charter school's position in seeking renewal if not



925 timely rectified. The charter school must respond and submit any
926 corrections or clarifications for the performance report within
927 ninety (90) days after receiving the report.

928 (3) The charter renewal application guidance must provide,
929 at a minimum, an opportunity for the charter school to:

930 (a) Present additional evidence, beyond the data
931 contained in the performance report, supporting its case for
932 charter renewal;

933 (b) Describe improvements undertaken or planned for the
934 school; and

935 (c) Detail the school's plans for the next charter
936 term.

937 (4) The charter renewal application guidance must include or
938 refer explicitly to the criteria that will guide the authorizer's
939 renewal decision, which must be based on the performance framework
940 set forth in the charter contract and consistent with this act.

941 (5) Before February 1, the governing board of a charter
942 school seeking renewal shall submit a renewal application to the
943 authorizer pursuant to the charter renewal application guidance
944 issued by the authorizer. The authorizer shall adopt a resolution
945 ruling on the renewal application no later than ninety (90) days
946 after the filing of the renewal application.

947 (6) In making each charter renewal decision, the authorizer
948 must:



949 (a) Ground its decision in evidence of the school's
950 performance over the term of the charter contract in accordance
951 with the performance framework set forth in the charter contract;

952 (b) Ensure that data used in making the renewal
953 decision is available to the school and the public; and

954 (c) Provide a public report summarizing the evidence
955 that is the basis for the renewal decision.

956 (7) A charter contract must be revoked at any time or not
957 renewed if the authorizer determines that the charter school has
958 done any of the following or otherwise failed to comply with the
959 provisions of this act:

960 (a) Committed a material and substantial violation of
961 any of the terms, conditions, standards or procedures required
962 under this act or the charter contract;

963 (b) Failed to meet or make sufficient progress toward
964 the performance expectations set forth in the charter contract;

965 (c) Failed to meet generally accepted standards of
966 fiscal management; or

967 (d) Substantially violated any material provision of
968 law which is applicable to the charter school.

969 (8) The authorizer shall develop revocation and nonrenewal
970 processes that:

971 (a) Provide the governing board of a charter school
972 with a timely notification of the prospect of revocation or
973 nonrenewal and of the reasons for such possible closure;



974 (b) Allow the governing board a reasonable amount of
975 time in which to prepare a response;

976 (c) Provide the governing board with an opportunity to
977 submit documents and give testimony challenging the rationale for
978 closure and in support of the continuation of the school at an
979 orderly proceeding held for that purpose;

980 (d) Allow the governing board access to representation
981 by counsel and to call witnesses on the school's behalf;

982 (e) Permit the recording of such proceedings; and

983 (f) After a reasonable period for deliberation, require
984 a final determination to be made and conveyed in writing to the
985 governing board.

986 (9) Notwithstanding any provision to the contrary, the
987 authorizer may not renew the charter of any charter school that,
988 during the school's final operating year under the term of the
989 charter contract, is designated an "F" school under the school
990 accreditation rating system.

991 (10) If the authorizer revokes or does not renew a charter,
992 the authorizer must state clearly, in a resolution of adopted by
993 the authorizer board, the reasons for the revocation or
994 nonrenewal.

995 (11) Within ten (10) days after taking action to renew, not
996 renew or revoke a charter, the authorizer shall provide a report
997 to the charter school. The report must include a copy of the
998 authorizer board's resolution setting forth the action taken,



999 reasons for the board's decision and assurances as to compliance
1000 with all of the requirements set forth in this act.

1001 **SECTION 18.** (1) Before implementing a charter school
1002 closure decision, the authorizer must develop a charter school
1003 closure protocol to ensure timely notification to parents, orderly
1004 transition of students and student records to new schools, and
1005 proper disposition of school funds, property and assets in
1006 accordance with the requirements of this act. The protocol must
1007 specify tasks, timelines and responsible parties, including
1008 delineating the respective duties of the school and the
1009 authorizer. If a charter school is to be closed for any reason,
1010 the authorizer shall oversee and work with the closing school to
1011 ensure a smooth and orderly closure and transition for students
1012 and parents, as guided by the closure protocol.

1013 (2) If a charter school closes, all unspent government
1014 funds, unspent earnings from those funds and assets purchased with
1015 government funds must revert to the local school district in which
1016 the charter school is located. Unless otherwise provided for in
1017 the charter or a debt instrument, unspent funds from
1018 nongovernmental sources, unspent earnings from those funds, assets
1019 purchased with those funds and debts of the school must revert to
1020 the nonprofit entity created to operate the school and may be
1021 disposed of according to applicable laws for nonprofit
1022 corporations.



1023 **SECTION 19.** (1) Before October 1 of each year, beginning in
1024 the year that the state has had at least one (1) charter school
1025 operating for a full school year, the Mississippi Charter School
1026 Authorizer Board shall issue to the Governor, Legislature, State
1027 Board of Education and the public an annual report on the state's
1028 charter schools for the preceding school year. The report must
1029 include a comparison of the performance of charter school students
1030 with the performance of academically, ethnically and economically
1031 comparable groups of students in the school district in which a
1032 charter school is located. In addition, the report must include
1033 the authorizer's assessment of the successes, challenges and areas
1034 for improvement in meeting the purposes of this act. The report
1035 also must include an assessment on whether the number and size of
1036 operating charter schools are sufficient to meet demand, as
1037 calculated according to admissions data and the number of students
1038 denied enrollment based on lottery results. The report due from
1039 the authorizer under this section must be coordinated with reports
1040 due from charter school governing boards, as near as possible, to
1041 decrease or eliminate duplication.

1042 (2) The Joint Legislative Committee on Performance
1043 Evaluation and Expenditure Review (PEER) shall prepare an annual
1044 report assessing the sufficiency of funding for charter schools,
1045 the efficacy of the state formula for authorizer funding, and any
1046 suggested changes in state law or policy necessary to strengthen
1047 the state's charter schools.



1048 **SECTION 20.** (1) Notwithstanding any provision of law to the
1049 contrary, to the extent that any provision of this act is
1050 inconsistent with any other state or local law, rule or
1051 regulation, the provisions of this act govern and are controlling.

1052 (2) A charter school must be a nonprofit education
1053 organization.

1054 (3) A charter school is subject to all federal laws and
1055 authorities specified in this act or agreed upon with the
1056 authorizer in the charter contract, where such contracting is
1057 consistent with applicable laws, rules and regulations.

1058 (4) To the extent approved by the authorizer, a charter
1059 contract may consist of one or more schools. Each charter school
1060 that is part of a charter contract must be separate and distinct
1061 from any other charter school.

1062 (5) A single governing board may hold one or more charter
1063 contracts.

1064 (6) A charter school must function as a local educational
1065 agency, and as such, a charter school is responsible for meeting
1066 the requirements of local educational agencies under applicable
1067 federal laws, including those relating to special education,
1068 receipt of funds and compliance with funding requirements. Status
1069 as a local educational agency, however, does not preclude a
1070 charter school from developing, by mutual agreement or formal
1071 contract, links with the local school district for services,
1072 resources and programs.



1073 **SECTION 21.** A charter school may exercise those powers
1074 necessary for carrying out the terms of its charter contract,
1075 including the following powers:

1076 (a) To receive and disburse funds authorized by law for
1077 school purposes;

1078 (b) To secure appropriate insurance and to enter into
1079 contracts and leases;

1080 (c) To contract with an education service provider for
1081 the management and operation of the charter school so long as the
1082 school's governing board retains oversight authority over the
1083 school;

1084 (d) To solicit and accept any gifts or grants for
1085 school purposes subject to applicable laws and the terms of its
1086 charter contract;

1087 (e) To acquire real property for use as its facility or
1088 facilities, from public or private sources; and

1089 (f) To sue and be sued in its own name.

1090 **SECTION 22.** (1) A charter school may not discriminate
1091 against any person on the basis of race, creed, color, sex,
1092 disability, national origin or any other category that would be
1093 unlawful if done by a noncharter public school.

1094 (2) A charter school may not engage in any sectarian
1095 practices in its educational program, admissions or employment
1096 policies or operations.



1097 (3) A charter school may not discriminate against any
1098 student on the basis of national origin, minority status or
1099 limited proficiency in English. Consistent with federal civil
1100 rights laws, charter schools must provide limited English
1101 proficient students with appropriate services designed to teach
1102 them English and the general curriculum.

1103 (4) A charter school may not charge tuition.

1104 (5) The terms of each charter school must include a
1105 transportation plan for students attending the charter school.

1106 (6) Subject to the approval of the authorizer, a charter
1107 school may contract with an accredited online course provider for
1108 the delivery of virtual courses to students enrolled in the
1109 charter school.

1110 (7) Except to the extent authorized under paragraph (c) of
1111 Section 21, the powers, obligations and responsibilities set forth
1112 in the charter contract may not be delegated or assigned by either
1113 party.

1114 **SECTION 23.** (1) Charter schools are subject to the same
1115 civil rights, health and safety requirements applicable to
1116 noncharter public schools in the state, except as otherwise
1117 specifically provided in this act.

1118 (2) Charter schools are subject to the student assessment
1119 and accountability requirements applicable to noncharter public
1120 schools in the state; however, this requirement does not preclude
1121 a charter school from establishing additional student assessment



1122 measures that go beyond state requirements if the authorizer
1123 approves those measures.

1124 (3) Although a charter school is geographically located
1125 within the boundaries of a particular school district and enrolls
1126 students who reside within the school district, the charter school
1127 may not be considered a school within that district under the
1128 purview of the school district's school board. The rules,
1129 regulations, policies and procedures established by the school
1130 board for the noncharter public schools that are in the school
1131 district in which the charter school is geographically located do
1132 not apply to the charter school unless otherwise required under
1133 the charter contract or any contract entered into between the
1134 charter school governing board and the local school board.

1135 (4) Whenever the provisions of Title 37, Mississippi Code of
1136 1972, relating to the elementary and secondary education of public
1137 school students establish a requirement for or grant authority to
1138 local school districts, their school boards and the schools within
1139 the respective school districts, the language "school districts,"
1140 "school boards," "boards of trustees," "the schools within a
1141 school district," or any other similar phraseology does not
1142 include a charter school and the governing board of a charter
1143 school unless the statute specifically is made applicable to
1144 charter schools as well as noncharter public schools.

1145 (5) A charter school is not subject to any rule, regulation,
1146 policy or procedure adopted by the State Board of Education or the



1147 State Department of Education unless otherwise required by the
1148 authorizer or in the charter contract.

1149 (6) Charter schools are not exempt from the following
1150 statutes:

1151 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1152 which relate to open meetings of public bodies.

1153 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1154 which relate to public access to public records.

1155 (c) Section 37-3-51, which requires notice by the
1156 district attorney of licensed school employees who are convicted
1157 of certain sex offenses.

1158 (d) Section 37-3-53, which requires publication of the
1159 Mississippi Report Card by the State Board of Education.

1160 (e) Section 37-11-18, which requires the automatic
1161 expulsion of a student possessing a weapon or controlled substance
1162 on educational property.

1163 (f) Section 37-11-18.1, which requires expulsion of
1164 certain habitually disruptive students.

1165 (g) Section 37-11-19, which requires suspension or
1166 expulsion of a student who damages school property.

1167 (h) Section 37-11-20, which prohibits acts of
1168 intimidation intended to keep a student from attending school.

1169 (i) Section 37-11-21, which prohibits parental abuse of
1170 school staff.



1171 (j) Section 37-11-23, which prohibits the willful
1172 disruption of school and school meetings.

1173 (k) Sections 37-11-29 and 37-11-31, which relate to
1174 reporting requirements regarding unlawful or violent acts on
1175 school property.

1176 (l) Section 37-11-67, which prohibits bullying or
1177 harassing behavior in public schools.

1178 (m) Section 37-13-3, which prohibits doctrinal,
1179 sectarian or denominational teaching in public schools.

1180 (n) Sections 37-13-5 and 37-13-6, which require the
1181 flags of the United States and the State of Mississippi to be
1182 displayed near the school building.

1183 (o) Section 37-13-63(1), which prescribes the minimum
1184 number of days which public schools must be kept in session during
1185 a scholastic year.

1186 (p) Section 37-13-91, which is the Mississippi
1187 Compulsory School Attendance Law.

1188 (q) Section 37-13-171(2) and (4), which requires any
1189 course containing sex-related education to include instruction in
1190 abstinence-only or abstinence-plus education.

1191 (r) Section 37-13-173, which requires notice to parents
1192 before instruction on human sexuality is provided in public
1193 classrooms.

1194 (s) Section 37-13-193, which relates to civil rights
1195 and human rights education in the public schools.



1196 (t) Sections 37-15-1 and 37-15-3, which relate to the
1197 maintenance and transfer of permanent student records in public
1198 schools.

1199 (u) Section 37-15-6, which requires the State
1200 Department of Education to maintain a record of expulsions from
1201 the public schools.

1202 (v) Section 37-15-9, which establishes minimum age
1203 requirements for kindergarten and first grade enrollment in public
1204 schools.

1205 (w) Section 37-15-11, which requires a parent, legal
1206 guardian or custodian to accompany a child seeking enrollment in a
1207 public school.

1208 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1209 which relate to the statewide assessment testing program.

1210 (y) Section 37-18-1, which establishes the
1211 Superior-Performing Schools Program and Exemplary Schools Program
1212 to recognize public schools that improve.

1213 **SECTION 24.** (1) (a) Charter schools must comply with
1214 applicable federal laws, rules and regulations regarding the
1215 qualification of teachers and other instructional staff. No more
1216 than twenty-five percent (25%) of teachers in a charter school may
1217 be exempt from state teacher licensure requirements at the time
1218 the initial charter application is approved by the authorizer.
1219 Administrators of charter schools are exempt from state
1220 administrator licensure requirements. However, teachers and



1221 administrators must have a bachelor's degree as a minimum
1222 requirement, and teachers must have demonstrated subject-matter
1223 competency. Within three (3) years of the date of initial
1224 application approval by the authorizer, all teachers must have, at
1225 a minimum, alternative licensure approved by the Commission on
1226 Teacher and Administrator Education, Certification and Licensure
1227 and Development.

1228 (b) A charter school may not staff positions for
1229 teachers, administrators, ancillary support personnel or other
1230 employees by utilizing or otherwise relying on nonimmigrant
1231 foreign worker visa programs. However, a charter school may
1232 submit a request to the authorizer for an exception allowing the
1233 employment of a nonimmigrant foreign worker before the worker is
1234 employed. The authorizer may grant permission for the employment
1235 of the nonimmigrant foreign worker only if the charter school
1236 makes a satisfactory showing of efforts to recruit lawful
1237 permanent residents of the United States to fill the position and
1238 a lack of qualified applicants to fill the position.

1239 (2) Employees in charter schools must have the same general
1240 rights and privileges as other public school employees, except
1241 such employees are not:

1242 (a) Covered under the Education Employment Procedures
1243 Law (Section 37-9-103);

1244 (b) Subject to the state salary requirements prescribed
1245 in Section 37-19-7; and



1246 (c) Members of the Public Employees' Retirement System.

1247 (3) Employees in charter schools are eligible for
1248 participation in retirement and other benefits programs in which
1249 the charter school chooses to make available to its employees.

1250 **SECTION 25.** (1) Charter school teachers and other school
1251 personnel, as well as members of the governing board and any
1252 education service provider with whom a charter school contracts,
1253 are subject to criminal history record checks and fingerprinting
1254 requirements applicable to employees of other public schools. The
1255 authorizer shall require that current criminal records background
1256 checks and current child abuse registry checks are obtained, and
1257 that the criminal record information and registry checks are on
1258 file at the charter school for any new hires applying for
1259 employment. In order to determine an applicant's suitability for
1260 employment, the applicant must be fingerprinted. If no
1261 disqualifying record is identified at the state level, the
1262 fingerprints must be forwarded by the Department of Public Safety
1263 to the Federal Bureau of Investigation for a national criminal
1264 history record check. Under no circumstances may a member of the
1265 Mississippi Charter School Authorizer Board, member of the charter
1266 school governing board or any individual other than the subject of
1267 the criminal history record checks disseminate information
1268 received through the checks except as may be required to fulfill
1269 the purposes of this section. The determination whether the
1270 applicant has a disqualifying crime, as set forth in subsection



1271 (2) of this section, must be made by the appropriate state or
1272 federal governmental authority, which must notify the charter
1273 school whether a disqualifying crime exists.

1274 (2) If the fingerprinting or criminal record checks disclose
1275 a felony conviction, guilty plea or plea of nolo contendere to a
1276 felony of possession or sale of drugs, murder, manslaughter, armed
1277 robbery, rape, sexual battery, sex offense listed in Section
1278 45-33-23(g), child abuse, arson, grand larceny, burglary,
1279 gratification of lust or aggravated assault which has not been
1280 reversed on appeal or for which a pardon has not been granted, the
1281 new hire is not eligible to be employed at the charter school.
1282 However, the charter school, in its discretion, may allow any
1283 applicant aggrieved by the employment decision under this section
1284 to show mitigating circumstances that exist and may allow, subject
1285 to the approval of the Mississippi Charter School Authorizer
1286 Board, the new hire to be employed at the school. The authorizer
1287 may approve the employment depending on the mitigating
1288 circumstances, which may include, but need not be limited to: (a)
1289 age at which the crime was committed; (b) circumstances
1290 surrounding the crime; (c) length of time since the conviction and
1291 criminal history since the conviction; (d) work history; (e)
1292 current employment and character references; and (f) other
1293 evidence demonstrating the ability of the person to perform the
1294 employment responsibilities competently and that the person does
1295 not pose a threat to the health or safety of children.



1296 (3) No charter school, charter school employee, member of
1297 the charter school governing board, the Mississippi Charter School
1298 Authorizer Board or member or employee of the Mississippi Charter
1299 School Authorizer Board employee may be held liable in any
1300 employment discrimination suit in which an allegation of
1301 discrimination is made regarding an employment decision authorized
1302 under this section.

1303 (4) A charter school shall terminate any teacher or
1304 administrator for committing one or more of the following acts:

1305 (a) Engaging in unethical conduct relating to an
1306 educator-student relationship as identified by the Mississippi
1307 Charter School Authorizer Board;

1308 (b) Fondling a student as described in Section 97-5-23
1309 or engaging in any type of sexual involvement with a student as
1310 described in Section 97-3-95; or

1311 (c) Failure to report sexual involvement of a charter
1312 school employee with a student as required by Section 97-5-24.

1313 **SECTION 26.** A charter school is eligible to participate in
1314 state-sponsored or district-sponsored athletic and academic
1315 interscholastic leagues, competitions, awards, scholarships and
1316 recognition programs for students, educators, administrators and
1317 schools to the same extent as noncharter public schools.

1318 **SECTION 27.** (1) Each charter school shall certify annually
1319 to the State Department of Education its student enrollment,
1320 average daily attendance and student participation in the national



1321 school lunch program, special education, vocational education,
1322 gifted education, alternative school program and federal programs
1323 in the same manner as school districts.

1324 (2) Each charter school shall certify annually to the school
1325 board of the school district in which the charter school is
1326 located the number of enrolled charter school students residing in
1327 the school district.

1328 **SECTION 28.** (1) (a) The State Department of Education
1329 shall make payments to charter schools for each student in average
1330 daily attendance at the charter school equal to the state share of
1331 the adequate education program payments for each student in
1332 average daily attendance at the school district in which the
1333 charter school is located. In calculating the local contribution
1334 for purposes of determining the state share of the adequate
1335 education program payments, the department shall deduct the pro
1336 rata local contribution of the school district in which the
1337 student resides, to be determined as provided in Section
1338 37-151-7(2) (a) .

1339 (b) Payments made pursuant to this subsection by the
1340 State Department of Education must be made at the same time and in
1341 the same manner as adequate education program payments are made to
1342 school districts under Sections 37-151-101 and 37-151-103.
1343 Amounts payable to a charter school must be determined by the
1344 State Department of Education. Amounts payable to a charter
1345 school in its first year of operation must be based on the



1346 projections of initial-year enrollment and federal school level
1347 funding set forth in the charter contract. Such projections must
1348 be reconciled with the average daily attendance at the end of the
1349 school's first year of operation, and any necessary adjustments
1350 must be made to payments during the school's second year of
1351 operation.

1352 (2) The school district in which a charter school is located
1353 shall pay to the charter school an amount for each student
1354 enrolled in the charter school equal to the ad valorem taxes
1355 levied and collected and in lieu payments received per pupil for
1356 the support of the school district in which the student resides.
1357 The pro rata ad valorem taxes and in lieu payments to be
1358 transferred to the charter school must include all levies for the
1359 support of the school district under Sections 37-57-1 (local
1360 contribution to the adequate education program) and 37-57-105
1361 (school district operational levy) and may not include any taxes
1362 levied for the retirement of school district bonded indebtedness
1363 or short-term notes or any taxes levied for the support of
1364 vocational-technical education programs. In no event may the
1365 payment exceed the pro rata amount of the local ad valorem payment
1366 for the local contribution to the adequate education program under
1367 Section 37-57-1 for the school district in which the student
1368 resides. Payments made under this section by a school district to
1369 a charter school must be made before the expiration of three (3)



1370 business days after the funds are distributed to the school
1371 district by the tax collector.

1372 (3) (a) The State Department of Education shall direct the
1373 proportionate share of monies generated under federal and state
1374 categorical aid programs, including special education, vocational,
1375 gifted and alternative school programs, to charter schools serving
1376 students eligible for such aid. The department shall ensure that
1377 charter schools with rapidly expanding enrollments are treated
1378 equitably in the calculation and disbursement of all federal and
1379 state categorical aid program dollars. Each charter school that
1380 serves students who may be eligible to receive services provided
1381 through such programs shall comply with all reporting requirements
1382 to receive the aid.

1383 (b) A charter school shall pay to a local school
1384 district any federal or state aid attributable to a student with a
1385 disability attending the charter school in proportion to the level
1386 of services for that student which the local school district
1387 provides directly or indirectly.

1388 (c) Subject to the approval of the authorizer, a
1389 charter school and a local school district may negotiate and enter
1390 into a contract for the provision of and payment for special
1391 education services, including, but not necessarily limited to, a
1392 reasonable reserve not to exceed five percent (5%) of the local
1393 school district's total budget for providing special education
1394 services. The reserve may be used by the local school district



1395 only to offset excess costs of providing services to students with
1396 disabilities enrolled in the charter school.

1397 (4) (a) The State Department of Education shall disburse
1398 state transportation funding to a charter school on the same basis
1399 and in the same manner as it is paid to school districts under the
1400 adequate education program.

1401 (b) A charter school may enter into a contract with a
1402 school district or private provider to provide transportation to
1403 the school's students.

1404 **SECTION 29.** (1) A charter school must adhere to generally
1405 accepted accounting principles.

1406 (2) A charter school shall have its financial records
1407 audited annually, at the end of each fiscal year, either by the
1408 State Auditor or by a certified public accountant approved by the
1409 State Auditor. However, a certified public accountant may not be
1410 selected to perform the annual audit of a charter school if that
1411 accountant previously has audited the charter school for more than
1412 three (3) consecutive years. Certified public accountants must be
1413 selected in a manner determined by the State Auditor. The charter
1414 school shall file a copy of each audit report and accompanying
1415 management letter with the authorizer before August 1.

1416 **SECTION 30.** (1) Any monies received by a charter school
1417 from any source remaining in the charter school's accounts at the
1418 end of a budget year must remain in the charter school's accounts
1419 for use by the charter school during subsequent budget years.



1420 (2) Nothing in this act may be construed to prohibit any
1421 person or organization from providing funding or other assistance
1422 to the establishment or operation of a charter school. The
1423 governing board of a charter school may accept gifts, donations
1424 and grants of any kind made to the charter school and may expend
1425 or use such gifts, donations and grants in accordance with the
1426 conditions prescribed by the donor; however, a gift, donation or
1427 grant may not be accepted if it is subject to a condition that is
1428 contrary to any provision of law or term of the charter contract.

1429 (3) A charter school must disclose publicly all sources of
1430 private funding and all funds received from foreign sources,
1431 including gifts from foreign governments, foreign legal entities
1432 and domestic entities affiliated with either foreign governments
1433 or foreign legal entities. For the purposes of this subsection,
1434 the term "foreign" means a country or jurisdiction outside of any
1435 state or territory of the United States.

1436 **SECTION 31.** (1) A charter school has a right of first
1437 refusal to purchase or lease at or below fair market value a
1438 closed public school facility or property or unused portions of a
1439 public school facility or property in the school district in which
1440 the charter school is located if the school district decides to
1441 sell or lease the public school facility or property.

1442 (2) A charter school may negotiate and contract at or below
1443 fair market value with a school district, state institution of
1444 higher learning, public community or junior college, or any other



1445 public or for-profit or nonprofit private entity for the use of a
1446 facility for a school building.

1447 (3) Public entities, including, but not limited to,
1448 libraries, community service organizations, museums, performing
1449 arts venues, theatres, cinemas, churches, community and junior
1450 colleges, colleges and universities, may provide space to charter
1451 schools within their facilities under their preexisting zoning and
1452 land use designations.

1453 **SECTION 32.** Section 11-46-1, Mississippi Code of 1972, is
1454 amended as follows:

1455 11-46-1. As used in this chapter, the following terms shall
1456 have the meanings herein ascribed unless the context otherwise
1457 requires:

1458 (a) "Claim" means any demand to recover damages from a
1459 governmental entity as compensation for injuries.

1460 (b) "Claimant" means any person seeking compensation
1461 under the provisions of this chapter, whether by administrative
1462 remedy or through the courts.

1463 (c) "Board" means the Mississippi Tort Claims Board.

1464 (d) "Department" means the Department of Finance and
1465 Administration.

1466 (e) "Director" means the executive director of the
1467 department who is also the executive director of the board.

1468 (f) "Employee" means any officer, employee or servant
1469 of the State of Mississippi or a political subdivision of the



1470 state, including elected or appointed officials and persons acting
1471 on behalf of the state or a political subdivision in any official
1472 capacity, temporarily or permanently, in the service of the state
1473 or a political subdivision whether with or without compensation.
1474 The term "employee" shall not mean a person or other legal entity
1475 while acting in the capacity of an independent contractor under
1476 contract to the state or a political subdivision; provided,
1477 however, that for purposes of the limits of liability provided for
1478 in Section 11-46-15, the term "employee" shall include physicians
1479 under contract to provide health services with the State Board of
1480 Health, the State Board of Mental Health or any county or
1481 municipal jail facility while rendering services under such
1482 contract. The term "employee" shall also include any physician,
1483 dentist or other health care practitioner employed by the
1484 University of Mississippi Medical Center (UMMC) and its
1485 departmental practice plans who is a faculty member and provides
1486 health care services only for patients at UMMC or its affiliated
1487 practice sites. The term "employee" shall also include any
1488 physician, dentist or other health care practitioner employed by
1489 any university under the control of the Board of Trustees of State
1490 Institutions of Higher Learning who practices only on the campus
1491 of any university under the control of the Board of Trustees of
1492 State Institutions of Higher Learning. The term "employee" shall
1493 also include any physician, dentist or other health care
1494 practitioner employed by the State Veterans Affairs Board and who



1495 provides health care services for patients for the State Veterans
1496 Affairs Board. The term "employee" shall also include Mississippi
1497 Department of Human Services licensed foster parents for the
1498 limited purposes of coverage under the Tort Claims Act as provided
1499 in Section 11-46-8. The term "employee" also shall include any
1500 employee or member of the governing board of a charter school but
1501 shall not include any person or entity acting in the capacity of
1502 an independent contractor to provide goods or services under a
1503 contract with a charter school.

1504 (g) "Governmental entity" means and includes the state
1505 and political subdivisions as herein defined.

1506 (h) "Injury" means death, injury to a person, damage to
1507 or loss of property or any other injury that a person may suffer
1508 that is actionable at law or in equity.

1509 (i) "Political subdivision" means any body politic or
1510 body corporate other than the state responsible for governmental
1511 activities only in geographic areas smaller than that of the
1512 state, including, but not limited to, any county, municipality,
1513 school district, charter school, community hospital as defined in
1514 Section 41-13-10, * * * airport authority or other instrumentality
1515 thereof, whether or not such body or instrumentality thereof has
1516 the authority to levy taxes or to sue or be sued in its own name.

1517 (j) "State" means the State of Mississippi and any
1518 office, department, agency, division, bureau, commission, board,
1519 institution, hospital, college, university, airport authority or



1520 other instrumentality thereof, whether or not such body or
1521 instrumentality thereof has the authority to levy taxes or to sue
1522 or be sued in its own name.

1523 (k) "Law" means all species of law, including, but not
1524 limited to, any and all constitutions, statutes, case law, common
1525 law, customary law, court order, court rule, court decision, court
1526 opinion, court judgment or mandate, administrative rule or
1527 regulation, executive order, or principle or rule of equity.

1528 **SECTION 33.** Section 25-41-3, Mississippi Code of 1972, is
1529 amended as follows:

1530 25-41-3. For purposes of this chapter, the following words
1531 shall have the meaning ascribed herein, to wit:

1532 (a) "Public body" means any executive or administrative
1533 board, commission, authority, council, department, agency, bureau
1534 or any other policy-making entity, or committee thereof, of the
1535 State of Mississippi, or any political subdivision or municipal
1536 corporation of the state, whether such entity be created by
1537 statute or executive order, which is supported wholly or in part
1538 by public funds or expends public funds, and any standing, interim
1539 or special committee of the Mississippi Legislature. The term
1540 "public body" includes the governing board of a charter school
1541 authorized by the Mississippi Charter School Authorizer Board.

1542 There shall be exempted from the provisions of this chapter:

1543 (i) The judiciary, including all jury deliberations;



1544 (ii) Public and private hospital staffs, public and
1545 private hospital boards and committees thereof;
1546 (iii) Law enforcement officials;
1547 (iv) The military;
1548 (v) The State Probation and Parole Board;
1549 (vi) The Workers' Compensation Commission;
1550 (vii) Legislative subcommittees and legislative
1551 conference committees;
1552 (viii) The arbitration council established in Section
1553 69-3-19;
1554 (ix) License revocation, suspension and disciplinary
1555 proceedings held by the Mississippi State Board of Dental
1556 Examiners; and
1557 (x) Hearings and meetings of the Board of Tax Appeals
1558 and of the hearing officers and the board of review of the
1559 Department of Revenue as provided in Section 27-77-15.

1560 (b) "Meeting" means an assemblage of members of a public
1561 body at which official acts may be taken upon a matter over which
1562 the public body has supervision, control, jurisdiction or advisory
1563 power; "meeting" also means any such assemblage through the use of
1564 video or teleconference devices.

1565 **SECTION 34.** Section 25-61-3, Mississippi Code of 1972, is
1566 amended as follows:

1567 25-61-3. The following words shall have the meanings
1568 ascribed herein unless the context clearly requires otherwise:



1569 (a) "Public body" shall mean any department, bureau,
1570 division, council, commission, committee, subcommittee, board,
1571 agency and any other entity of the state or a political
1572 subdivision thereof, and any municipal corporation and any other
1573 entity created by the Constitution or by law, executive order,
1574 ordinance or resolution. The term "public body" includes the
1575 governing board of a charter school authorized by the Mississippi
1576 Charter School Authorizer Board. Within the meaning of this
1577 chapter, the term "entity" shall not be construed to include
1578 individuals employed by a public body or any appointed or elected
1579 public official.

1580 (b) "Public records" shall mean all books, records,
1581 papers, accounts, letters, maps, photographs, films, cards, tapes,
1582 recordings or reproductions thereof, and any other documentary
1583 materials, regardless of physical form or characteristics, having
1584 been used, being in use, or prepared, possessed or retained for
1585 use in the conduct, transaction or performance of any business,
1586 transaction, work, duty or function of any public body, or
1587 required to be maintained by any public body.

1588 (c) "Data processing software" means the programs and
1589 routines used to employ and control the capabilities of data
1590 processing hardware, including, but not limited to, operating
1591 systems, compilers, assemblers, utilities, library routines,
1592 maintenance routines, applications and computer networking
1593 programs.



1594 (d) "Proprietary software" means data processing
1595 software that is obtained under a licensing agreement and is
1596 protected by copyright or trade secret laws.

1597 (e) "Incident report" means a narrative description, if
1598 such narrative description exists and if such narrative
1599 description does not contain investigative information, of an
1600 alleged offense, and at a minimum shall include the name and
1601 identification of each person charged with and arrested for the
1602 alleged offense, the time, date and location of the alleged
1603 offense, and the property involved, to the extent this information
1604 is known.

1605 (f) "Investigative report" means records of a law
1606 enforcement agency containing information beyond the scope of the
1607 matters contained in an incident report, and generally will
1608 include, but not be limited to, the following matters if beyond
1609 the scope of the matters contained in an incident report:

1610 (i) Records that are compiled in the process of
1611 detecting and investigating any unlawful activity or alleged
1612 unlawful activity, the disclosure of which would harm the
1613 investigation which may include crime scene reports and
1614 demonstrative evidence;

1615 (ii) Records that would reveal the identity of
1616 informants and/or witnesses;



1617 (iii) Records that would prematurely release
1618 information that would impede the public body's enforcement,
1619 investigative or detection efforts;

1620 (iv) Records that would disclose investigatory
1621 techniques and/or results of investigative techniques;

1622 (v) Records that would deprive a person of a right
1623 to a fair trial or an impartial adjudication;

1624 (vi) Records that would endanger the life or
1625 safety of a public official or law enforcement personnel, or
1626 confidential informants or witnesses;

1627 (vii) Records pertaining to quality control or
1628 PEER review activities; or

1629 (viii) Records that would impede or jeopardize a
1630 prosecutor's ability to prosecute the alleged offense.

1631 (g) "Law enforcement agency" means a public body that
1632 performs as one (1) of its principal functions activities
1633 pertaining to the enforcement of criminal laws, the apprehension
1634 and investigation of criminal offenders, or the investigation of
1635 criminal activities.

1636 **SECTION 35.** Section 31-7-1, Mississippi Code of 1972, is
1637 amended as follows:

1638 31-7-1. The following terms are defined for the purposes of
1639 this chapter to have the following meanings:

1640 (a) "Agency" means any state board, commission,
1641 committee, council, university, department or unit thereof created



1642 by the Constitution or statutes if such board, commission,
1643 committee, council, university, department, unit or the head
1644 thereof is authorized to appoint subordinate staff by the
1645 Constitution or statute, except a legislative or judicial board,
1646 commission, committee, council, department or unit thereof; except
1647 a charter school authorized by the Mississippi Charter School
1648 Authorizer Board; and except the Mississippi State Port Authority.

1649 (b) "Governing authority" means boards of supervisors,
1650 governing boards of all school districts, all boards of directors
1651 of public water supply districts, boards of directors of master
1652 public water supply districts, municipal public utility
1653 commissions, governing authorities of all municipalities, port
1654 authorities, Mississippi State Port Authority, commissioners and
1655 boards of trustees of any public hospitals, boards of trustees of
1656 public library systems, district attorneys, school attendance
1657 officers and any political subdivision of the state supported
1658 wholly or in part by public funds of the state or political
1659 subdivisions thereof, including commissions, boards and agencies
1660 created or operated under the authority of any county or
1661 municipality of this state. The term "governing authority" shall
1662 not include economic development authorities supported in part by
1663 private funds, or commissions appointed to hold title to and
1664 oversee the development and management of lands and buildings
1665 which are donated by private individuals to the public for the use
1666 and benefit of the community and which are supported in part by



1667 private funds. The term "governing authority" also shall not
1668 include the governing board of a charter school.

1669 (c) "Purchasing agent" means any administrator,
1670 superintendent, purchase clerk or other chief officer so
1671 designated having general or special authority to negotiate for
1672 and make private contract for or purchase for any governing
1673 authority or agency.

1674 (d) "Public funds" means and includes any appropriated
1675 funds, special funds, fees or any other emoluments received by an
1676 agency or governing authority.

1677 (e) "Commodities" means and includes the various
1678 commodities, goods, merchandise, furniture, equipment, automotive
1679 equipment of every kind, and other personal property purchased by
1680 the agencies of the state and governing authorities, but not
1681 commodities purchased for resale or raw materials converted into
1682 products for resale.

1683 (i) "Equipment" shall be construed to include:
1684 automobiles, trucks, tractors, office appliances and all other
1685 equipment of every kind and description.

1686 (ii) "Furniture" shall be construed to include:
1687 desks, chairs, tables, seats, filing cabinets, bookcases and all
1688 other items of a similar nature as well as dormitory furniture,
1689 appliances, carpets and all other items of personal property
1690 generally referred to as home, office or school furniture.



1691 (f) "Emergency" means any circumstances caused by fire,
1692 flood, explosion, storm, earthquake, epidemic, riot, insurrection
1693 or caused by any inherent defect due to defective construction, or
1694 when the immediate preservation of order or of public health is
1695 necessary by reason of unforeseen emergency, or when the immediate
1696 restoration of a condition of usefulness of any public building,
1697 equipment, road or bridge appears advisable, or in the case of a
1698 public utility when there is a failure of any machine or other
1699 thing used and useful in the generation, production or
1700 distribution of electricity, water or natural gas, or in the
1701 transportation or treatment of sewage; or when the delay incident
1702 to obtaining competitive bids could cause adverse impact upon the
1703 governing authorities or agency, its employees or its citizens; or
1704 in the case of a public airport, when the delay incident to
1705 publishing an advertisement for competitive bids would endanger
1706 public safety in a specific (not general) manner, result in or
1707 perpetuate a specific breach of airport security, or prevent the
1708 airport from providing specific air transportation services.

1709 (g) "Construction" means the process of building,
1710 altering, improving, renovating or demolishing a public structure,
1711 public building, or other public real property. It does not
1712 include routine operation, routine repair or regularly scheduled
1713 maintenance of existing public structures, public buildings or
1714 other public real property.



1715 (h) "Purchase" means buying, renting, leasing or
1716 otherwise acquiring.

1717 (i) "Certified purchasing office" means any purchasing
1718 office wherein fifty percent (50%) or more of the purchasing
1719 agents hold a certification from the Universal Public Purchasing
1720 Certification Council or other nationally recognized purchasing
1721 certification.

1722 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is
1723 amended as follows:

1724 37-1-3. (1) The State Board of Education shall adopt rules
1725 and regulations and set standards and policies for the
1726 organization, operation, management, planning, budgeting and
1727 programs of the State Department of Education.

1728 (a) The board is directed to identify all functions of
1729 the department that contribute to or comprise a part of the state
1730 system of educational accountability and to establish and maintain
1731 within the department the necessary organizational structure,
1732 policies and procedures for effectively coordinating such
1733 functions. Such policies and procedures shall clearly fix and
1734 delineate responsibilities for various aspects of the system and
1735 for overall coordination of the total system and its effective
1736 management.

1737 (b) The board shall establish and maintain a
1738 system-wide plan of performance, policy and directions of public
1739 education not otherwise provided for.



1740 (c) The board shall effectively use the personnel and
1741 resources of the department to enhance technical assistance to
1742 school districts in instruction and management therein.

1743 (d) The board shall establish and maintain a central
1744 budget policy.

1745 (e) The board shall establish and maintain within the
1746 State Department of Education a central management capacity under
1747 the direction of the State Superintendent of Public Education.

1748 (f) The board, with recommendations from the
1749 superintendent, shall design and maintain a five-year plan and
1750 program for educational improvement that shall set forth
1751 objectives for system performance and development and be the basis
1752 for budget requests and legislative initiatives.

1753 (2) (a) The State Board of Education shall adopt and
1754 maintain a curriculum and a course of study to be used in the
1755 public * * * school districts that is designed to prepare the
1756 state's children and youth to be productive, informed, creative
1757 citizens, workers and leaders, and it shall regulate all matters
1758 arising in the practical administration of the school system not
1759 otherwise provided for.

1760 (b) Before the 1999-2000 school year, the State Board
1761 of Education shall develop personal living and finances objectives
1762 that focus on money management skills for individuals and families
1763 for appropriate, existing courses at the secondary level. The
1764 objectives must require the teaching of those skills necessary to



1765 handle personal business and finances and must include instruction
1766 in the following:

1767 (i) Opening a bank account and assessing the
1768 quality of a bank's services;

1769 (ii) Balancing a checkbook;

1770 (iii) Managing debt, including retail and credit
1771 card debt;

1772 (iv) Completing a loan application;

1773 (v) The implications of an inheritance;

1774 (vi) The basics of personal insurance policies;

1775 (vii) Consumer rights and responsibilities;

1776 (viii) Dealing with salesmen and merchants;

1777 (ix) Computing state and federal income taxes;

1778 (x) Local tax assessments;

1779 (xi) Computing interest rates by various
1780 mechanisms;

1781 (xii) Understanding simple contracts; and

1782 (xiii) Contesting an incorrect billing statement.

1783 (3) The State Board of Education shall have authority to
1784 expend any available federal funds, or any other funds expressly
1785 designated, to pay training, educational expenses, salary
1786 incentives and salary supplements to licensed teachers employed in
1787 local school districts or schools administered by the State Board
1788 of Education. Such incentive payments shall not be considered
1789 part of a school district's local supplement as defined in Section



1790 37-151-5(o), nor shall the incentives be considered part of the
1791 local supplement paid to an individual teacher for the purposes of
1792 Section 37-19-7(1). MAEP funds or any other state funds shall not
1793 be used to provide such incentives unless specifically authorized
1794 by law.

1795 (4) The State Board of Education shall through its actions
1796 seek to implement the policies set forth in Section 37-1-2.

1797 **SECTION 37.** Section 37-1-12, Mississippi Code of 1972, is
1798 amended as follows:

1799 37-1-12. The State Board of Education shall develop and
1800 promulgate regulations for annual reports from * * * school
1801 districts and from the State Department of Education to the
1802 Legislature. Such regulations shall eliminate duplication, make
1803 effective use of technology and enable the Legislature to monitor
1804 education in Mississippi. These regulations may include methods
1805 to reduce redundant reporting requirements and eliminate
1806 inadequate performance measures, and the State Board of Education
1807 may include any proposed legislative amendments to state law
1808 necessary to improve statewide reporting mandates.

1809 **SECTION 38.** Section 37-1-13, Mississippi Code of 1972, is
1810 amended as follows:

1811 37-1-13. (1) The State Board of Education shall issue
1812 regulations:

1813 (a) Setting minimum specifications for relocatable
1814 classrooms for the public * * * school districts;



1815 (b) Approving or disapproving plans for relocatable
1816 classrooms for public * * * school districts;

1817 (c) Providing a system of requiring local school
1818 districts to receive State Department of Education approval before
1819 purchase of such relocatable classrooms.

1820 (2) The State Department of Education may, in its
1821 discretion, inspect the facilities of any manufacturer of
1822 relocatable classrooms for the purpose of determining if State
1823 Department of Education minimum specifications are being met.

1824 (3) The State Department of Education shall insure that
1825 local school districts advertise for and receive bids as required
1826 by state law for purchase of relocatable classrooms. The State
1827 Department of Education shall approve plans for relocatable
1828 classrooms by persons, firms, corporations or associations
1829 permitted to submit bids for consideration, before such bids are
1830 submitted to local school districts. The State Department of
1831 Education shall have the right to reject any and all relocatable
1832 classroom plans submitted. Bids may not be submitted to local
1833 school districts, unless persons, firms, corporations or
1834 associations have State Department of Education approval.

1835 **SECTION 39.** Section 37-3-2, Mississippi Code of 1972, is
1836 amended as follows:

1837 37-3-2. (1) There is established within the State
1838 Department of Education the Commission on Teacher and
1839 Administrator Education, Certification and Licensure and



1840 Development. It shall be the purpose and duty of the commission
1841 to make recommendations to the State Board of Education regarding
1842 standards for the certification and licensure and continuing
1843 professional development of those who teach or perform tasks of an
1844 educational nature in the public schools of Mississippi.

1845 (2) The commission shall be composed of fifteen (15)
1846 qualified members. The membership of the commission shall be
1847 composed of the following members to be appointed, three (3) from
1848 each congressional district: four (4) classroom teachers; three
1849 (3) school administrators; one (1) representative of schools of
1850 education of institutions of higher learning located within the
1851 state to be recommended by the Board of Trustees of State
1852 Institutions of Higher Learning; one (1) representative from the
1853 schools of education of independent institutions of higher
1854 learning to be recommended by the Board of the Mississippi
1855 Association of Independent Colleges; one (1) representative from
1856 public community and junior colleges located within the state to
1857 be recommended by the State Board for Community and Junior
1858 Colleges; one (1) local school board member; and four (4)
1859 laypersons. All appointments shall be made by the State Board of
1860 Education after consultation with the State Superintendent of
1861 Public Education. The first appointments by the State Board of
1862 Education shall be made as follows: five (5) members shall be
1863 appointed for a term of one (1) year; five (5) members shall be
1864 appointed for a term of two (2) years; and five (5) members shall



1865 be appointed for a term of three (3) years. Thereafter, all
1866 members shall be appointed for a term of four (4) years.

1867 (3) The State Board of Education when making appointments
1868 shall designate a chairman. The commission shall meet at least
1869 once every two (2) months or more often if needed. Members of the
1870 commission shall be compensated at a rate of per diem as
1871 authorized by Section 25-3-69 and be reimbursed for actual and
1872 necessary expenses as authorized by Section 25-3-41.

1873 (4) (a) An appropriate staff member of the State Department
1874 of Education shall be designated and assigned by the State
1875 Superintendent of Public Education to serve as executive secretary
1876 and coordinator for the commission. No less than two (2) other
1877 appropriate staff members of the State Department of Education
1878 shall be designated and assigned by the State Superintendent of
1879 Public Education to serve on the staff of the commission.

1880 (b) An Office of Educator Misconduct Evaluations shall
1881 be established within the State Department of Education to assist
1882 the commission in responding to infractions and violations, and in
1883 conducting hearings and enforcing the provisions of Section
1884 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,
1885 and violations of the Mississippi Educator Code of Ethics.

1886 (5) It shall be the duty of the commission to:

1887 (a) Set standards and criteria, subject to the approval
1888 of the State Board of Education, for all educator preparation
1889 programs in the state;



1890 (b) Recommend to the State Board of Education each year
1891 approval or disapproval of each educator preparation program in
1892 the state, subject to a process and schedule determined by the
1893 State Board of Education;

1894 (c) Establish, subject to the approval of the State
1895 Board of Education, standards for initial teacher certification
1896 and licensure in all fields;

1897 (d) Establish, subject to the approval of the State
1898 Board of Education, standards for the renewal of teacher licenses
1899 in all fields;

1900 (e) Review and evaluate objective measures of teacher
1901 performance, such as test scores, which may form part of the
1902 licensure process, and to make recommendations for their use;

1903 (f) Review all existing requirements for certification
1904 and licensure;

1905 (g) Consult with groups whose work may be affected by
1906 the commission's decisions;

1907 (h) Prepare reports from time to time on current
1908 practices and issues in the general area of teacher education and
1909 certification and licensure;

1910 (i) Hold hearings concerning standards for teachers'
1911 and administrators' education and certification and licensure with
1912 approval of the State Board of Education;

1913 (j) Hire expert consultants with approval of the State
1914 Board of Education;



1915 (k) Set up ad hoc committees to advise on specific
1916 areas; and

1917 (l) Perform such other functions as may fall within
1918 their general charge and which may be delegated to them by the
1919 State Board of Education.

1920 (6) (a) **Standard License - Approved Program Route.** An
1921 educator entering the school system of Mississippi for the first
1922 time and meeting all requirements as established by the State
1923 Board of Education shall be granted a standard five-year license.
1924 Persons who possess two (2) years of classroom experience as an
1925 assistant teacher or who have taught for one (1) year in an
1926 accredited public or private school shall be allowed to fulfill
1927 student teaching requirements under the supervision of a qualified
1928 participating teacher approved by an accredited college of
1929 education. The local school district in which the assistant
1930 teacher is employed shall compensate such assistant teachers at
1931 the required salary level during the period of time such
1932 individual is completing student teaching requirements.

1933 Applicants for a standard license shall submit to the department:

1934 (i) An application on a department form;

1935 (ii) An official transcript of completion of a
1936 teacher education program approved by the department or a
1937 nationally accredited program, subject to the following:

1938 Licensure to teach in Mississippi prekindergarten through
1939 kindergarten classrooms shall require completion of a teacher



1940 education program or a bachelor of science degree with child
1941 development emphasis from a program accredited by the American
1942 Association of Family and Consumer Sciences (AAFCS) or by the
1943 National Association for Education of Young Children (NAEYC) or by
1944 the National Council for Accreditation of Teacher Education
1945 (NCATE). Licensure to teach in Mississippi kindergarten, for
1946 those applicants who have completed a teacher education program,
1947 and in Grade 1 through Grade 4 shall require the completion of an
1948 interdisciplinary program of studies. Licenses for Grades 4
1949 through 8 shall require the completion of an interdisciplinary
1950 program of studies with two (2) or more areas of concentration.
1951 Licensure to teach in Mississippi Grades 7 through 12 shall
1952 require a major in an academic field other than education, or a
1953 combination of disciplines other than education. Students
1954 preparing to teach a subject shall complete a major in the
1955 respective subject discipline. All applicants for standard
1956 licensure shall demonstrate that such person's college preparation
1957 in those fields was in accordance with the standards set forth by
1958 the National Council for Accreditation of Teacher Education
1959 (NCATE) or the National Association of State Directors of Teacher
1960 Education and Certification (NASDTEC) or, for those applicants who
1961 have a bachelor of science degree with child development emphasis,
1962 the American Association of Family and Consumer Sciences (AAFCS);
1963 (iii) A copy of test scores evidencing
1964 satisfactory completion of nationally administered examinations of



1965 achievement, such as the Educational Testing Service's teacher
1966 testing examinations; and

1967 (iv) Any other document required by the State
1968 Board of Education.

1969 (b) **Standard License - Nontraditional Teaching Route.**

1970 Beginning January 1, 2004, an individual who has a passing score
1971 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
1972 the requested area of endorsement may apply for the Teach
1973 Mississippi Institute (TMI) program to teach students in Grades 7
1974 through 12 if the individual meets the requirements of this
1975 paragraph (b). The State Board of Education shall adopt rules
1976 requiring that teacher preparation institutions which provide the
1977 Teach Mississippi Institute (TMI) program for the preparation of
1978 nontraditional teachers shall meet the standards and comply with
1979 the provisions of this paragraph.

1980 (i) The Teach Mississippi Institute (TMI) shall
1981 include an intensive eight-week, nine-semester-hour summer program
1982 or a curriculum of study in which the student matriculates in the
1983 fall or spring semester, which shall include, but not be limited
1984 to, instruction in education, effective teaching strategies,
1985 classroom management, state curriculum requirements, planning and
1986 instruction, instructional methods and pedagogy, using test
1987 results to improve instruction, and a one (1) semester three-hour
1988 supervised internship to be completed while the teacher is
1989 employed as a full-time teacher intern in a local school district.



1990 The TMI shall be implemented on a pilot program basis, with
1991 courses to be offered at up to four (4) locations in the state,
1992 with one (1) TMI site to be located in each of the three (3)
1993 Mississippi Supreme Court districts.

1994 (ii) The school sponsoring the teacher intern
1995 shall enter into a written agreement with the institution
1996 providing the Teach Mississippi Institute (TMI) program, under
1997 terms and conditions as agreed upon by the contracting parties,
1998 providing that the school district shall provide teacher interns
1999 seeking a nontraditional provisional teaching license with a
2000 one-year classroom teaching experience. The teacher intern shall
2001 successfully complete the one (1) semester three-hour intensive
2002 internship in the school district during the semester immediately
2003 following successful completion of the TMI and prior to the end of
2004 the one-year classroom teaching experience.

2005 (iii) Upon completion of the nine-semester-hour
2006 TMI or the fall or spring semester option, the individual shall
2007 submit his transcript to the commission for provisional licensure
2008 of the intern teacher, and the intern teacher shall be issued a
2009 provisional teaching license by the commission, which will allow
2010 the individual to legally serve as a teacher while the person
2011 completes a nontraditional teacher preparation internship program.

2012 (iv) During the semester of internship in the
2013 school district, the teacher preparation institution shall monitor
2014 the performance of the intern teacher. The school district that



2015 employs the provisional teacher shall supervise the provisional
2016 teacher during the teacher's intern year of employment under a
2017 nontraditional provisional license, and shall, in consultation
2018 with the teacher intern's mentor at the school district of
2019 employment, submit to the commission a comprehensive evaluation of
2020 the teacher's performance sixty (60) days prior to the expiration
2021 of the nontraditional provisional license. If the comprehensive
2022 evaluation establishes that the provisional teacher intern's
2023 performance fails to meet the standards of the approved
2024 nontraditional teacher preparation internship program, the
2025 individual shall not be approved for a standard license.

2026 (v) An individual issued a provisional teaching
2027 license under this nontraditional route shall successfully
2028 complete, at a minimum, a one-year beginning teacher mentoring and
2029 induction program administered by the employing school district
2030 with the assistance of the State Department of Education.

2031 (vi) Upon successful completion of the TMI and the
2032 internship provisional license period, applicants for a Standard
2033 License - Nontraditional Route shall submit to the commission a
2034 transcript of successful completion of the twelve (12) semester
2035 hours required in the internship program, and the employing school
2036 district shall submit to the commission a recommendation for
2037 standard licensure of the intern. If the school district
2038 recommends licensure, the applicant shall be issued a Standard



2039 License - Nontraditional Route which shall be valid for a
2040 five-year period and be renewable.

2041 (vii) At the discretion of the teacher preparation
2042 institution, the individual shall be allowed to credit the twelve
2043 (12) semester hours earned in the nontraditional teacher
2044 internship program toward the graduate hours required for a Master
2045 of Arts in Teacher (MAT) Degree.

2046 (viii) The local school district in which the
2047 nontraditional teacher intern or provisional licensee is employed
2048 shall compensate such teacher interns at Step 1 of the required
2049 salary level during the period of time such individual is
2050 completing teacher internship requirements and shall compensate
2051 such Standard License - Nontraditional Route teachers at Step 3 of
2052 the required salary level when they complete license requirements.

2053 Implementation of the TMI program provided for under this
2054 paragraph (b) shall be contingent upon the availability of funds
2055 appropriated specifically for such purpose by the Legislature.
2056 Such implementation of the TMI program may not be deemed to
2057 prohibit the State Board of Education from developing and
2058 implementing additional alternative route teacher licensure
2059 programs, as deemed appropriate by the board. The emergency
2060 certification program in effect prior to July 1, 2002, shall
2061 remain in effect.

2062 A Standard License - Approved Program Route shall be issued
2063 for a five-year period, and may be renewed. Recognizing teaching



2064 as a profession, a hiring preference shall be granted to persons
2065 holding a Standard License - Approved Program Route or Standard
2066 License - Nontraditional Teaching Route over persons holding any
2067 other license.

2068 (c) **Special License - Expert Citizen.** In order to
2069 allow a school district to offer specialized or technical courses,
2070 the State Department of Education, in accordance with rules and
2071 regulations established by the State Board of Education, may grant
2072 a one-year expert citizen-teacher license to local business or
2073 other professional personnel to teach in a public school or
2074 nonpublic school accredited or approved by the state. Such person
2075 may begin teaching upon his employment by the local school board
2076 and licensure by the Mississippi Department of Education. The
2077 board shall adopt rules and regulations to administer the expert
2078 citizen-teacher license. A Special License - Expert Citizen may
2079 be renewed in accordance with the established rules and
2080 regulations of the State Department of Education.

2081 (d) **Special License - Nonrenewable.** The State Board of
2082 Education is authorized to establish rules and regulations to
2083 allow those educators not meeting requirements in subsection
2084 (6) (a), (b) or (c) to be licensed for a period of not more than
2085 three (3) years, except by special approval of the State Board of
2086 Education.

2087 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
2088 person may teach for a maximum of three (3) periods per teaching



2089 day in a public school district or a nonpublic school
2090 accredited/approved by the state. Such person shall submit to the
2091 department a transcript or record of his education and experience
2092 which substantiates his preparation for the subject to be taught
2093 and shall meet other qualifications specified by the commission
2094 and approved by the State Board of Education. In no case shall
2095 any local school board hire nonlicensed personnel as authorized
2096 under this paragraph in excess of five percent (5%) of the total
2097 number of licensed personnel in any single school.

2098 (f) **Special License - Transitional Bilingual Education.**

2099 Beginning July 1, 2003, the commission shall grant special
2100 licenses to teachers of transitional bilingual education who
2101 possess such qualifications as are prescribed in this section.
2102 Teachers of transitional bilingual education shall be compensated
2103 by local school boards at not less than one (1) step on the
2104 regular salary schedule applicable to permanent teachers licensed
2105 under this section. The commission shall grant special licenses
2106 to teachers of transitional bilingual education who present the
2107 commission with satisfactory evidence that they (i) possess a
2108 speaking and reading ability in a language, other than English, in
2109 which bilingual education is offered and communicative skills in
2110 English; (ii) are in good health and sound moral character; (iii)
2111 possess a bachelor's degree or an associate's degree in teacher
2112 education from an accredited institution of higher education; (iv)
2113 meet such requirements as to courses of study, semester hours



2114 therein, experience and training as may be required by the
2115 commission; and (v) are legally present in the United States and
2116 possess legal authorization for employment. A teacher of
2117 transitional bilingual education serving under a special license
2118 shall be under an exemption from standard licensure if he achieves
2119 the requisite qualifications therefor. Two (2) years of service
2120 by a teacher of transitional bilingual education under such an
2121 exemption shall be credited to the teacher in acquiring a Standard
2122 Educator License. Nothing in this paragraph shall be deemed to
2123 prohibit a local school board from employing a teacher licensed in
2124 an appropriate field as approved by the State Department of
2125 Education to teach in a program in transitional bilingual
2126 education.

2127 (g) In the event any school district meets the highest
2128 accreditation standards as defined by the State Board of Education
2129 in the accountability system, the State Board of Education, in its
2130 discretion, may exempt such school district from any restrictions
2131 in paragraph (e) relating to the employment of nonlicensed
2132 teaching personnel.

2133 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
2134 any teacher from any state meeting the federal definition of
2135 highly qualified, as described in the No Child Left Behind Act,
2136 must be granted a standard five-year license by the State
2137 Department of Education.



2138 (7) **Administrator License.** The State Board of Education is
2139 authorized to establish rules and regulations and to administer
2140 the licensure process of the school administrators in the State of
2141 Mississippi. There will be four (4) categories of administrator
2142 licensure with exceptions only through special approval of the
2143 State Board of Education.

2144 (a) **Administrator License - Nonpracticing.** Those
2145 educators holding administrative endorsement but having no
2146 administrative experience or not serving in an administrative
2147 position on January 15, 1997.

2148 (b) **Administrator License - Entry Level.** Those
2149 educators holding administrative endorsement and having met the
2150 department's qualifications to be eligible for employment in a
2151 Mississippi school district. Administrator License - Entry Level
2152 shall be issued for a five-year period and shall be nonrenewable.

2153 (c) **Standard Administrator License - Career Level.** An
2154 administrator who has met all the requirements of the department
2155 for standard administrator licensure.

2156 (d) **Administrator License - Nontraditional Route.** The
2157 board may establish a nontraditional route for licensing
2158 administrative personnel. Such nontraditional route for
2159 administrative licensure shall be available for persons holding,
2160 but not limited to, a master of business administration degree, a
2161 master of public administration degree, a master of public
2162 planning and policy degree or a doctor of jurisprudence degree



2163 from an accredited college or university, with five (5) years of
2164 administrative or supervisory experience. Successful completion
2165 of the requirements of alternate route licensure for
2166 administrators shall qualify the person for a standard
2167 administrator license.

2168 Individuals seeking school administrator licensure under
2169 paragraph (b), (c) or (d) shall successfully complete a training
2170 program and an assessment process prescribed by the State Board of
2171 Education. All applicants for school administrator licensure
2172 shall meet all requirements prescribed by the department under
2173 paragraph (b), (c) or (d), and the cost of the assessment process
2174 required shall be paid by the applicant.

2175 (8) **Reciprocity.** (a) The department shall grant a standard
2176 license to any individual who possesses a valid standard license
2177 from another state and meets minimum Mississippi license
2178 requirements or equivalent requirements as determined by the State
2179 Board of Education.

2180 (b) The department shall grant a nonrenewable special
2181 license to any individual who possesses a credential which is less
2182 than a standard license or certification from another state. Such
2183 special license shall be valid for the current school year plus
2184 one (1) additional school year to expire on June 30 of the second
2185 year, not to exceed a total period of twenty-four (24) months,
2186 during which time the applicant shall be required to complete the
2187 requirements for a standard license in Mississippi.



2188 (9) **Renewal and Reinstatement of Licenses.** The State Board
2189 of Education is authorized to establish rules and regulations for
2190 the renewal and reinstatement of educator and administrator
2191 licenses. Effective May 15, 1997, the valid standard license held
2192 by an educator shall be extended five (5) years beyond the
2193 expiration date of the license in order to afford the educator
2194 adequate time to fulfill new renewal requirements established
2195 pursuant to this subsection. An educator completing a master of
2196 education, educational specialist or doctor of education degree in
2197 May 1997 for the purpose of upgrading the educator's license to a
2198 higher class shall be given this extension of five (5) years plus
2199 five (5) additional years for completion of a higher degree.

2200 (10) All controversies involving the issuance, revocation,
2201 suspension or any change whatsoever in the licensure of an
2202 educator required to hold a license shall be initially heard in a
2203 hearing de novo, by the commission or by a subcommittee
2204 established by the commission and composed of commission members
2205 for the purpose of holding hearings. Any complaint seeking the
2206 denial of issuance, revocation or suspension of a license shall be
2207 by sworn affidavit filed with the Commission of Teacher and
2208 Administrator Education, Certification and Licensure and
2209 Development. The decision thereon by the commission or its
2210 subcommittee shall be final, unless the aggrieved party shall
2211 appeal to the State Board of Education, within ten (10) days, of
2212 the decision of the committee or its subcommittee. An appeal to



2213 the State Board of Education shall be on the record previously
2214 made before the commission or its subcommittee unless otherwise
2215 provided by rules and regulations adopted by the board. The State
2216 Board of Education in its authority may reverse, or remand with
2217 instructions, the decision of the committee or its subcommittee.
2218 The decision of the State Board of Education shall be final.

2219 (11) The State Board of Education, acting through the
2220 commission, may deny an application for any teacher or
2221 administrator license for one or more of the following:

2222 (a) Lack of qualifications which are prescribed by law
2223 or regulations adopted by the State Board of Education;

2224 (b) The applicant has a physical, emotional or mental
2225 disability that renders the applicant unfit to perform the duties
2226 authorized by the license, as certified by a licensed psychologist
2227 or psychiatrist;

2228 (c) The applicant is actively addicted to or actively
2229 dependent on alcohol or other habit-forming drugs or is a habitual
2230 user of narcotics, barbiturates, amphetamines, hallucinogens or
2231 other drugs having similar effect, at the time of application for
2232 a license;

2233 (d) Revocation or suspension of an applicant's
2234 certificate or license by another state;

2235 (e) Fraud or deceit committed by the applicant in
2236 securing or attempting to secure such certification and license;



2237 (f) Failing or refusing to furnish reasonable evidence
2238 of identification;

2239 (g) The applicant has been convicted, has pled guilty
2240 or entered a plea of nolo contendere to a felony, as defined by
2241 federal or state law; or

2242 (h) The applicant has been convicted, has pled guilty
2243 or entered a plea of nolo contendere to a sex offense as defined
2244 by federal or state law.

2245 (12) The State Board of Education, acting on the
2246 recommendation of the commission, may revoke or suspend any
2247 teacher or administrator license for specified periods of time for
2248 one or more of the following:

2249 (a) Breach of contract or abandonment of employment may
2250 result in the suspension of the license for one (1) school year as
2251 provided in Section 37-9-57;

2252 (b) Obtaining a license by fraudulent means shall
2253 result in immediate suspension and continued suspension for one
2254 (1) year after correction is made;

2255 (c) Suspension or revocation of a certificate or
2256 license by another state shall result in immediate suspension or
2257 revocation and shall continue until records in the prior state
2258 have been cleared;

2259 (d) The license holder has been convicted, has pled
2260 guilty or entered a plea of nolo contendere to a felony, as
2261 defined by federal or state law;



2262 (e) The license holder has been convicted, has pled
2263 guilty or entered a plea of nolo contendere to a sex offense, as
2264 defined by federal or state law;

2265 (f) The license holder knowingly and willfully
2266 committing any of the acts affecting validity of mandatory uniform
2267 test results as provided in Section 37-16-4(1);

2268 (g) The license holder has engaged in unethical conduct
2269 relating to an educator/student relationship as identified by the
2270 State Board of Education in its rules;

2271 (h) The license holder has fondled a student as
2272 described in Section 97-5-23, or had any type of sexual
2273 involvement with a student as described in Section 97-3-95; or

2274 (i) The license holder has failed to report sexual
2275 involvement of a school employee with a student as required by
2276 Section 97-5-24.

2277 (13) (a) Dismissal or suspension of a licensed employee by
2278 a local school board pursuant to Section 37-9-59 may result in the
2279 suspension or revocation of a license for a length of time which
2280 shall be determined by the commission and based upon the severity
2281 of the offense.

2282 (b) Any offense committed or attempted in any other
2283 state shall result in the same penalty as if committed or
2284 attempted in this state.

2285 (c) A person may voluntarily surrender a license. The
2286 surrender of such license may result in the commission



2287 recommending any of the above penalties without the necessity of a
2288 hearing. However, any such license which has voluntarily been
2289 surrendered by a licensed employee may only be reinstated by a
2290 majority vote of all members of the commission present at the
2291 meeting called for such purpose.

2292 (14) A person whose license has been suspended on any
2293 grounds except criminal grounds may petition for reinstatement of
2294 the license after one (1) year from the date of suspension, or
2295 after one-half (1/2) of the suspended time has lapsed, whichever
2296 is greater. A license suspended or revoked on the criminal
2297 grounds may be reinstated upon petition to the commission filed
2298 after expiration of the sentence and parole or probationary period
2299 imposed upon conviction. A revoked, suspended or surrendered
2300 license may be reinstated upon satisfactory showing of evidence of
2301 rehabilitation. The commission shall require all who petition for
2302 reinstatement to furnish evidence satisfactory to the commission
2303 of good character, good mental, emotional and physical health and
2304 such other evidence as the commission may deem necessary to
2305 establish the petitioner's rehabilitation and fitness to perform
2306 the duties authorized by the license.

2307 (15) Reporting procedures and hearing procedures for dealing
2308 with infractions under this section shall be promulgated by the
2309 commission, subject to the approval of the State Board of
2310 Education. The revocation or suspension of a license shall be
2311 effected at the time indicated on the notice of suspension or



2312 revocation. The commission shall immediately notify the
2313 superintendent of the school district or school board where the
2314 teacher or administrator is employed of any disciplinary action
2315 and also notify the teacher or administrator of such revocation or
2316 suspension and shall maintain records of action taken. The State
2317 Board of Education may reverse or remand with instructions any
2318 decision of the commission regarding a petition for reinstatement
2319 of a license, and any such decision of the State Board of
2320 Education shall be final.

2321 (16) An appeal from the action of the State Board of
2322 Education in denying an application, revoking or suspending a
2323 license or otherwise disciplining any person under the provisions
2324 of this section shall be filed in the Chancery Court of the First
2325 Judicial District of Hinds County, Mississippi, on the record
2326 made, including a verbatim transcript of the testimony at the
2327 hearing. The appeal shall be filed within thirty (30) days after
2328 notification of the action of the board is mailed or served and
2329 the proceedings in chancery court shall be conducted as other
2330 matters coming before the court. The appeal shall be perfected
2331 upon filing notice of the appeal and by the prepayment of all
2332 costs, including the cost of preparation of the record of the
2333 proceedings by the State Board of Education, and the filing of a
2334 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
2335 if the action of the board be affirmed by the chancery court, the



2336 applicant or license holder shall pay the costs of the appeal and
2337 the action of the chancery court.

2338 (17) All such programs, rules, regulations, standards and
2339 criteria recommended or authorized by the commission shall become
2340 effective upon approval by the State Board of Education as
2341 designated by appropriate orders entered upon the minutes thereof.

2342 (18) The granting of a license shall not be deemed a
2343 property right nor a guarantee of employment in any public school
2344 district. A license is a privilege indicating minimal eligibility
2345 for teaching in the public * * * school districts of Mississippi.
2346 This section shall in no way alter or abridge the authority of
2347 local school districts to require greater qualifications or
2348 standards of performance as a prerequisite of initial or continued
2349 employment in such districts.

2350 (19) In addition to the reasons specified in subsections
2351 (12) and (13) of this section, the board shall be authorized to
2352 suspend the license of any licensee for being out of compliance
2353 with an order for support, as defined in Section 93-11-153. The
2354 procedure for suspension of a license for being out of compliance
2355 with an order for support, and the procedure for the reissuance or
2356 reinstatement of a license suspended for that purpose, and the
2357 payment of any fees for the reissuance or reinstatement of a
2358 license suspended for that purpose, shall be governed by Section
2359 93-11-157 or 93-11-163, as the case may be. Actions taken by the
2360 board in suspending a license when required by Section 93-11-157



2361 or 93-11-163 are not actions from which an appeal may be taken
2362 under this section. Any appeal of a license suspension that is
2363 required by Section 93-11-157 or 93-11-163 shall be taken in
2364 accordance with the appeal procedure specified in Section
2365 93-11-157 or 93-11-163, as the case may be, rather than the
2366 procedure specified in this section. If there is any conflict
2367 between any provision of Section 93-11-157 or 93-11-163 and any
2368 provision of this chapter, the provisions of Section 93-11-157 or
2369 93-11-163, as the case may be, shall control.

2370 **SECTION 40.** Section 37-3-4, Mississippi Code of 1972, is
2371 amended as follows:

2372 37-3-4. (1) There is established within the State
2373 Department of Education, the School Executive Management
2374 Institute. The director shall be appointed by the State Board of
2375 Education upon recommendation by the State Superintendent of
2376 Public Education. The State Superintendent of Public Education,
2377 with the approval of the State Board of Education, shall assign
2378 sufficient staff members from the State Department of Education to
2379 the institute.

2380 (2) It shall be the purpose and duty of the institute to
2381 conduct thorough empirical studies and analyses of the school
2382 management needs of the local school districts throughout the
2383 state, to make recommendations to the State Board of Education
2384 regarding standards and programs of training that aid in the
2385 development of administrative and management skills of local



2386 school administrators, and to conduct such programs related to
2387 these purposes as they are implemented under guidelines
2388 established by the State Board of Education.

2389 (3) The State Board of Education shall develop and implement
2390 through the School Executive Management Institute a program for
2391 the development of administrative and management skills of local
2392 school administrators under which all local school administrators
2393 employed by a school district shall be required to participate.
2394 Subject to the extent of appropriations available for such
2395 purpose, the School Executive Management Institute or the
2396 Mississippi School Boards Association shall be required to offer
2397 courses at least twice a year on the uses of technology to school
2398 district principals, superintendents and other administrative
2399 personnel. These courses shall relate to the application of
2400 technology to learning, as well as administrative problems.

2401 (4) (a) The institute shall have an advisory board composed
2402 of ten (10) qualified members appointed by the State Board of
2403 Education after consultation with the State Superintendent of
2404 Public Education. This advisory board will offer recommendations
2405 to the institute on the types of training to be instituted and
2406 supported. The membership of the advisory board shall be composed
2407 of the following members, two (2) to be appointed from each
2408 congressional district: three (3) school administrators; one (1)
2409 representative of public community/junior colleges within the
2410 state; one (1) representative of a school of education in an



2411 institution of higher learning within the state; two (2) local
2412 school board members; one (1) classroom teacher; and two (2)
2413 laypersons. In making the initial appointments, three (3) members
2414 shall be appointed for a term of one (1) year, three (3) members
2415 shall be appointed for a term of two (2) years, two (2) members
2416 shall be appointed for a term of three (3) years, and two (2)
2417 members shall be appointed for a term of four (4) years.

2418 Thereafter, all members shall be appointed for a term of four (4)
2419 years. The advisory board shall meet when called by the director,
2420 but in no event fewer than three (3) times per year. The members
2421 of the advisory board shall be compensated at the per diem rate
2422 authorized by Section 25-3-69 and reimbursed for actual and
2423 necessary expenses as authorized by Section 25-3-41.

2424 (b) Board members of the Oxford-Lafayette Business and
2425 Industrial Complex shall be paid per diem and reimbursed for
2426 expenses and mileage from local funds in accordance with Section
2427 37-6-13.

2428 (5) (a) Basic Education Course. The Mississippi School
2429 Boards Association shall be responsible for preparing and
2430 conducting a course of training for basic education for the local
2431 school board members of this state, in order for board members to
2432 carry out their duties more effectively and be exposed to new
2433 ideas involving school restructuring. The basic course shall be
2434 known as the "School Board Member Training Course" and shall
2435 consist of at least twelve (12) hours of training. The



2436 Mississippi School Boards Association shall issue certificates of
2437 completion to those school board members who complete the basic
2438 education course.

2439 (b) Continuing Education Course. The Mississippi
2440 School Boards Association shall be responsible for preparing and
2441 conducting a course of training for continuing education for the
2442 local school board members of this state, in order for board
2443 members to carry out their duties more effectively and be exposed
2444 to new ideas involving school restructuring. The continuing
2445 education course shall be known as the "Continuing Education
2446 Course for School Board Members" and shall consist of at least six
2447 (6) hours of training.

2448 (c) Additional Required Training. Effective July 1,
2449 2009, local school board members and the local superintendent that
2450 serve in a district with one or more failing schools as determined
2451 by the Mississippi Board of Education accountability system as
2452 provided for in Section 37-17-6, or serving in a school district
2453 that has a serious financial condition as determined by the State
2454 Auditor as provided for in Section 37-9-18, shall annually attend
2455 additional training provided by the Mississippi School Boards
2456 Association.

2457 The Mississippi School Boards Association shall, subject to
2458 appropriation, develop and conduct training specific to the local
2459 boards' role in improving learning outcomes and effective
2460 financial management. Such training shall be known as "Improving



2461 Student Outcomes and Academic Success" which shall consist of not
2462 less than six (6) hours of training and "Effective Financial
2463 Management In Local School Districts" which shall consist of not
2464 less than six (6) hours of training. Any local board members and
2465 the local superintendent that serve in a school district that
2466 meets the criteria for both of the training modules shall annually
2467 attend both training sessions for a total of not less than twelve
2468 (12) hours of training. At such time the school district is
2469 determined to no longer have failing schools; or no longer has a
2470 serious financial condition, such board member and the local
2471 superintendent shall no longer be required to attend the training
2472 as provided herein. The training as required under subsection (c)
2473 shall not replace, but is in addition to, the training required
2474 for new school board members and continuing board members as
2475 required under Section 37-7-306.

2476 The Mississippi School Boards Association shall issue
2477 certificates of completion to those school board members who
2478 complete the continuing education course. All costs and expenses
2479 for preparing and conducting the basic education course and the
2480 continuing education course provided for in this paragraph shall
2481 be paid out of any funds which are made available to the
2482 Mississippi School Boards Association upon authorization and
2483 appropriation by the Legislature to the State Department of
2484 Education.



2485 (6) The Mississippi School Boards Association shall prepare
2486 and submit a report each year to the State Board of Education and
2487 to the respective Chairs of the House and Senate Education
2488 Committees describing the activities and providing an evaluation
2489 of the continuing education programs offered by the association
2490 each year.

2491 (7) The School Executive Management Institute of the State
2492 Department of Education, or the Mississippi School Boards
2493 Association with the oversight of the State Board of Education, at
2494 least twice a year, shall prepare and conduct required courses of
2495 training for continuing education for the elementary and secondary
2496 school principals employed by the school districts of this state,
2497 in order for those principals to carry out their duties more
2498 effectively and be exposed to new ideas involving school
2499 management. The continuing education course shall be known as the
2500 "Continuing Education Course for Principals" and shall consist of
2501 at least six (6) hours of training. The content of the continuing
2502 education courses and the time and place such courses are to be
2503 conducted shall be determined by the School Executive Management
2504 Institute or the Mississippi School Boards Association; however,
2505 to the extent practicable, such training sessions shall be held
2506 within geographical proximity of local districts in order that
2507 travel times and costs shall not be prohibitive.

2508 The institute shall issue certificates of completion to those
2509 principals who complete such courses. All costs and expenses for



2510 preparing and conducting the basic and continuing education
2511 courses provided for in this subsection shall be paid out of any
2512 funds which are made available to the institute upon authorization
2513 and appropriation by the Legislature.

2514 (8) School district principals and other administrators with
2515 career level certifications at schools meeting the highest levels
2516 of accreditation standards, as defined by the State Board of
2517 Education, are exempt from the requirements of this section,
2518 subject to approval of the local school district superintendent.

2519 **SECTION 41.** Section 37-3-5, Mississippi Code of 1972, is
2520 amended as follows:

2521 37-3-5. The State Department of Education is hereby charged
2522 with the execution of all laws relating to the administrative,
2523 supervisory and consultative services to the public schools and
2524 agricultural high schools of the school districts throughout the
2525 State of Mississippi. The State Department of Education is also
2526 authorized to grant property to public * * * school districts and
2527 agricultural high schools of the State of Mississippi.

2528 Subject to the direction of the State Board of Education as
2529 provided by law, the administration, management and control of the
2530 department is hereby vested in the State Superintendent of Public
2531 Education, who shall be directly responsible for the rightful
2532 functioning thereof.

2533 **SECTION 42.** Section 37-3-11, Mississippi Code of 1972, is
2534 amended as follows:



2535 37-3-11. The State Superintendent of Public Education shall
2536 perform the duties assigned to him by the State Board of
2537 Education, and he shall have the following duties:

2538 (a) To serve as secretary for the State Board of
2539 Education;

2540 (b) To be the chief administrative officer of the State
2541 Department of Education;

2542 (c) To recommend to the State Board of Education, for
2543 its consideration, rules and regulations for the supervision of
2544 the public * * * schools and agricultural high schools of the
2545 school districts throughout the state and for the efficient
2546 organization and conduct of the same;

2547 (d) To collect data and make it available to the state
2548 board for determining the proper distribution of the state common
2549 school funds;

2550 (e) To keep a complete record of all official acts of
2551 the State Superintendent and the acts of the State Board of
2552 Education;

2553 (f) To prepare, have printed and furnish all officers
2554 charged with the administration of the laws pertaining to the
2555 public schools, such blank forms and books as may be necessary to
2556 the proper discharge of their duties, which printing is to be paid
2557 for out of funds provided by the Legislature;

2558 (g) To have printed in pamphlet form the laws
2559 pertaining to the public schools and publish therein forms for



2560 conducting school business, the rules and regulations for the
2561 government of schools that the State Superintendent or the State
2562 Board of Education may recommend, and such other matters as may be
2563 deemed worthy of public interest pertaining to the public schools,
2564 which printing is to be paid for out of funds provided by the
2565 Legislature;

2566 (h) To meet all superintendents annually at such time
2567 and place as the State Superintendent shall appoint for the
2568 purpose of accumulating facts relative to schools, to review the
2569 educational progress made in the various sections of the state, to
2570 compare views, discuss problems, hear discussions and suggestions
2571 relative to examinations and qualifications of teachers, methods
2572 of instruction, textbooks, summer schools for teachers, visitation
2573 of schools, consolidation of schools, health work in the schools,
2574 vocational education and other matters pertaining to the public
2575 school system;

2576 (i) To advise all superintendents upon all matters
2577 involving the welfare of the schools, and at the request of any
2578 superintendent, to give an opinion upon a written statement of
2579 facts on all questions and controversies arising out of the
2580 interpretation and construction of the school laws, in regard to
2581 rights, powers and duties of school officers and superintendents,
2582 and to keep a record of all such decisions. Before giving any
2583 opinion, the superintendent may submit the statement of facts to
2584 the Attorney General, and it shall be the duty of the Attorney



2585 General forthwith to examine such statement and suggest the proper
2586 decision to be made upon such fact;

2587 (j) To require annually, and as often as the State
2588 Superintendent may deem proper, of all superintendents, detailed
2589 reports on the educational business of the various districts;

2590 (k) On or before January 10 in each year to prepare,
2591 under the direction of the State Board of Education, the annual
2592 information report of the State Department of Education as
2593 described in Section 37-151-97;

2594 (l) To determine the number of educable children in the
2595 several school districts under rules and regulations prescribed by
2596 the State Board of Education; and

2597 (m) To perform such other duties as may be prescribed
2598 by the State Board of Education.

2599 **SECTION 43.** Section 37-3-46, Mississippi Code of 1972, is
2600 amended as follows:

2601 37-3-46. (1) The State Department of Education, in regard
2602 to any school within a school district or any school district not
2603 meeting adequate performance of accreditation standards, as
2604 defined by the State Board of Education, shall, subject to
2605 appropriation:

2606 (a) Provide to local * * * school districts, or
2607 specific schools within those districts, financial, training and
2608 other assistance to implement and maintain a state program of
2609 educational accountability and assessment of performance.



2610 (b) Provide to local * * * school districts, or
2611 specific schools within those districts, technical assistance and
2612 training in the development, implementation and administration of
2613 a personnel appraisal and compensation system for all school
2614 employees.

2615 (c) Provide to local * * * school districts, or
2616 specific schools within those districts, technical assistance in
2617 the development, implementation and administration of programs
2618 designed to keep children in school voluntarily and to prevent
2619 dropouts.

2620 (2) Schools or school districts receiving assistance from
2621 the State Department of Education as outlined in subsection (1) of
2622 this section shall be required to implement any training,
2623 programs, and any other requirements as specified by the State
2624 Superintendent of Public Education.

2625 **SECTION 44.** Section 37-3-49, Mississippi Code of 1972, is
2626 amended as follows:

2627 37-3-49. (1) The State Department of Education shall
2628 provide an instructional program and establish guidelines and
2629 procedures for managing such program in the public schools within
2630 the school districts throughout the state as part of the State
2631 Program of Educational Accountability and Assessment of
2632 Performance as prescribed in Section 37-3-46. Public school
2633 districts may (a) elect to adopt the instructional program and
2634 management system provided by the State Department of Education,



2635 or (b) elect to adopt an instructional program and management
2636 system which meets or exceeds criteria established by the State
2637 Department of Education for such. This provision shall begin with
2638 the courses taught in Grades K-8 which contain skills tested
2639 through the Mississippi Basic Skills Assessment Program and shall
2640 proceed through all secondary school courses mandated for
2641 graduation and all secondary school courses in the Mississippi
2642 end-of-course testing program. Other state core objectives must
2643 be included in the district's instructional program as they are
2644 provided by the State Department of Education along with
2645 instructional practices, resources, evaluation items and
2646 management procedures. Districts are encouraged to adapt this
2647 program and accompanying procedures to all other instructional
2648 areas. The department shall provide that such program and
2649 guidelines, or a program and guidelines developed by a local
2650 school district which incorporates the core objectives from the
2651 curriculum structure are enforced through the performance-based
2652 accreditation system. It is the intent of the Legislature that
2653 every effort be made to protect the instructional time in the
2654 classroom and reduce the amount of paperwork which must be
2655 completed by teachers. The State Department of Education shall
2656 take steps to insure that school districts properly use staff
2657 development time to work on the districts' instructional
2658 management plans.



2659 (2) The State Department of Education shall provide such
2660 instructional program and management guidelines which shall
2661 require for every public school district that:

2662 (a) All courses taught in Grades K-8 which contain
2663 skills which are tested through the Mississippi Basic Skills
2664 Assessment Program, all secondary school courses mandated for
2665 graduation, and all courses in the end-of-course testing program
2666 shall include the State Department of Education's written list of
2667 learning objectives.

2668 (b) The local school board must adopt the objectives
2669 that will form the core curriculum which will be systematically
2670 delivered throughout the district.

2671 (c) The set of objectives provided by the State
2672 Department of Education must be accompanied by suggested
2673 instructional practices and resources that would help teachers
2674 organize instruction so as to promote student learning of the
2675 objectives. Objectives added by the school district must also be
2676 accompanied by suggested instructional practices and resources
2677 that would help teachers organize instruction. The instructional
2678 practices and resources that are identified are to be used as
2679 suggestions and not as requirements that teachers must follow.
2680 The goal of the program is to have students to achieve the desired
2681 objective and not to limit teachers in the way they teach.

2682 (d) Standards for student performance must be
2683 established for each core objective in the local program and those



2684 standards establish the district's definition of mastery for each
2685 objective.

2686 (e) There shall be an annual review of student
2687 performance in the instructional program against locally
2688 established standards. When weaknesses exist in the local
2689 instructional program, the district shall take action to improve
2690 student performance.

2691 (3) The State Board of Education and the board of trustees
2692 of each school district shall adopt policies to limit and reduce
2693 the number and length of written reports that classroom teachers
2694 are required to prepare.

2695 (4) This section shall not be construed to limit teachers
2696 from using their own professional skills to help students master
2697 instructional objectives, nor shall it be construed as a call for
2698 more detailed or complex lesson plans or any increase in testing
2699 at the local school district level.

2700 (5) Districts meeting the highest levels of accreditation
2701 standards, as defined by the State Board of Education, shall be
2702 exempted from the provisions of subsection (2) of this section.

2703 **SECTION 45.** Section 37-3-51, Mississippi Code of 1972, is
2704 amended as follows:

2705 37-3-51. (1) Upon the conviction of any licensed personnel,
2706 as defined in Section * * * 37-9-1, employed by a public school
2707 district or any person employed by a charter or private elementary
2708 or secondary school in a position that requires licensure in the



2709 public school districts, of any felony, or of a sex offense as
2710 defined in subsection (2) of this section, the district attorney
2711 or other prosecuting attorney shall identify those defendants for
2712 the circuit clerk. Each circuit clerk shall provide the State
2713 Department of Education with notice of the conviction of any such
2714 personnel of a felony or a sex offense. In addition, if the
2715 convicted person is an employee of a charter school, the circuit
2716 clerk must provide the same notice to the Mississippi Charter
2717 School Authorizer Board.

2718 (2) "Sex offense" shall mean any of the following offenses:

2719 (a) Section 97-3-65, Mississippi Code of 1972, relating
2720 to the carnal knowledge of a child under fourteen (14) years of
2721 age;

2722 (b) Section 97-3-95, Mississippi Code of 1972, relating
2723 to sexual battery;

2724 (c) Section 97-5-21, Mississippi Code of 1972, relating
2725 to seduction of a child under age eighteen (18);

2726 (d) Section 97-5-23, Mississippi Code of 1972, relating
2727 to the touching of a child for lustful purposes;

2728 (e) Section 97-5-27, Mississippi Code of 1972, relating
2729 to the dissemination of sexually oriented material to children;

2730 (f) Section 97-5-33, Mississippi Code of 1972, relating
2731 to the exploitation of children;



2732 (g) Section 97-5-41, Mississippi Code of 1972, relating
2733 to the carnal knowledge of a stepchild, adopted child, or child of
2734 a cohabitating partner;

2735 (h) Section 97-29-59, Mississippi Code of 1972,
2736 relating to unnatural intercourse; or

2737 (i) Any other offense committed in another jurisdiction
2738 which, if committed in this state, would be deemed to be such a
2739 crime without regard to its designation elsewhere.

2740 (3) In addition, the State Department of Education is
2741 considered to be the employer of such personnel for purposes of
2742 requesting a criminal record background checks.

2743 **SECTION 46.** Section 37-3-53, Mississippi Code of 1972, is
2744 amended as follows:

2745 37-3-53. Each school year, the State Board of Education,
2746 acting through the Office of Educational Accountability, shall
2747 develop a public school reporting system, or "Mississippi Report
2748 Card," on the performance of students and public schools,
2749 including charter schools, at the local, district and state level.

2750 In developing the report card, the Office of Educational
2751 Accountability shall collect school, district and state level
2752 student achievement data in the appropriate grades as designated
2753 by the State Board of Education in all core subjects, and compare
2754 the data with national standards to identify students' strengths
2755 and weaknesses. The Mississippi Report Card shall provide more
2756 than reports to parents on the level at which their children are



2757 performing; the report shall provide clear and comparable public
2758 information on the level at which schools, school districts and
2759 the state public education system are performing. The Office of
2760 Educational Accountability shall encourage local school districts
2761 and the general public to use Mississippi Report Card information
2762 along with local individual student data to assess the quality of
2763 instructional programs and the performance of schools and to plan
2764 and implement programs of instructional improvement.

2765 Beginning with the 1998-1999 school year, the Mississippi
2766 Report Card shall include information, as compiled by the Office
2767 of Compulsory School Attendance Enforcement, which demonstrates
2768 clearly the absenteeism and dropout rates in each school district,
2769 charter school and the state as a whole and whether those rates
2770 reflect a positive or negative change from the same information as
2771 reported in the previous year's Mississippi Report Card.

2772 Each local school district shall be required to develop and
2773 publish an annual report as prescribed by the State Board of
2774 Education. By November 1 of each year, as prescribed by the State
2775 Board of Education, the report shall be published in a newspaper
2776 having general circulation in the county and posted on the school
2777 district's website in a printable format. The public notice shall
2778 include information on the report's availability on the district's
2779 website, with the website address, and the location(s) in the
2780 school district where a copy of the report can be obtained.



2781 **SECTION 47.** Section 37-3-61, Mississippi Code of 1972, is
2782 amended as follows:

2783 37-3-61. The State Board of Education may provide for the
2784 establishment of an Alliance for Families program for the purpose
2785 of mobilizing public and parental support for education and to
2786 strengthen communication between the school, student and parents.
2787 The program's goal shall be to increase student success in
2788 Mississippi public * * * school districts, K-12, by generating
2789 focused, effective parent involvement. The objectives of the
2790 program shall be as follows:

2791 (a) To engage parents in supporting the schools and
2792 their children's education.

2793 (b) To implement effective home-school communication
2794 systems which allow parents to be kept well informed about the
2795 school and their children's progress.

2796 (c) To train school administrators on successful
2797 strategies for involving parents both at home and at school and in
2798 developing community support for the schools.

2799 (d) To train teachers on successful strategies for
2800 communicating with parents and teaching parents to reinforce
2801 skills being learned at school.

2802 (e) To promote reading as the key curricular activity
2803 for parental focus.

2804 (f) To involve the business, medical and religious
2805 communities in supporting the schools through direct assistance,



2806 and to develop positive public relations for the schools in the
2807 community.

2808 (g) Publication of a resource manual to assist schools
2809 and school districts in implementation of Alliance for Families
2810 program.

2811 **SECTION 48.** Section 37-3-105, Mississippi Code of 1972, is
2812 amended as follows:

2813 37-3-105. Beginning with the 2009-2010 school year, the
2814 State Department of Education shall require that in-service
2815 training shall include an emphasis on intensive, comprehensive and
2816 researched-based reading methods for all licensed teachers
2817 teaching Grades K through 3 in a public school district. The
2818 education may be accomplished through self-review of suitable
2819 intensive, comprehensive and researched-based reading materials.

2820 **SECTION 49.** Section 37-5-61, Mississippi Code of 1972, is
2821 amended as follows:

2822 37-5-61. (1) There shall be a county superintendent of
2823 education in each county.

2824 (2) Said superintendent shall serve as the executive
2825 secretary of the county board of education, but shall have no vote
2826 in the proceedings before the board and no voice in fixing the
2827 policies thereof.

2828 (3) In addition, said superintendent shall be the director
2829 of all schools in the county school district which are outside the
2830 municipal separate school districts.



2831 (4) Said superintendent shall be elected at the same time
2832 and in the same manner as other county officers are elected and
2833 shall hold office for a term of four (4) years.

2834 **SECTION 50.** Section 37-7-455, Mississippi Code of 1972, is
2835 amended as follows:

2836 37-7-455. (1) Any land, buildings or other property that is
2837 not used for school purposes and which is not needed in the
2838 operation of the schools of the district may be sold in the manner
2839 established in this section but only after each charter school
2840 located in the school district has notified the school board that
2841 it is not exercising its right of first refusal on the property,
2842 as provided under Section 31 of this act. Except as otherwise
2843 provided in subsections (2) and (3) of this section, all such
2844 land, buildings or other property shall be sold only after the
2845 receipt of sealed bids therefor after the time and place of making
2846 such sale has been duly advertised in some newspaper having a
2847 general circulation in the county in which the property is located
2848 once each week for three (3) consecutive weeks with the first
2849 publication to be made not less than fifteen (15) days prior to
2850 the date upon which such bids are to be received and opened. The
2851 property shall be sold to the highest and best bidder for cash,
2852 but the school board shall have the right to reject any and all
2853 bids. If the property is not sold pursuant to such advertisement,
2854 the school board, by resolution, may set a date for an open
2855 meeting of the school board to be held within sixty (60) days



2856 after the date upon which the bids were opened. At the meeting
2857 held pursuant to such resolution, the school board may sell by
2858 auction the property for a consideration not less than the highest
2859 sealed bid previously received pursuant to the advertisement. At
2860 the meeting, any interested party may bid for cash, and the
2861 property shall be sold to the highest and best bidder for cash,
2862 but the school board shall have the right to reject any and all
2863 bids. The school board may require a written confirmation of bids
2864 received at such called meeting before selling the property at
2865 auction, but it shall not be necessary that sealed bids be
2866 received before conducting the auction.

2867 (2) As an alternative to the procedures established under
2868 subsection (1) of this section, the school board of a school
2869 district may elect, in its discretion, to sell by public auction
2870 any property, other than real property or buildings of the school
2871 district, which is not used for school or related school purposes
2872 and not needed in the operation of the schools, according to the
2873 procedure in Section 17-25-25.

2874 (3) As an alternative to the procedures established under
2875 subsection (1) or (2) of this section, the county board of
2876 education of a county having a population in excess of ten
2877 thousand (10,000) according to the 2000 decennial census and in
2878 which U.S. Highway 45 intersects with Mississippi Highway 16, may
2879 elect, in its discretion, to transfer and sell the buildings of
2880 the school district and the real property upon which the buildings



2881 are located which are not used as school facilities or for
2882 school-related purposes and not needed in the operation of the
2883 schools, after advertising for and receiving competitive bids for
2884 the sale of such property. If any bid is offered by a nonprofit
2885 501(c)(3) entity which has made substantial improvements to the
2886 buildings, the fair market value of the improvements shall be
2887 deemed to be consideration for, a part of, the bid offered by the
2888 entity. In this case, the school board shall enter a finding on
2889 its minutes that the nonprofit entity has made substantial
2890 improvements to the property and the property is no longer needed
2891 for school district purposes.

2892 (4) When the sale of such property is authorized and
2893 approved by the school board, the president of the school board
2894 shall be authorized and empowered to execute a conveyance of the
2895 property upon the terms and for the consideration fixed by the
2896 board. The school board shall reserve unto the district all oil,
2897 gas and minerals in, on or under the land, and all proceeds
2898 derived from royalties upon the reserved mineral interests shall
2899 be used as provided by Section 37-7-457.

2900 **SECTION 51.** Section 37-7-473, Mississippi Code of 1972, is
2901 amended as follows:

2902 37-7-473. School buildings, land, property and related
2903 facilities may be sold, conveyed, leased or otherwise disposed of
2904 under Sections 37-7-471 through 37-7-483, to any charter school,
2905 to any group of persons, to any association, club or corporation,



2906 or to any county, municipality or other political subdivision, to
2907 be used as a charter school facility, to be used as a civic,
2908 community, recreational or youth center, or to be used by any
2909 county or district fair association in connection with its
2910 activities, or to be used for church purposes, or to be used as a
2911 library or other public building, or to be used as a factory or
2912 otherwise in connection with an industrial enterprise, or to be
2913 used as part of a development activity to stimulate economic
2914 development activities within the district, or to enhance property
2915 values within the district, or to be used for any similar or
2916 related purpose or activity.

2917 **SECTION 52.** Section 37-9-1, Mississippi Code of 1972, is
2918 amended as follows:

2919 37-9-1. (1) For the purposes of this chapter, the terms
2920 "superintendent" and "principal" shall have such meaning as are
2921 ascribed to them under the provisions of Section 37-19-1. The
2922 term "licensed employee" shall mean any other employee of a public
2923 school district required to hold a valid license by the Commission
2924 on Teacher and Administrator Education, Certification and
2925 Licensure and Development. The term "non-instructional employee"
2926 shall include all employees of school districts other than
2927 superintendents, principals and licensed employees.

2928 (2) Unless a statute in this chapter specifically is made
2929 applicable to charter schools, the provisions of this chapter only
2930 apply to public school districts, the employees of public school



2931 districts and the public schools that are within those school
2932 districts.

2933 **SECTION 53.** Section 37-9-103, Mississippi Code of 1972, is
2934 amended as follows:

2935 37-9-103. (1) As used in Sections 37-9-101 through
2936 37-9-113, the word "employee" shall include:

2937 (a) Any teacher, principal, superintendent or other
2938 professional personnel employed by the local school district for a
2939 continuous period of two (2) years with that district and required
2940 to have a valid license issued by the State Department of
2941 Education as a prerequisite of employment; or

2942 (b) Any teacher, principal, superintendent or other
2943 professional personnel who has completed a continuous period of
2944 two (2) years of employment in a Mississippi public school
2945 district and one (1) full year of employment with the school
2946 district of current employment, and who is required to have a
2947 valid license issued by the State Department of Education as a
2948 prerequisite of employment.

2949 (2) (a) The Education Employment Procedures Law shall not
2950 apply to any category of employee as defined in this section
2951 employed in any school district after the Governor declares a
2952 state of emergency under the provisions of Section 37-17-6(11).
2953 The Education Employment Procedures Law shall not be applicable in
2954 any school district for the full period of time that those
2955 conditions, as defined in Section 37-17-6(11), exist.



2956 (b) The Education Employment Procedures Law shall not
2957 apply to any category of teacher, administrator or other employee
2958 * * * employed to work in any charter school * * *.

2959 (3) For purposes of Sections 37-9-101 through 37-9-113, the
2960 term "days" means calendar days.

2961 **SECTION 54.** Section 37-11-1, Mississippi Code of 1972, is
2962 amended as follows:

2963 37-11-1. (1) Subject to the provisions of subsection (2) of
2964 this section, after a pupil has been assigned to a particular
2965 public school in a school district, the principal, or anyone else
2966 vested with the authority of assigning pupils to classes,
2967 knowingly shall not place such pupil in a class where the pupil's
2968 presence would serve to adversely affect, hinder, or retard the
2969 academic development of the other pupils in the class.

2970 (2) (a) A parent or guardian of twins or higher order
2971 multiples, as defined in paragraph (d) of this subsection, may
2972 request that the children be placed in the same classroom or in
2973 separate classrooms if the children are in the same grade level at
2974 the same school in the school district. The school may recommend
2975 classroom placement and provide professional education advice to
2976 the parent or guardian to assist the parent or guardian in making
2977 the best decision for the children's education. A school must
2978 provide the placement requested by the children's parent or
2979 guardian unless: (i) the parent or guardian has requested that
2980 the children, who are different sexes, be placed in the same



2981 classroom and the students in the school have been assigned to
2982 different classrooms according to sex, as authorized under Section
2983 37-11-3; or (ii) the school board of the school district makes a
2984 classroom placement determination following the school principal's
2985 request according to this subsection.

2986 (b) A parent or guardian making a request under this
2987 subsection must submit a written request for the classroom
2988 placement to the school principal no later than fourteen (14)
2989 calendar days after the first day of each school year or, if the
2990 children are enrolled in the school after the school year
2991 commences, no later than fourteen (14) calendar days after the
2992 children's first day of attendance in the school.

2993 (c) At the end of the initial grading period during
2994 which children have been in the same classroom or separate
2995 classrooms pursuant to their parent or guardian's request under
2996 this subsection, if the principal, in consultation with the
2997 children's classroom teacher or teachers, determines that the
2998 requested classroom placement is disruptive to the school, the
2999 principal may request that the school board determine the
3000 children's classroom placement.

3001 (d) For purposes of this section, the term "higher
3002 order multiples" means triplets, quadruplets, quintuplets or more.

3003 **SECTION 55.** Section 37-11-17, Mississippi Code of 1972, is
3004 amended as follows:



3005 37-11-17. (1) The State Board of Education, the Board of
3006 Trustees of State Institutions of Higher Learning, the State Board
3007 for Community and Junior Colleges, the boards of trustees of the
3008 several junior colleges, the county boards of education, the
3009 governing authorities of any county, municipal or other public
3010 school districts, such other boards set up by law for any
3011 educational institution, school, college or university, or their
3012 authorized representative, or the State Health Officer or his
3013 authorized representative, may require any teacher, supervisor,
3014 janitor or other employee of the school to submit to a thorough
3015 physical examination, deemed advisable to determine whether he has
3016 any infectious or communicable disease.

3017 (2) The State Board of Education may develop a program to
3018 accomplish the identification of public school district students
3019 with abnormal spinal curvature. No state funds shall be expended
3020 for the purposes of implementing this subsection. Such program
3021 shall:

3022 (a) Provide that an adequate number of school personnel
3023 in each district be instructed by qualified medical experts in the
3024 proper examination of students for abnormal spinal curvatures;

3025 (b) Provide that all public school district students
3026 who are at least ten (10) years old be screened at least every two
3027 (2) years but at least in the fourth, sixth, eighth and tenth
3028 grades or at such other times as may be recommended by medical
3029 experts on a per case basis;



3030 (c) Provide that students identified as having abnormal
3031 spinal curvatures or potential for abnormal spinal curvatures be
3032 referred to the county health officer or to the student's personal
3033 physician or chiropractor with notice of the evaluation; and

3034 (d) Provide for notification of the parent or guardian
3035 of any student identified under this program and for the supplying
3036 to such parent or guardian information on the condition and
3037 resources available for the correction or treatment of such
3038 condition. However, the requirement for screening shall not apply
3039 to a child whose parent or guardian objects thereto on grounds
3040 that the requirement conflicts with his conscientiously held
3041 religious beliefs.

3042 **SECTION 56.** Section 37-11-25, Mississippi Code of 1972, is
3043 brought forward as follows:

3044 37-11-25. If any public school official of this state or of
3045 any county or municipality or school district thereof, or any
3046 superintendent, principal, or teacher in the public schools, or
3047 any trustee of a school district shall be interested, either
3048 directly or indirectly, in the proceeds or profits of the sale or
3049 rental of any book, furniture, equipment or other property to be
3050 used in any public schools of this state such person shall be
3051 guilty of a misdemeanor and, upon conviction, he shall be fined
3052 not less than Two Hundred Dollars (\$200.00) nor more than Five
3053 Hundred Dollars (\$500.00). However, nothing in this section shall



3054 be construed to apply to the receipt of royalties on books or
3055 other publications used in the public schools.

3056 **SECTION 57.** Section 37-11-57, Mississippi Code of 1972, is
3057 amended as follows:

3058 37-11-57. (1) Except in the case of excessive force or
3059 cruel and unusual punishment, a public school teacher, assistant
3060 teacher, principal, or an assistant principal acting within the
3061 course and scope of his employment shall not be liable for any
3062 action carried out in conformity with state or federal law or
3063 rules or regulations of the State Board of Education or the local
3064 school board or governing board of a charter school regarding the
3065 control, discipline, suspension and expulsion of students. The
3066 local school board shall provide any necessary legal defense to a
3067 teacher, assistant teacher, principal, or assistant principal in
3068 the school district who was acting within the course and scope of
3069 his employment in any action which may be filed against such
3070 school personnel. A school district or charter school, as the
3071 case may be, shall be entitled to reimbursement for legal fees and
3072 expenses from its employee if a court finds that the act of the
3073 employee was outside the course and scope of his employment, or
3074 that the employee was acting with criminal intent. Any action by
3075 a school district or charter school against its employee and any
3076 action by the employee against the school district or charter
3077 school for necessary legal fees and expenses shall be tried to the
3078 court in the same suit brought against the school employee.



3079 (2) Corporal punishment administered in a reasonable manner,
3080 or any reasonable action to maintain control and discipline of
3081 students taken by a public school teacher, assistant teacher,
3082 principal or assistant principal acting within the scope of his
3083 employment or function and in accordance with any state or federal
3084 laws or rules or regulations of the State Board of Education or
3085 the local school board or governing board of a charter school does
3086 not constitute negligence or child abuse. No public school
3087 teacher, assistant teacher, principal or assistant principal so
3088 acting shall be held liable in a suit for civil damages alleged to
3089 have been suffered by a student as a result of the administration
3090 of corporal punishment, or the taking of action to maintain
3091 control and discipline of a student, unless the court determines
3092 that the teacher, assistant teacher, principal or assistant
3093 principal acted in bad faith or with malicious purpose or in a
3094 manner exhibiting a wanton and willful disregard of human rights
3095 or safety. For the purposes of this subsection, "corporal
3096 punishment" means the reasonable use of physical force or physical
3097 contact by a teacher, assistant teacher, principal or assistant
3098 principal, as may be necessary to maintain discipline, to enforce
3099 a school rule, for self-protection or for the protection of other
3100 students from disruptive students.

3101 **SECTION 58.** Section 37-13-21, Mississippi Code of 1972, is
3102 amended as follows:



3103 37-13-21. The State Board of Health and the various county
3104 health departments are hereby authorized and empowered to
3105 establish and provide for health education programs in the public
3106 * * * school districts of this state and to employ county health
3107 educators for such purpose. In order to effectuate such programs
3108 the county superintendents of education of counties in which such
3109 programs have been established, with the approval of the county
3110 board of education, and the board of trustees of the municipal
3111 separate school districts are authorized and empowered, in their
3112 discretion, to cooperate and join with the said State Board of
3113 Health and the county health departments in such program. For
3114 such purposes the said county superintendents of education, with
3115 the approval of the county board of education, are hereby
3116 authorized and empowered to expend such funds as may be necessary
3117 from the common school funds of the county, and the board of
3118 trustees of municipal separate school districts are hereby
3119 authorized and empowered to expend such funds as may be necessary
3120 from the maintenance funds of such districts for the purpose of
3121 defraying the expenses of such cooperative health education
3122 programs. Those students whose parents or guardians shall make
3123 written application to the proper authorities on the ground that
3124 such program is inconsistent with the tenets and practices of the
3125 known religious organization with which they are affiliated shall
3126 not be required to participate in the program.



3127 The State Board of Health and various county health
3128 departments shall have the power and authority to enter into such
3129 agreements and joint programs with the said county superintendents
3130 of education and boards of trustees of municipal separate school
3131 districts as may be necessary, proper and desirable in carrying
3132 out the purposes of this section, and in establishing and carrying
3133 on health education programs in the public * * * school districts
3134 of this state, and the said county superintendents of education,
3135 with the approval and consent of the county board of education,
3136 and the board of trustees of municipal separate school districts
3137 shall have the power and authority to enter into such agreements
3138 and joint programs with each other and with the State Board of
3139 Health and county health departments as may be necessary for such
3140 purpose.

3141 **SECTION 59.** Section 37-13-41, Mississippi Code of 1972, is
3142 amended as follows:

3143 37-13-41. All principals and/or superintendents of public
3144 schools * * * in all school districts in Mississippi shall report
3145 to their county superintendent of education upon forms prepared
3146 and sent to the county superintendent of education by the director
3147 of the division of instruction, giving the type and amount of work
3148 done in each grade of their respective school, with other
3149 information that may be desired by the director. The county
3150 superintendents of education shall compile this information on
3151 forms sent out by the director. This shall be made in duplicate,



3152 one (1) copy to be sent to the director, and the other filed as
3153 other public records are filed in the county superintendents'
3154 offices. This report shall be made to the director by the county
3155 superintendents of education not later than the first of June each
3156 year.

3157 **SECTION 60.** Section 37-13-91, Mississippi Code of 1972, is
3158 amended as follows:

3159 37-13-91. (1) This section shall be referred to as the
3160 "Mississippi Compulsory School Attendance Law."

3161 (2) The following terms as used in this section are defined
3162 as follows:

3163 (a) "Parent" means the father or mother to whom a child
3164 has been born, or the father or mother by whom a child has been
3165 legally adopted.

3166 (b) "Guardian" means a guardian of the person of a
3167 child, other than a parent, who is legally appointed by a court of
3168 competent jurisdiction.

3169 (c) "Custodian" means any person having the present
3170 care or custody of a child, other than a parent or guardian of the
3171 child.

3172 (d) "School day" means not less than five (5) and not
3173 more than eight (8) hours of actual teaching in which both
3174 teachers and pupils are in regular attendance for scheduled
3175 schoolwork.



3176 (e) "School" means any public school, including a
3177 charter school, in this state or any nonpublic school in this
3178 state which is in session each school year for at least one
3179 hundred eighty (180) school days, except that the "nonpublic"
3180 school term shall be the number of days that each school shall
3181 require for promotion from grade to grade.

3182 (f) "Compulsory-school-age child" means a child who has
3183 attained or will attain the age of six (6) years on or before
3184 September 1 of the calendar year and who has not attained the age
3185 of seventeen (17) years on or before September 1 of the calendar
3186 year; and shall include any child who has attained or will attain
3187 the age of five (5) years on or before September 1 and has
3188 enrolled in a full-day public school kindergarten program.
3189 Provided, however, that the parent or guardian of any child
3190 enrolled in a full-day public school kindergarten program shall be
3191 allowed to disenroll the child from the program on a one-time
3192 basis, and such child shall not be deemed a compulsory-school-age
3193 child until the child attains the age of six (6) years.

3194 (g) "School attendance officer" means a person employed
3195 by the State Department of Education pursuant to Section 37-13-89.

3196 (h) "Appropriate school official" means the
3197 superintendent of the school district, or his designee, or, in the
3198 case of a nonpublic school, the principal or the headmaster.

3199 (i) "Nonpublic school" means an institution for the
3200 teaching of children, consisting of a physical plant, whether



3201 owned or leased, including a home, instructional staff members and
3202 students, and which is in session each school year. This
3203 definition shall include, but not be limited to, private, church,
3204 parochial and home instruction programs.

3205 (3) A parent, guardian or custodian of a
3206 compulsory-school-age child in this state shall cause the child to
3207 enroll in and attend a public school or legitimate nonpublic
3208 school for the period of time that the child is of compulsory
3209 school age, except under the following circumstances:

3210 (a) When a compulsory-school-age child is physically,
3211 mentally or emotionally incapable of attending school as
3212 determined by the appropriate school official based upon
3213 sufficient medical documentation.

3214 (b) When a compulsory-school-age child is enrolled in
3215 and pursuing a course of special education, remedial education or
3216 education for handicapped or physically or mentally disadvantaged
3217 children.

3218 (c) When a compulsory-school-age child is being
3219 educated in a legitimate home instruction program.

3220 The parent, guardian or custodian of a compulsory-school-age
3221 child described in this subsection, or the parent, guardian or
3222 custodian of a compulsory-school-age child attending any charter
3223 school or nonpublic school, or the appropriate school official for
3224 any or all children attending a charter school or nonpublic school



3225 shall complete a "certificate of enrollment" in order to
3226 facilitate the administration of this section.

3227 The form of the certificate of enrollment shall be prepared
3228 by the Office of Compulsory School Attendance Enforcement of the
3229 State Department of Education and shall be designed to obtain the
3230 following information only:

3231 (i) The name, address, telephone number and date
3232 of birth of the compulsory-school-age child;

3233 (ii) The name, address and telephone number of the
3234 parent, guardian or custodian of the compulsory-school-age child;

3235 (iii) A simple description of the type of
3236 education the compulsory-school-age child is receiving and, if the
3237 child is enrolled in a nonpublic school, the name and address of
3238 the school; and

3239 (iv) The signature of the parent, guardian or
3240 custodian of the compulsory-school-age child or, for any or all
3241 compulsory-school-age child or children attending a charter school
3242 or nonpublic school, the signature of the appropriate school
3243 official and the date signed.

3244 The certificate of enrollment shall be returned to the school
3245 attendance officer where the child resides on or before September
3246 15 of each year. Any parent, guardian or custodian found by the
3247 school attendance officer to be in noncompliance with this section
3248 shall comply, after written notice of the noncompliance by the
3249 school attendance officer, with this subsection within ten (10)



3250 days after the notice or be in violation of this section.
3251 However, in the event the child has been enrolled in a public
3252 school within fifteen (15) calendar days after the first day of
3253 the school year as required in subsection (6), the parent or
3254 custodian may, at a later date, enroll the child in a legitimate
3255 nonpublic school or legitimate home instruction program and send
3256 the certificate of enrollment to the school attendance officer and
3257 be in compliance with this subsection.

3258 For the purposes of this subsection, a legitimate nonpublic
3259 school or legitimate home instruction program shall be those not
3260 operated or instituted for the purpose of avoiding or
3261 circumventing the compulsory attendance law.

3262 (4) An "unlawful absence" is an absence during a school day
3263 by a compulsory-school-age child, which absence is not due to a
3264 valid excuse for temporary nonattendance. Days missed from school
3265 due to disciplinary suspension shall not be considered an
3266 "excused" absence under this section. This subsection shall not
3267 apply to children enrolled in a nonpublic school.

3268 Each of the following shall constitute a valid excuse for
3269 temporary nonattendance of a compulsory-school-age child enrolled
3270 in a noncharter public school, provided satisfactory evidence of
3271 the excuse is provided to the superintendent of the school
3272 district, or his designee:

3273 (a) An absence is excused when the absence results from
3274 the compulsory-school-age child's attendance at an authorized



3275 school activity with the prior approval of the superintendent of
3276 the school district, or his designee. These activities may
3277 include field trips, athletic contests, student conventions,
3278 musical festivals and any similar activity.

3279 (b) An absence is excused when the absence results from
3280 illness or injury which prevents the compulsory-school-age child
3281 from being physically able to attend school.

3282 (c) An absence is excused when isolation of a
3283 compulsory-school-age child is ordered by the county health
3284 officer, by the State Board of Health or appropriate school
3285 official.

3286 (d) An absence is excused when it results from the
3287 death or serious illness of a member of the immediate family of a
3288 compulsory-school-age child. The immediate family members of a
3289 compulsory-school-age child shall include children, spouse,
3290 grandparents, parents, brothers and sisters, including
3291 stepbrothers and stepsisters.

3292 (e) An absence is excused when it results from a
3293 medical or dental appointment of a compulsory-school-age child.

3294 (f) An absence is excused when it results from the
3295 attendance of a compulsory-school-age child at the proceedings of
3296 a court or an administrative tribunal if the child is a party to
3297 the action or under subpoena as a witness.

3298 (g) An absence may be excused if the religion to which
3299 the compulsory-school-age child or the child's parents adheres,



3300 requires or suggests the observance of a religious event. The
3301 approval of the absence is within the discretion of the
3302 superintendent of the school district, or his designee, but
3303 approval should be granted unless the religion's observance is of
3304 such duration as to interfere with the education of the child.

3305 (h) An absence may be excused when it is demonstrated
3306 to the satisfaction of the superintendent of the school district,
3307 or his designee, that the purpose of the absence is to take
3308 advantage of a valid educational opportunity such as travel,
3309 including vacations or other family travel. Approval of the
3310 absence must be gained from the superintendent of the school
3311 district, or his designee, before the absence, but the approval
3312 shall not be unreasonably withheld.

3313 (i) An absence may be excused when it is demonstrated
3314 to the satisfaction of the superintendent of the school district,
3315 or his designee, that conditions are sufficient to warrant the
3316 compulsory-school-age child's nonattendance. However, no absences
3317 shall be excused by the school district superintendent, or his
3318 designee, when any student suspensions or expulsions circumvent
3319 the intent and spirit of the compulsory attendance law.

3320 (5) Any parent, guardian or custodian of a
3321 compulsory-school-age child subject to this section who refuses or
3322 willfully fails to perform any of the duties imposed upon him or
3323 her under this section or who intentionally falsifies any
3324 information required to be contained in a certificate of



3325 enrollment, shall be guilty of contributing to the neglect of a
3326 child and, upon conviction, shall be punished in accordance with
3327 Section 97-5-39.

3328 Upon prosecution of a parent, guardian or custodian of a
3329 compulsory-school-age child for violation of this section, the
3330 presentation of evidence by the prosecutor that shows that the
3331 child has not been enrolled in school within eighteen (18)
3332 calendar days after the first day of the school year of the public
3333 school which the child is eligible to attend, or that the child
3334 has accumulated twelve (12) unlawful absences during the school
3335 year at the public school in which the child has been enrolled,
3336 shall establish a prima facie case that the child's parent,
3337 guardian or custodian is responsible for the absences and has
3338 refused or willfully failed to perform the duties imposed upon him
3339 or her under this section. However, no proceedings under this
3340 section shall be brought against a parent, guardian or custodian
3341 of a compulsory-school-age child unless the school attendance
3342 officer has contacted promptly the home of the child and has
3343 provided written notice to the parent, guardian or custodian of
3344 the requirement for the child's enrollment or attendance.

3345 (6) If a compulsory-school-age child has not been enrolled
3346 in a school within fifteen (15) calendar days after the first day
3347 of the school year of the school which the child is eligible to
3348 attend or the child has accumulated five (5) unlawful absences
3349 during the school year of the public school in which the child is



3350 enrolled, the school district superintendent or his designee shall
3351 report, within two (2) school days or within five (5) calendar
3352 days, whichever is less, the absences to the school attendance
3353 officer. The State Department of Education shall prescribe a
3354 uniform method for schools to utilize in reporting the unlawful
3355 absences to the school attendance officer. The superintendent, or
3356 his designee, also shall report any student suspensions or student
3357 expulsions to the school attendance officer when they occur.

3358 (7) When a school attendance officer has made all attempts
3359 to secure enrollment and/or attendance of a compulsory-school-age
3360 child and is unable to effect the enrollment and/or attendance,
3361 the attendance officer shall file a petition with the youth court
3362 under Section 43-21-451 or shall file a petition in a court of
3363 competent jurisdiction as it pertains to parent or child.
3364 Sheriffs, deputy sheriffs and municipal law enforcement officers
3365 shall be fully authorized to investigate all cases of
3366 nonattendance and unlawful absences by compulsory-school-age
3367 children, and shall be authorized to file a petition with the
3368 youth court under Section 43-21-451 or file a petition or
3369 information in the court of competent jurisdiction as it pertains
3370 to parent or child for violation of this section. The youth court
3371 shall expedite a hearing to make an appropriate adjudication and a
3372 disposition to ensure compliance with the Compulsory School
3373 Attendance Law, and may order the child to enroll or re-enroll in
3374 school. The superintendent of the school district to which the



3375 child is ordered may assign, in his discretion, the child to the
3376 alternative school program of the school established pursuant to
3377 Section 37-13-92.

3378 (8) The State Board of Education shall adopt rules and
3379 regulations for the purpose of reprimanding any school
3380 superintendents who fail to timely report unexcused absences under
3381 the provisions of this section.

3382 (9) Notwithstanding any provision or implication herein to
3383 the contrary, it is not the intention of this section to impair
3384 the primary right and the obligation of the parent or parents, or
3385 person or persons in loco parentis to a child, to choose the
3386 proper education and training for such child, and nothing in this
3387 section shall ever be construed to grant, by implication or
3388 otherwise, to the State of Mississippi, any of its officers,
3389 agencies or subdivisions any right or authority to control,
3390 manage, supervise or make any suggestion as to the control,
3391 management or supervision of any private or parochial school or
3392 institution for the education or training of children, of any kind
3393 whatsoever that is not a public school according to the laws of
3394 this state; and this section shall never be construed so as to
3395 grant, by implication or otherwise, any right or authority to any
3396 state agency or other entity to control, manage, supervise,
3397 provide for or affect the operation, management, program,
3398 curriculum, admissions policy or discipline of any such school or
3399 home instruction program.



3400 **SECTION 61.** Section 37-15-1, Mississippi Code of 1972, is
3401 amended as follows:

3402 37-15-1. The State Board of Education shall prepare and
3403 provide necessary forms for keeping permanent records and
3404 cumulative folders for each pupil in the public schools, including
3405 charter schools, of the state. In the permanent record and
3406 cumulative folders, the teachers and principals shall keep
3407 information concerning the pupil's date of birth, as verified by
3408 the documentation authorized in this section, record of
3409 attendance, grades and withdrawal from the school, including the
3410 date of any expulsion from the school * * * and a description of
3411 the student's act or behavior resulting in the expulsion. The
3412 records also shall contain information pertaining to immunization
3413 and such other information as the State Board of Education may
3414 prescribe. The cumulative folder, in addition to that information
3415 maintained in the permanent records, also shall contain such other
3416 information as the State Board of Education shall prescribe. It
3417 shall be the responsibility of the person in charge of each school
3418 to enforce the requirement for evidence of the age of each pupil
3419 before enrollment. If the first prescribed evidence is not
3420 available, the next evidence obtainable in the order set forth
3421 below shall be accepted:

3422 (a) A certified birth certificate;

3423 (b) A duly attested transcript of a certificate of
3424 baptism showing the date of birth and place of baptism of the



3425 child, accompanied by an affidavit sworn to by a parent,
3426 grandparent or custodian;

3427 (c) An insurance policy on the child's life which has
3428 been in force for at least two (2) years;

3429 (d) A bona fide contemporary Bible record of the
3430 child's birth accompanied by an affidavit sworn to by the parent,
3431 grandparent or custodian;

3432 (e) A passport or certificate of arrival in the United
3433 States showing the age of the child;

3434 (f) A transcript of record of age shown in the child's
3435 school record of at least four (4) years prior to application,
3436 stating date of birth; or

3437 (g) If none of these evidences can be produced, an
3438 affidavit of age sworn to by a parent, grandparent or custodian.
3439 Any child enrolling in Kindergarten or Grade 1 shall present the
3440 required evidence of age upon enrollment. Any child in Grades 2
3441 through 12 not in compliance at the end of sixty (60) days from
3442 enrollment shall be suspended until in compliance.

3443 **SECTION 62.** Section 37-15-3, Mississippi Code of 1972, is
3444 amended as follows:

3445 37-15-3. Such cumulative folders as are provided for in
3446 Section 37-15-1 shall be kept in the school wherein the pupils are
3447 in attendance. Both the permanent records and the cumulative
3448 folders shall be available to school officials, including teachers
3449 within the school district who have been determined by the school



3450 district to have legitimate educational interests. In no case,
3451 however, shall such records be available to the general public.
3452 Transcripts of courses and grades may be furnished when requested
3453 by the parent or guardian or eligible pupil as prescribed in the
3454 Family Educational Rights and Privacy Act of 1974, as amended, 20
3455 USC Section 1232. Such records shall be kept for each pupil
3456 throughout his entire public school enrollment period. In the
3457 event a pupil transfers to a public school, including a charter
3458 school, then the cumulative folder shall be furnished to the head
3459 of the school to which the pupil transfers; if a pupil transfers
3460 to a private school, then a copy of the cumulative folder shall be
3461 furnished to the head of the school to which the pupil transfers.
3462 The permanent record shall be kept permanently by the school
3463 district from which the pupil transferred.

3464 At no time may a permanent record of a student be destroyed,
3465 but cumulative folders may be destroyed by order of the school
3466 board of the school district in not less than five (5) years after
3467 the permanent record of the pupil has become inactive and has been
3468 transferred to the central depository of the district. Provided,
3469 however, that where a school district makes complete copies of
3470 inactive permanent records on photographic film, microfilm, or any
3471 other acceptable form of medium for storage which may be
3472 reproduced as needed, such permanent records may be destroyed
3473 after the photographic film or microfilm copy has been stored in
3474 the central depository of the district.



3475 **SECTION 63.** Section 37-15-6, Mississippi Code of 1972, is
3476 amended as follows:

3477 37-15-6. For the purpose of providing notice to public and
3478 private school officials, both within and outside the boundaries
3479 of the state, of the expulsion of any public school student, the
3480 State Department of Education may develop a central reporting
3481 system for maintaining information concerning each expulsion from
3482 a public school. In establishing and maintaining the reporting
3483 system, the department may require each school district and
3484 charter school to report, within a certain period of time after an
3485 expulsion, as established by the department, information such as
3486 the following:

- 3487 (a) The name of the student expelled;
- 3488 (b) The date the student was expelled;
- 3489 (c) The age of the student at the time of the
3490 expulsion;
- 3491 (d) The school from which the student was expelled;
- 3492 (e) The reason for the expulsion, including a detailed
3493 description of the student's act or acts;
- 3494 (f) The duration of the period of expulsion, if not
3495 indefinite; and
- 3496 (g) Any other information that the department deems
3497 necessary for school officials in a public or private school,
3498 where a student is seeking enrollment, to determine whether or not



3499 a student should be denied enrollment based upon a previous
3500 expulsion.

3501 Any information maintained by the department under the
3502 authority of this section shall be strictly confidential. The
3503 information shall be available to school officials at a public or
3504 private school only upon their request and only when a student
3505 seeks enrollment or admission to that school. In no case shall
3506 the information be available to the general public.

3507 **SECTION 64.** Section 37-15-9, Mississippi Code of 1972, is
3508 amended as follows:

3509 37-15-9. (1) Except as provided in subsection (2) and
3510 subject to the provisions of subsection (3) of this section, no
3511 child shall be enrolled or admitted to any kindergarten which is a
3512 part of * * * a public school * * * during any school year unless
3513 such child will reach his fifth birthday on or before September 1
3514 of said school year, and no child shall be enrolled or admitted to
3515 the first grade in any public school * * * during any school year
3516 unless such child will reach his sixth birthday on or before
3517 September 1 of said school year. No pupil shall be permanently
3518 enrolled in a public school in the State of Mississippi who
3519 formerly was enrolled in another public or private school within
3520 the state until the cumulative record of the pupil shall have been
3521 received from the school from which he transferred. Should such
3522 record have become lost or destroyed, then it shall be the duty of



3523 the superintendent or principal of the school where the pupil last
3524 attended school to initiate a new record.

3525 (2) Subject to the provisions of subsection (3) of this
3526 section, any child who transfers from an out-of-state public or
3527 private school in which that state's law provides for a
3528 first-grade or kindergarten enrollment date subsequent to
3529 September 1, shall be allowed to enroll in the public schools of
3530 Mississippi, at the same grade level as their prior out-of-state
3531 enrollment, if:

3532 (a) The parent, legal guardian or custodian of such
3533 child was a legal resident of the state from which the child is
3534 transferring;

3535 (b) The out-of-state school from which the child is
3536 transferring is duly accredited by that state's appropriate
3537 accrediting authority;

3538 (c) Such child was legally enrolled in a public or
3539 private school for a minimum of four (4) weeks in the previous
3540 state; and

3541 (d) The superintendent of schools in the applicable
3542 Mississippi school district or the principal of a charter school,
3543 as the case may be, has determined that the child was making
3544 satisfactory educational progress in the previous state.

3545 (3) When any child applies for admission or enrollment in
3546 any public school in the state, the parent, guardian or child, in
3547 the absence of an accompanying parent or guardian, shall indicate



3548 on the school registration form if the enrolling child has been
3549 expelled from any public or private school or is currently a party
3550 to an expulsion proceeding. If it is determined from the child's
3551 cumulative record or application for admission or enrollment that
3552 the child has been expelled, the school district or charter school
3553 may deny the student admission and enrollment until the
3554 superintendent of the school, or his designee, or principal of the
3555 charter school, as the case may be, has reviewed the child's
3556 cumulative record and determined that the child has participated
3557 in successful rehabilitative efforts including, but not limited
3558 to, progress in an alternative school or similar program. If the
3559 child is a party to an expulsion proceeding, the child may be
3560 admitted to a public school pending final disposition of the
3561 expulsion proceeding. If the expulsion proceeding results in the
3562 expulsion of the child, the public school may revoke such
3563 admission to school. If the child was expelled or is a party to
3564 an expulsion proceeding for an act involving violence, weapons,
3565 alcohol, illegal drugs or other activity that may result in
3566 expulsion, the school district or charter school shall not be
3567 required to grant admission or enrollment to the child before one
3568 (1) calendar year after the date of the expulsion.

3569 **SECTION 65.** Section 37-16-1, Mississippi Code of 1972, is
3570 amended as follows:



3571 37-16-1. The primary purpose of the statewide testing
3572 program is to provide information needed for state-level
3573 decisions. The program shall be designed to:

3574 (a) Assist in the identification of educational needs
3575 at the state, district and school levels.

3576 (b) Assess how well districts and schools are meeting
3577 state goals and minimum performance standards.

3578 (c) Provide information to aid in the development of
3579 policy issues and concerns.

3580 (d) Provide a basis for comparisons among districts,
3581 between charter schools throughout the state and nonpublic charter
3582 schools in those school districts in which charter schools are
3583 located, and between districts, the state and the nation, where
3584 appropriate.

3585 (e) Produce data which can be used to aid in the
3586 identification of exceptional educational programs or processes.

3587 **SECTION 66.** Section 37-16-3, Mississippi Code of 1972, is
3588 amended as follows:

3589 37-16-3. (1) The State Department of Education is directed
3590 to implement a program of statewide assessment testing which shall
3591 provide for the improvement of the operation and management of the
3592 public schools. The statewide program shall be timed, as far as
3593 possible, so as not to conflict with ongoing district assessment
3594 programs. As part of the program, the department shall:



3595 (a) Establish, with the approval of the State Board of
3596 Education, minimum performance standards related to the goals for
3597 education contained in the state's plan including, but not limited
3598 to, basic skills in reading, writing and mathematics. The minimum
3599 performance standards shall be approved by April 1 in each year
3600 they are established.

3601 (b) Conduct a uniform statewide testing program in
3602 grades deemed appropriate in the public schools, including charter
3603 schools. The program may test skill areas, basic skills and high
3604 school course content.

3605 (c) Monitor the results of the assessment program and,
3606 at any time the composite student performance of a school or basic
3607 program is found to be below the established minimum standards,
3608 notify the district superintendent or the governing board of the
3609 charter school, as the case may be, the school principal and the
3610 school advisory committee or other existing parent group of the
3611 situation within thirty (30) days of its determination. The
3612 department shall further provide technical assistance to * * * a
3613 school district in the identification of the causes of this
3614 deficiency and shall recommend courses of action for its
3615 correction.

3616 (d) Provide technical assistance to the school
3617 districts, when requested, in the development of student
3618 performance standards in addition to the established minimum
3619 statewide standards.



3620 (e) Issue security procedure regulations providing for
3621 the security and integrity of the tests that are administered
3622 under the basic skills assessment program.

3623 (2) Uniform basic skills tests shall be completed by each
3624 student in the appropriate grade. These tests shall be
3625 administered in such a manner as to preserve the integrity and
3626 validity of the assessment. In the event of excused or unexcused
3627 student absences, make-up tests shall be given. The school
3628 superintendent of every school district in the state and the
3629 principal of each charter school shall annually certify to the
3630 State Department of Education that each student enrolled in the
3631 appropriate grade has completed the required basic skills
3632 assessment test for his or her grade in a valid test
3633 administration.

3634 **SECTION 67.** Section 37-17-1, Mississippi Code of 1972, is
3635 amended as follows:

3636 37-17-1. (1) The power and authority to prescribe standards
3637 for the accreditation of noncharter public schools, to insure
3638 compliance with such standards and to establish procedures for the
3639 accreditation of noncharter public schools is hereby vested in the
3640 State Board of Education. The board shall, by orders placed upon
3641 its minutes, adopt all necessary rules and regulations to
3642 effectuate the purposes of this chapter and shall provide, through
3643 the State Department of Education, for the necessary personnel for
3644 the enforcement of standards so established.



3645 (2) A charter school authorized by the Mississippi Charter
3646 School Authorizer Board must be granted accreditation by the State
3647 Board of Education based solely on the approval of the school by
3648 the authorizer. If the authorizer, at any time, revokes a
3649 school's charter, the State Board of Education shall withdraw the
3650 accreditation of the charter school immediately.

3651 **SECTION 68.** Section 37-17-6, Mississippi Code of 1972, is
3652 amended as follows:

3653 **[Effective until the date Laws of 2012, Ch. 525, is**
3654 **effectuated under Section 5 of the Voting Rights Act of 1965, as**
3655 **amended and extended, this section will read:]**

3656 37-17-6. (1) The State Board of Education, acting through
3657 the Commission on School Accreditation, shall establish and
3658 implement a permanent performance-based accreditation system, and
3659 all noncharter public elementary and secondary schools shall be
3660 accredited under this system.

3661 (2) No later than June 30, 1995, the State Board of
3662 Education, acting through the Commission on School Accreditation,
3663 shall require school districts to provide school classroom space
3664 that is air-conditioned as a minimum requirement for
3665 accreditation.

3666 (3) (a) Beginning with the 1994-1995 school year, the State
3667 Board of Education, acting through the Commission on School
3668 Accreditation, shall require that school districts employ
3669 certified school librarians according to the following formula:



3670	Number of Students	Number of Certified
3671	Per School Library	School Librarians
3672	0 - 499 Students	1/2 Full-time Equivalent
3673		Certified Librarian
3674	500 or More Students	1 Full-time Certified
3675		Librarian

3676 (b) The State Board of Education, however, may increase
3677 the number of positions beyond the above requirements.

3678 (c) The assignment of certified school librarians to
3679 the particular schools shall be at the discretion of the local
3680 school district. No individual shall be employed as a certified
3681 school librarian without appropriate training and certification as
3682 a school librarian by the State Department of Education.

3683 (d) School librarians in the district shall spend at
3684 least fifty percent (50%) of direct work time in a school library
3685 and shall devote no more than one-fourth (1/4) of the workday to
3686 administrative activities that are library related.

3687 (e) Nothing in this subsection shall prohibit any
3688 school district from employing more certified school librarians
3689 than are provided for in this section.

3690 (f) Any additional millage levied to fund school
3691 librarians required for accreditation under this subsection shall
3692 be included in the tax increase limitation set forth in Sections
3693 37-57-105 and 37-57-107 and shall not be deemed a new program for
3694 purposes of the limitation.



3695 (4) On or before December 31, 2002, the State Board of
3696 Education shall implement the performance-based accreditation
3697 system for school districts and for individual noncharter public
3698 schools which shall include the following:

3699 (a) High expectations for students and high standards
3700 for all schools, with a focus on the basic curriculum;

3701 (b) Strong accountability for results with appropriate
3702 local flexibility for local implementation;

3703 (c) A process to implement accountability at both the
3704 school district level and the school level;

3705 (d) Individual schools shall be held accountable for
3706 student growth and performance;

3707 (e) Set annual performance standards for each of the
3708 schools of the state and measure the performance of each school
3709 against itself through the standard that has been set for it;

3710 (f) A determination of which schools exceed their
3711 standards and a plan for providing recognition and rewards to
3712 those schools;

3713 (g) A determination of which schools are failing to
3714 meet their standards and a determination of the appropriate role
3715 of the State Board of Education and the State Department of
3716 Education in providing assistance and initiating possible
3717 intervention. A failing district is a district that fails to meet
3718 both the absolute student achievement standards and the rate of
3719 annual growth expectation standards as set by the State Board of



3720 Education for two (2) consecutive years. The State Board of
3721 Education shall establish the level of benchmarks by which
3722 absolute student achievement and growth expectations shall be
3723 assessed. In setting the benchmarks for school districts, the
3724 State Board of Education may also take into account such factors
3725 as graduation rates, dropout rates, completion rates, the extent
3726 to which the school or district employs qualified teachers in
3727 every classroom, and any other factors deemed appropriate by the
3728 State Board of Education. The State Board of Education, acting
3729 through the State Department of Education, shall apply a simple
3730 "A," "B," "C," "D" and "F" designation to the current school and
3731 school district statewide accountability performance
3732 classification labels beginning with the State Accountability
3733 Results for the 2011-2012 school year and following, and in the
3734 school, district and state report cards required under state and
3735 federal law. Under the new designations, a school or school
3736 district that has earned a "Star" rating shall be designated an
3737 "A" school or school district; a school or school district that
3738 has earned a "High-Performing" rating shall be designated a "B"
3739 school or school district; a school or school district that has
3740 earned a "Successful" rating shall be designated a "C" school or
3741 school district; a school or school district that has earned an
3742 "Academic Watch" rating shall be designated a "D" school or school
3743 district; a school or school district that has earned a
3744 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



3745 be designated an "F" school or school district. Effective with
3746 the implementation of any new curriculum and assessment standards,
3747 the State Board of Education, acting through the State Department
3748 of Education, is further authorized and directed to change the
3749 school and school district accreditation rating system to a simple
3750 "A," "B," "C," "D," and "F" designation based on a combination of
3751 student achievement scores and student growth as measured by the
3752 statewide testing programs developed by the State Board of
3753 Education pursuant to Chapter 16, Title 37, Mississippi Code of
3754 1972. In any statute or regulation containing the former
3755 accreditation designations, the new designations shall be
3756 applicable;

3757 (h) Development of a comprehensive student assessment
3758 system to implement these requirements; and

3759 (i) The State Board of Education may, based on a
3760 written request that contains specific reasons for requesting a
3761 waiver from the school districts affected by Hurricane Katrina of
3762 2005, hold harmless school districts from assignment of district
3763 and school level accountability ratings for the 2005-2006 school
3764 year. The State Board of Education upon finding an extreme
3765 hardship in the school district may grant the request. It is the
3766 intent of the Legislature that all school districts maintain the
3767 highest possible academic standards and instructional programs in
3768 all schools as required by law and the State Board of Education.



3769 The State Board of Education may continue to assign school
3770 district performance levels by using a number classification and
3771 may assign individual school performance levels by using a number
3772 classification to be consistent with school district performance
3773 levels.

3774 (5) Nothing in this section shall be deemed to require a
3775 nonpublic school that receives no local, state or federal funds
3776 for support to become accredited by the State Board of Education.

3777 (6) The State Board of Education shall create an
3778 accreditation audit unit under the Commission on School
3779 Accreditation to determine whether schools are complying with
3780 accreditation standards.

3781 (7) The State Board of Education shall be specifically
3782 authorized and empowered to withhold adequate education program
3783 fund allocations, whichever is applicable, to any public school
3784 district for failure to timely report student, school personnel
3785 and fiscal data necessary to meet state and/or federal
3786 requirements.

3787 (8) Deleted.

3788 (9) The State Board of Education shall establish, for those
3789 school districts failing to meet accreditation standards, a
3790 program of development to be complied with in order to receive
3791 state funds, except as otherwise provided in subsection (14) of
3792 this section when the Governor has declared a state of emergency
3793 in a school district or as otherwise provided in Section 206,



3794 Mississippi Constitution of 1890. The state board, in
3795 establishing these standards, shall provide for notice to schools
3796 and sufficient time and aid to enable schools to attempt to meet
3797 these standards, unless procedures under subsection (14) of this
3798 section have been invoked.

3799 (10) Beginning July 1, 1998, the State Board of Education
3800 shall be charged with the implementation of the program of
3801 development in each applicable school district as follows:

3802 (a) Develop an impairment report for each district
3803 failing to meet accreditation standards in conjunction with school
3804 district officials;

3805 (b) Notify any applicable school district failing to
3806 meet accreditation standards that it is on probation until
3807 corrective actions are taken or until the deficiencies have been
3808 removed. The local school district shall develop a corrective
3809 action plan to improve its deficiencies. For district academic
3810 deficiencies, the corrective action plan for each such school
3811 district shall be based upon a complete analysis of the following:
3812 student test data, student grades, student attendance reports,
3813 student dropout data, existence and other relevant data. The
3814 corrective action plan shall describe the specific measures to be
3815 taken by the particular school district and school to improve:
3816 (i) instruction; (ii) curriculum; (iii) professional development;
3817 (iv) personnel and classroom organization; (v) student incentives
3818 for performance; (vi) process deficiencies; and (vii) reporting to



3819 the local school board, parents and the community. The corrective
3820 action plan shall describe the specific individuals responsible
3821 for implementing each component of the recommendation and how each
3822 will be evaluated. All corrective action plans shall be provided
3823 to the State Board of Education as may be required. The decision
3824 of the State Board of Education establishing the probationary
3825 period of time shall be final;

3826 (c) Offer, during the probationary period, technical
3827 assistance to the school district in making corrective actions.
3828 Beginning July 1, 1998, subject to the availability of funds, the
3829 State Department of Education shall provide technical and/or
3830 financial assistance to all such school districts in order to
3831 implement each measure identified in that district's corrective
3832 action plan through professional development and on-site
3833 assistance. Each such school district shall apply for and utilize
3834 all available federal funding in order to support its corrective
3835 action plan in addition to state funds made available under this
3836 paragraph;

3837 (d) Assign department personnel or contract, in its
3838 discretion, with the institutions of higher learning or other
3839 appropriate private entities with experience in the academic,
3840 finance and other operational functions of schools to assist
3841 school districts;

3842 (e) Provide for publication of public notice at least
3843 one time during the probationary period, in a newspaper published



3844 within the jurisdiction of the school district failing to meet
3845 accreditation standards, or if no newspaper is published therein,
3846 then in a newspaper having a general circulation therein. The
3847 publication shall include the following: declaration of school
3848 system's status as being on probation; all details relating to the
3849 impairment report; and other information as the State Board of
3850 Education deems appropriate. Public notices issued under this
3851 section shall be subject to Section 13-3-31 and not contrary to
3852 other laws regarding newspaper publication.

3853 (11) (a) If the recommendations for corrective action are
3854 not taken by the local school district or if the deficiencies are
3855 not removed by the end of the probationary period, the Commission
3856 on School Accreditation shall conduct a hearing to allow the
3857 affected school district to present evidence or other reasons why
3858 its accreditation should not be withdrawn. After its
3859 consideration of the results of the hearing, the Commission on
3860 School Accreditation shall be authorized, with the approval of the
3861 State Board of Education, to withdraw the accreditation of a
3862 public school district, and issue a request to the Governor that a
3863 state of emergency be declared in that district.

3864 (b) If the State Board of Education and the Commission
3865 on School Accreditation determine that an extreme emergency
3866 situation exists in a school district that jeopardizes the safety,
3867 security or educational interests of the children enrolled in the
3868 schools in that district and that emergency situation is believed



3869 to be related to a serious violation or violations of
3870 accreditation standards or state or federal law, or when a school
3871 district meets the State Board of Education's definition of a
3872 failing school district for two (2) consecutive full school years,
3873 or if more than fifty percent (50%) of the schools within the
3874 school district are designated as Schools At-Risk in any one (1)
3875 year, the State Board of Education may request the Governor to
3876 declare a state of emergency in that school district. For
3877 purposes of this paragraph, the declarations of a state of
3878 emergency shall not be limited to those instances when a school
3879 district's impairments are related to a lack of financial
3880 resources, but also shall include serious failure to meet minimum
3881 academic standards, as evidenced by a continued pattern of poor
3882 student performance.

3883 (c) Whenever the Governor declares a state of emergency
3884 in a school district in response to a request made under paragraph
3885 (a) or (b) of this subsection, the State Board of Education may
3886 take one or more of the following actions:

3887 (i) Declare a state of emergency, under which some
3888 or all of state funds can be escrowed except as otherwise provided
3889 in Section 206, Constitution of 1890, until the board determines
3890 corrective actions are being taken or the deficiencies have been
3891 removed, or that the needs of students warrant the release of
3892 funds. The funds may be released from escrow for any program
3893 which the board determines to have been restored to standard even



3894 though the state of emergency may not as yet be terminated for the
3895 district as a whole;

3896 (ii) Override any decision of the local school
3897 board or superintendent of education, or both, concerning the
3898 management and operation of the school district, or initiate and
3899 make decisions concerning the management and operation of the
3900 school district;

3901 (iii) Assign an interim conservator, or in its
3902 discretion, contract with a private entity with experience in the
3903 academic, finance and other operational functions of schools and
3904 school districts, who will have those powers and duties prescribed
3905 in subsection (14) of this section;

3906 (iv) Grant transfers to students who attend this
3907 school district so that they may attend other accredited schools
3908 or districts in a manner that is not in violation of state or
3909 federal law;

3910 (v) For states of emergency declared under
3911 paragraph (a) only, if the accreditation deficiencies are related
3912 to the fact that the school district is too small, with too few
3913 resources, to meet the required standards and if another school
3914 district is willing to accept those students, abolish that
3915 district and assign that territory to another school district or
3916 districts. If the school district has proposed a voluntary
3917 consolidation with another school district or districts, then if
3918 the State Board of Education finds that it is in the best interest



3919 of the pupils of the district for the consolidation to proceed,
3920 the voluntary consolidation shall have priority over any such
3921 assignment of territory by the State Board of Education;

3922 (vi) For states of emergency declared under
3923 paragraph (b) only, reduce local supplements paid to school
3924 district employees, including, but not limited to, instructional
3925 personnel, assistant teachers and extracurricular activities
3926 personnel, if the district's impairment is related to a lack of
3927 financial resources, but only to an extent that will result in the
3928 salaries being comparable to districts similarly situated, as
3929 determined by the State Board of Education;

3930 (vii) For states of emergency declared under
3931 paragraph (b) only, the State Board of Education may take any
3932 action as prescribed in Section 37-17-13.

3933 (d) At the time that satisfactory corrective action has
3934 been taken in a school district in which a state of emergency has
3935 been declared, the State Board of Education may request the
3936 Governor to declare that the state of emergency no longer exists
3937 in the district.

3938 (e) There is established a Mississippi Recovery School
3939 District within the State Department of Education under the
3940 supervision of a deputy superintendent appointed by the State
3941 Superintendent of Public Education, who is subject to the approval
3942 by the State Board of Education. The Mississippi Recovery School
3943 District shall provide leadership and oversight of all school



3944 districts that are subject to state conservatorship, as defined in
3945 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
3946 have all the authority granted under these two (2) chapters. The
3947 Mississippi Department of Education, with the approval of the
3948 State Board of Education, shall develop policies for the operation
3949 and management of the Mississippi Recovery School District. The
3950 deputy state superintendent is responsible for the Mississippi
3951 Recovery School District and shall be authorized to oversee the
3952 administration of the Mississippi Recovery School District,
3953 oversee conservators assigned by the State Board of Education to a
3954 local school district, hear appeals from school districts under
3955 conservatorship that would normally be filed by students, parents
3956 or employees and heard by a local school board, which hearings on
3957 appeal shall be conducted in a prompt and timely manner in the
3958 school district from which the appeal originated in order to
3959 ensure the ability of appellants, other parties and witnesses to
3960 appeal without undue burden of travel costs or loss of time from
3961 work, and perform other related duties as assigned by the State
3962 Superintendent of Public Education. The deputy state
3963 superintendent is responsible for the Mississippi Recovery School
3964 District and shall determine, based on rigorous professional
3965 qualifications set by the State Board of Education, the
3966 appropriate individuals to be engaged to be conservators and
3967 financial advisors, if applicable, of all school districts subject
3968 to state conservatorship. After State Board of Education



3969 approval, these individuals shall be deemed independent
3970 contractors.

3971 (12) Upon the declaration of a state of emergency in a
3972 school district under subsection (11) of this section, the
3973 Commission on School Accreditation shall be responsible for public
3974 notice at least once a week for at least three (3) consecutive
3975 weeks in a newspaper published within the jurisdiction of the
3976 school district failing to meet accreditation standards, or if no
3977 newspaper is published therein, then in a newspaper having a
3978 general circulation therein. The size of the notice shall be no
3979 smaller than one-fourth (1/4) of a standard newspaper page and
3980 shall be printed in bold print. If a conservator has been
3981 appointed for the school district, the notice shall begin as
3982 follows: "By authority of Section 37-17-6, Mississippi Code of
3983 1972, as amended, adopted by the Mississippi Legislature during
3984 the 1991 Regular Session, this school district (name of school
3985 district) is hereby placed under the jurisdiction of the State
3986 Department of Education acting through its appointed conservator
3987 (name of conservator)."

3988 The notice also shall include, in the discretion of the State
3989 Board of Education, any or all details relating to the school
3990 district's emergency status, including the declaration of a state
3991 of emergency in the school district and a description of the
3992 district's impairment deficiencies, conditions of any
3993 conservatorship and corrective actions recommended and being



3994 taken. Public notices issued under this section shall be subject
3995 to Section 13-3-31 and not contrary to other laws regarding
3996 newspaper publication.

3997 Upon termination of the state of emergency in a school
3998 district, the Commission on School Accreditation shall cause
3999 notice to be published in the school district in the same manner
4000 provided in this section, to include any or all details relating
4001 to the corrective action taken in the school district that
4002 resulted in the termination of the state of emergency.

4003 (13) The State Board of Education or the Commission on
4004 School Accreditation shall have the authority to require school
4005 districts to produce the necessary reports, correspondence,
4006 financial statements, and any other documents and information
4007 necessary to fulfill the requirements of this section.

4008 Nothing in this section shall be construed to grant any
4009 individual, corporation, board or conservator the authority to
4010 levy taxes except in accordance with presently existing statutory
4011 provisions.

4012 (14) (a) Whenever the Governor declares a state of
4013 emergency in a school district in response to a request made under
4014 subsection (11) of this section, the State Board of Education, in
4015 its discretion, may assign an interim conservator to the school
4016 district, or in its discretion, may contract with an appropriate
4017 private entity with experience in the academic, finance and other
4018 operational functions of schools and school districts, who will be



4019 responsible for the administration, management and operation of
4020 the school district, including, but not limited to, the following
4021 activities:

4022 (i) Approving or disapproving all financial
4023 obligations of the district, including, but not limited to, the
4024 employment, termination, nonrenewal and reassignment of all
4025 licensed and nonlicensed personnel, contractual agreements and
4026 purchase orders, and approving or disapproving all claim dockets
4027 and the issuance of checks; in approving or disapproving
4028 employment contracts of superintendents, assistant superintendents
4029 or principals, the interim conservator shall not be required to
4030 comply with the time limitations prescribed in Sections 37-9-15
4031 and 37-9-105;

4032 (ii) Supervising the day-to-day activities of the
4033 district's staff, including reassigning the duties and
4034 responsibilities of personnel in a manner which, in the
4035 determination of the conservator, will best suit the needs of the
4036 district;

4037 (iii) Reviewing the district's total financial
4038 obligations and operations and making recommendations to the
4039 district for cost savings, including, but not limited to,
4040 reassigning the duties and responsibilities of staff;

4041 (iv) Attending all meetings of the district's
4042 school board and administrative staff;



4043 (v) Approving or disapproving all athletic, band
4044 and other extracurricular activities and any matters related to
4045 those activities;

4046 (vi) Maintaining a detailed account of
4047 recommendations made to the district and actions taken in response
4048 to those recommendations;

4049 (vii) Reporting periodically to the State Board of
4050 Education on the progress or lack of progress being made in the
4051 district to improve the district's impairments during the state of
4052 emergency; and

4053 (viii) Appointing a parent advisory committee,
4054 comprised of parents of students in the school district that may
4055 make recommendations to the conservator concerning the
4056 administration, management and operation of the school district.

4057 Except when, in the determination of the State Board of
4058 Education, the school district's impairment is related to a lack
4059 of financial resources, the cost of the salary of the conservator
4060 and any other actual and necessary costs related to the
4061 conservatorship paid by the State Department of Education shall be
4062 reimbursed by the local school district from funds other than
4063 adequate education program funds. The department shall submit an
4064 itemized statement to the superintendent of the local school
4065 district for reimbursement purposes, and any unpaid balance may be
4066 withheld from the district's adequate education program funds.



4067 At the time that the Governor, in accordance with the request
4068 of the State Board of Education, declares that the state of
4069 emergency no longer exists in a school district, the powers and
4070 responsibilities of the interim conservator assigned to the
4071 district shall cease.

4072 (b) In order to provide loans to school districts under
4073 a state of emergency that have impairments related to a lack of
4074 financial resources, the School District Emergency Assistance Fund
4075 is created as a special fund in the State Treasury into which
4076 monies may be transferred or appropriated by the Legislature from
4077 any available public education funds.

4078 The State Board of Education may loan monies from the School
4079 District Emergency Assistance Fund to a school district that is
4080 under a state of emergency in those amounts, as determined by the
4081 board, that are necessary to correct the district's impairments
4082 related to a lack of financial resources. The loans shall be
4083 evidenced by an agreement between the school district and the
4084 State Board of Education and shall be repayable in principal,
4085 without necessity of interest, to the State General Fund or the
4086 Education Enhancement Fund, depending on the source of funding for
4087 the loan, by the school district from any allowable funds that are
4088 available. The total amount loaned to the district shall be due
4089 and payable within five (5) years after the impairments related to
4090 a lack of financial resources are corrected. If a school district
4091 fails to make payments on the loan in accordance with the terms of



4092 the agreement between the district and the State Board of
4093 Education, the State Department of Education, in accordance with
4094 rules and regulations established by the State Board of Education,
4095 may withhold that district's adequate education program funds in
4096 an amount and manner that will effectuate repayment consistent
4097 with the terms of the agreement; the funds withheld by the
4098 department shall be deposited into the State General Fund or the
4099 Education Enhancement Fund, as the case may be.

4100 The State Board of Education shall develop a protocol that
4101 will outline the performance standards and requisite time line
4102 deemed necessary for extreme emergency measures. If the State
4103 Board of Education determines that an extreme emergency exists,
4104 simultaneous with the powers exercised in this subsection, it
4105 shall take immediate action against all parties responsible for
4106 the affected school districts having been determined to be in an
4107 extreme emergency. The action shall include, but not be limited
4108 to, initiating civil actions to recover funds and criminal actions
4109 to account for criminal activity. Any funds recovered by the
4110 State Auditor or the State Board of Education from the surety
4111 bonds of school officials or from any civil action brought under
4112 this subsection shall be applied toward the repayment of any loan
4113 made to a school district hereunder.

4114 (15) If a majority of the membership of the school board of
4115 any school district resigns from office, the State Board of
4116 Education shall be authorized to assign an interim conservator,



4117 who shall be responsible for the administration, management and
4118 operation of the school district until the time as new board
4119 members are selected or the Governor declares a state of emergency
4120 in that school district under subsection (11), whichever occurs
4121 first. In that case, the State Board of Education, acting through
4122 the interim conservator, shall have all powers which were held by
4123 the previously existing school board, and may take any action as
4124 prescribed in Section 37-17-13 and/or one or more of the actions
4125 authorized in this section.

4126 (16) (a) If the Governor declares a state of emergency in a
4127 school district, the State Board of Education may take all such
4128 action pertaining to that school district as is authorized under
4129 subsection (11) or (14) of Section 37-17-6, including the
4130 appointment of an interim conservator. The State Board of
4131 Education shall also have the authority to issue a written request
4132 with documentation to the Governor asking that the office of the
4133 superintendent of the school district be subject to recall. If
4134 the Governor declares that the office of the superintendent of the
4135 school district is subject to recall, the local school board or
4136 the county election commission, as the case may be, shall take the
4137 following action:

4138 (i) If the office of superintendent is an elected
4139 office, in those years in which there is no general election, the
4140 name shall be submitted by the State Board of Education to the
4141 county election commission, and the county election commission



4142 shall submit the question at a special election to the voters
4143 eligible to vote for the office of superintendent within the
4144 county, and the special election shall be held within sixty (60)
4145 days from notification by the State Board of Education. The
4146 ballot shall read substantially as follows:

4147 "Shall County Superintendent of Education _____ (here the
4148 name of the superintendent shall be inserted) of the _____
4149 (here the title of the school district shall be inserted) be
4150 retained in office? Yes _____ No _____"

4151 If a majority of those voting on the question votes against
4152 retaining the superintendent in office, a vacancy shall exist
4153 which shall be filled in the manner provided by law; otherwise,
4154 the superintendent shall remain in office for the term of that
4155 office, and at the expiration of the term shall be eligible for
4156 qualification and election to another term or terms.

4157 (ii) If the office of superintendent is an
4158 appointive office, the name of the superintendent shall be
4159 submitted by the president of the local school board at the next
4160 regular meeting of the school board for retention in office or
4161 dismissal from office. If a majority of the school board voting
4162 on the question vote against retaining the superintendent in
4163 office, a vacancy shall exist which shall be filled as provided by
4164 law, otherwise the superintendent shall remain in office for the
4165 duration of his employment contract.



4166 (b) The State Board of Education may issue a written
4167 request with documentation to the Governor asking that the
4168 membership of the school board of the school district shall be
4169 subject to recall. Whenever the Governor declares that the
4170 membership of the school board is subject to recall, the county
4171 election commission or the local governing authorities, as the
4172 case may be, shall take the following action:

4173 (i) If the members of the local school board are
4174 elected to office, in those years in which the specific member's
4175 office is not up for election, the name of the school board member
4176 shall be submitted by the State Board of Education to the county
4177 election commission, and the county election commission at a
4178 special election shall submit the question to the voters eligible
4179 to vote for the particular member's office within the county or
4180 school district, as the case may be, and the special election
4181 shall be held within sixty (60) days from notification by the
4182 State Board of Education. The ballot shall read substantially as
4183 follows:

4184 "Members of the _____ (here the title of the school
4185 district shall be inserted) School Board who are not up for
4186 election this year are subject to recall because of the school
4187 district's failure to meet critical accountability standards as
4188 defined in the letter of notification to the Governor from the
4189 State Board of Education. Shall the member of the school board
4190 representing this area, _____ (here the name of the school



4191 board member holding the office shall be inserted), be retained in
4192 office? Yes _____ No _____"

4193 If a majority of those voting on the question vote against
4194 retaining the member of the school board in office, a vacancy in
4195 that board member's office shall exist, which shall be filled in
4196 the manner provided by law; otherwise, the school board member
4197 shall remain in office for the term of that office, and at the
4198 expiration of the term of office, the member shall be eligible for
4199 qualification and election to another term or terms of office.

4200 However, if a majority of the school board members are recalled in
4201 the special election, the Governor shall authorize the board of
4202 supervisors of the county in which the school district is situated
4203 to appoint members to fill the offices of the members recalled.

4204 The board of supervisors shall make those appointments in the
4205 manner provided by law for filling vacancies on the school board,
4206 and the appointed members shall serve until the office is filled
4207 at the next regular special election or general election.

4208 (ii) If the local school board is an appointed
4209 school board, the name of all school board members shall be
4210 submitted as a collective board by the president of the municipal
4211 or county governing authority, as the case may be, at the next
4212 regular meeting of the governing authority for retention in office
4213 or dismissal from office. If a majority of the governing
4214 authority voting on the question vote against retaining the board
4215 in office, a vacancy shall exist in each school board member's



4216 office, which shall be filled as provided by law; otherwise, the
4217 members of the appointed school board shall remain in office for
4218 the duration of their term of appointment, and those members may
4219 be reappointed.

4220 (iii) If the local school board is comprised of
4221 both elected and appointed members, the elected members shall be
4222 subject to recall in the manner provided in subparagraph (i) of
4223 this subsection, and the appointed members shall be subject to
4224 recall in the manner provided in subparagraph (ii).

4225 (17) Beginning with the school district audits conducted for
4226 the 1997-1998 fiscal year, the State Board of Education, acting
4227 through the Commission on School Accreditation, shall require each
4228 school district to comply with standards established by the State
4229 Department of Audit for the verification of fixed assets and the
4230 auditing of fixed assets records as a minimum requirement for
4231 accreditation.

4232 (18) Before December 1, 1999, the State Board of Education
4233 shall recommend a program to the Education Committees of the House
4234 of Representatives and the Senate for identifying and rewarding
4235 public schools that improve or are high performing. The program
4236 shall be described by the board in a written report, which shall
4237 include criteria and a process through which improving schools and
4238 high-performing schools will be identified and rewarded.

4239 The State Superintendent of Public Education and the State
4240 Board of Education also shall develop a comprehensive



4241 accountability plan to ensure that local school boards,
4242 superintendents, principals and teachers are held accountable for
4243 student achievement. A written report on the accountability plan
4244 shall be submitted to the Education Committees of both houses of
4245 the Legislature before December 1, 1999, with any necessary
4246 legislative recommendations.

4247 (19) Before January 1, 2008, the State Board of Education
4248 shall evaluate and submit a recommendation to the Education
4249 Committees of the House of Representatives and the Senate on
4250 inclusion of graduation rate and dropout rate in the school level
4251 accountability system.

4252 (20) If a local school district is determined as failing and
4253 placed into conservatorship for reasons authorized by the
4254 provisions of this section, the conservator appointed to the
4255 district shall, within forty-five (45) days after being appointed,
4256 present a detailed and structured corrective action plan to move
4257 the local school district out of conservatorship status to the
4258 local school board and local superintendent of education if they
4259 have not been removed by the conservator, or if the board and
4260 superintendent have been removed, to the local governing authority
4261 of the municipality or county in which the school district under
4262 conservatorship is located. A copy of the conservator's
4263 corrective action plan shall also be filed with the State Board of
4264 Education.



4290 (c) The assignment of certified school librarians to
4291 the particular schools shall be at the discretion of the local
4292 school district. No individual shall be employed as a certified
4293 school librarian without appropriate training and certification as
4294 a school librarian by the State Department of Education.

4295 (d) School librarians in the district shall spend at
4296 least fifty percent (50%) of direct work time in a school library
4297 and shall devote no more than one-fourth (1/4) of the workday to
4298 administrative activities that are library related.

4299 (e) Nothing in this subsection shall prohibit any
4300 school district from employing more certified school librarians
4301 than are provided for in this section.

4302 (f) Any additional millage levied to fund school
4303 librarians required for accreditation under this subsection shall
4304 be included in the tax increase limitation set forth in Sections
4305 37-57-105 and 37-57-107 and shall not be deemed a new program for
4306 purposes of the limitation.

4307 (4) On or before December 31, 2002, the State Board of
4308 Education shall implement the performance-based accreditation
4309 system for school districts and for individual noncharter public
4310 schools which shall include the following:

4311 (a) High expectations for students and high standards
4312 for all schools, with a focus on the basic curriculum;

4313 (b) Strong accountability for results with appropriate
4314 local flexibility for local implementation;



4315 (c) A process to implement accountability at both the
4316 school district level and the school level;

4317 (d) Individual schools shall be held accountable for
4318 student growth and performance;

4319 (e) Set annual performance standards for each of the
4320 schools of the state and measure the performance of each school
4321 against itself through the standard that has been set for it;

4322 (f) A determination of which schools exceed their
4323 standards and a plan for providing recognition and rewards to
4324 those schools;

4325 (g) A determination of which schools are failing to
4326 meet their standards and a determination of the appropriate role
4327 of the State Board of Education and the State Department of
4328 Education in providing assistance and initiating possible
4329 intervention. A failing district is a district that fails to meet
4330 both the absolute student achievement standards and the rate of
4331 annual growth expectation standards as set by the State Board of
4332 Education for two (2) consecutive years. The State Board of
4333 Education shall establish the level of benchmarks by which
4334 absolute student achievement and growth expectations shall be
4335 assessed. In setting the benchmarks for school districts, the
4336 State Board of Education may also take into account such factors
4337 as graduation rates, dropout rates, completion rates, the extent
4338 to which the school or district employs qualified teachers in
4339 every classroom, and any other factors deemed appropriate by the



4340 State Board of Education. The State Board of Education, acting
4341 through the State Department of Education, shall apply a simple
4342 "A," "B," "C," "D" and "F" designation to the current school and
4343 school district statewide accountability performance
4344 classification labels beginning with the State Accountability
4345 Results for the 2011-2012 school year and following, and in the
4346 school, district and state report cards required under state and
4347 federal law. Under the new designations, a school or school
4348 district that has earned a "Star" rating shall be designated an
4349 "A" school or school district; a school or school district that
4350 has earned a "High-Performing" rating shall be designated a "B"
4351 school or school district; a school or school district that has
4352 earned a "Successful" rating shall be designated a "C" school or
4353 school district; a school or school district that has earned an
4354 "Academic Watch" rating shall be designated a "D" school or school
4355 district; a school or school district that has earned a
4356 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
4357 be designated an "F" school or school district. Effective with
4358 the implementation of any new curriculum and assessment standards,
4359 the State Board of Education, acting through the State Department
4360 of Education, is further authorized and directed to change the
4361 school and school district accreditation rating system to a simple
4362 "A," "B," "C," "D," and "F" designation based on a combination of
4363 student achievement scores and student growth as measured by the
4364 statewide testing programs developed by the State Board of



4365 Education pursuant to Chapter 16, Title 37, Mississippi Code of
4366 1972. In any statute or regulation containing the former
4367 accreditation designations, the new designations shall be
4368 applicable;

4369 (h) Development of a comprehensive student assessment
4370 system to implement these requirements; and

4371 (i) The State Board of Education may, based on a
4372 written request that contains specific reasons for requesting a
4373 waiver from the school districts affected by Hurricane Katrina of
4374 2005, hold harmless school districts from assignment of district
4375 and school level accountability ratings for the 2005-2006 school
4376 year. The State Board of Education upon finding an extreme
4377 hardship in the school district may grant the request. It is the
4378 intent of the Legislature that all school districts maintain the
4379 highest possible academic standards and instructional programs in
4380 all schools as required by law and the State Board of Education.

4381 The State Board of Education may continue to assign school
4382 district performance levels by using a number classification and
4383 may assign individual school performance levels by using a number
4384 classification to be consistent with school district performance
4385 levels.

4386 (5) Nothing in this section shall be deemed to require a
4387 nonpublic school that receives no local, state or federal funds
4388 for support to become accredited by the State Board of Education.



4389 (6) The State Board of Education shall create an
4390 accreditation audit unit under the Commission on School
4391 Accreditation to determine whether schools are complying with
4392 accreditation standards.

4393 (7) The State Board of Education shall be specifically
4394 authorized and empowered to withhold adequate education program
4395 fund allocations, whichever is applicable, to any public school
4396 district for failure to timely report student, school personnel
4397 and fiscal data necessary to meet state and/or federal
4398 requirements.

4399 (8) Deleted.

4400 (9) The State Board of Education shall establish, for those
4401 school districts failing to meet accreditation standards, a
4402 program of development to be complied with in order to receive
4403 state funds, except as otherwise provided in subsection (14) of
4404 this section when the Governor has declared a state of emergency
4405 in a school district or as otherwise provided in Section 206,
4406 Mississippi Constitution of 1890. The state board, in
4407 establishing these standards, shall provide for notice to schools
4408 and sufficient time and aid to enable schools to attempt to meet
4409 these standards, unless procedures under subsection (14) of this
4410 section have been invoked.

4411 (10) Beginning July 1, 1998, the State Board of Education
4412 shall be charged with the implementation of the program of
4413 development in each applicable school district as follows:



4414 (a) Develop an impairment report for each district
4415 failing to meet accreditation standards in conjunction with school
4416 district officials;

4417 (b) Notify any applicable school district failing to
4418 meet accreditation standards that it is on probation until
4419 corrective actions are taken or until the deficiencies have been
4420 removed. The local school district shall develop a corrective
4421 action plan to improve its deficiencies. For district academic
4422 deficiencies, the corrective action plan for each such school
4423 district shall be based upon a complete analysis of the following:
4424 student test data, student grades, student attendance reports,
4425 student dropout data, existence and other relevant data. The
4426 corrective action plan shall describe the specific measures to be
4427 taken by the particular school district and school to improve:
4428 (i) instruction; (ii) curriculum; (iii) professional development;
4429 (iv) personnel and classroom organization; (v) student incentives
4430 for performance; (vi) process deficiencies; and (vii) reporting to
4431 the local school board, parents and the community. The corrective
4432 action plan shall describe the specific individuals responsible
4433 for implementing each component of the recommendation and how each
4434 will be evaluated. All corrective action plans shall be provided
4435 to the State Board of Education as may be required. The decision
4436 of the State Board of Education establishing the probationary
4437 period of time shall be final;



4438 (c) Offer, during the probationary period, technical
4439 assistance to the school district in making corrective actions.
4440 Beginning July 1, 1998, subject to the availability of funds, the
4441 State Department of Education shall provide technical and/or
4442 financial assistance to all such school districts in order to
4443 implement each measure identified in that district's corrective
4444 action plan through professional development and on-site
4445 assistance. Each such school district shall apply for and utilize
4446 all available federal funding in order to support its corrective
4447 action plan in addition to state funds made available under this
4448 paragraph;

4449 (d) Assign department personnel or contract, in its
4450 discretion, with the institutions of higher learning or other
4451 appropriate private entities with experience in the academic,
4452 finance and other operational functions of schools to assist
4453 school districts;

4454 (e) Provide for publication of public notice at least
4455 one time during the probationary period, in a newspaper published
4456 within the jurisdiction of the school district failing to meet
4457 accreditation standards, or if no newspaper is published therein,
4458 then in a newspaper having a general circulation therein. The
4459 publication shall include the following: declaration of school
4460 system's status as being on probation; all details relating to the
4461 impairment report; and other information as the State Board of
4462 Education deems appropriate. Public notices issued under this



4463 section shall be subject to Section 13-3-31 and not contrary to
4464 other laws regarding newspaper publication.

4465 (11) (a) If the recommendations for corrective action are
4466 not taken by the local school district or if the deficiencies are
4467 not removed by the end of the probationary period, the Commission
4468 on School Accreditation shall conduct a hearing to allow the
4469 affected school district to present evidence or other reasons why
4470 its accreditation should not be withdrawn. Additionally, if the
4471 local school district violates accreditation standards that have
4472 been determined by the policies and procedures of the State Board
4473 of Education to be a basis for withdrawal of school district's
4474 accreditation without a probationary period, the Commission on
4475 School Accreditation shall conduct a hearing to allow the affected
4476 school district to present evidence or other reasons why its
4477 accreditation should not be withdrawn. After its consideration of
4478 the results of the hearing, the Commission on School Accreditation
4479 shall be authorized, with the approval of the State Board of
4480 Education, to withdraw the accreditation of a public school
4481 district, and issue a request to the Governor that a state of
4482 emergency be declared in that district.

4483 (b) If the State Board of Education and the Commission
4484 on School Accreditation determine that an extreme emergency
4485 situation exists in a school district that jeopardizes the safety,
4486 security or educational interests of the children enrolled in the
4487 schools in that district and that emergency situation is believed



4488 to be related to a serious violation or violations of
4489 accreditation standards or state or federal law, or when a school
4490 district meets the State Board of Education's definition of a
4491 failing school district for two (2) consecutive full school years,
4492 or if more than fifty percent (50%) of the schools within the
4493 school district are designated as Schools At-Risk in any one (1)
4494 year, the State Board of Education may request the Governor to
4495 declare a state of emergency in that school district. For
4496 purposes of this paragraph, the declarations of a state of
4497 emergency shall not be limited to those instances when a school
4498 district's impairments are related to a lack of financial
4499 resources, but also shall include serious failure to meet minimum
4500 academic standards, as evidenced by a continued pattern of poor
4501 student performance.

4502 (c) Whenever the Governor declares a state of emergency
4503 in a school district in response to a request made under paragraph
4504 (a) or (b) of this subsection, the State Board of Education may
4505 take one or more of the following actions:

4506 (i) Declare a state of emergency, under which some
4507 or all of state funds can be escrowed except as otherwise provided
4508 in Section 206, Constitution of 1890, until the board determines
4509 corrective actions are being taken or the deficiencies have been
4510 removed, or that the needs of students warrant the release of
4511 funds. The funds may be released from escrow for any program
4512 which the board determines to have been restored to standard even



4513 though the state of emergency may not as yet be terminated for the
4514 district as a whole;

4515 (ii) Override any decision of the local school
4516 board or superintendent of education, or both, concerning the
4517 management and operation of the school district, or initiate and
4518 make decisions concerning the management and operation of the
4519 school district;

4520 (iii) Assign an interim conservator, or in its
4521 discretion, contract with a private entity with experience in the
4522 academic, finance and other operational functions of schools and
4523 school districts, who will have those powers and duties prescribed
4524 in subsection (14) of this section;

4525 (iv) Grant transfers to students who attend this
4526 school district so that they may attend other accredited schools
4527 or districts in a manner that is not in violation of state or
4528 federal law;

4529 (v) For states of emergency declared under
4530 paragraph (a) only, if the accreditation deficiencies are related
4531 to the fact that the school district is too small, with too few
4532 resources, to meet the required standards and if another school
4533 district is willing to accept those students, abolish that
4534 district and assign that territory to another school district or
4535 districts. If the school district has proposed a voluntary
4536 consolidation with another school district or districts, then if
4537 the State Board of Education finds that it is in the best interest



4538 of the pupils of the district for the consolidation to proceed,
4539 the voluntary consolidation shall have priority over any such
4540 assignment of territory by the State Board of Education;

4541 (vi) For states of emergency declared under
4542 paragraph (b) only, reduce local supplements paid to school
4543 district employees, including, but not limited to, instructional
4544 personnel, assistant teachers and extracurricular activities
4545 personnel, if the district's impairment is related to a lack of
4546 financial resources, but only to an extent that will result in the
4547 salaries being comparable to districts similarly situated, as
4548 determined by the State Board of Education;

4549 (vii) For states of emergency declared under
4550 paragraph (b) only, the State Board of Education may take any
4551 action as prescribed in Section 37-17-13.

4552 (d) At the time that satisfactory corrective action has
4553 been taken in a school district in which a state of emergency has
4554 been declared, the State Board of Education may request the
4555 Governor to declare that the state of emergency no longer exists
4556 in the district.

4557 (e) The parent or legal guardian of a school-age child
4558 who is enrolled in a school district whose accreditation has been
4559 withdrawn by the Commission on School Accreditation and without
4560 approval of that school district may file a petition in writing to
4561 a school district accredited by the Commission on School
4562 Accreditation for a legal transfer. The school district



4563 accredited by the Commission on School Accreditation may grant the
4564 transfer according to the procedures of Section 37-15-31(1)(b).
4565 In the event the accreditation of the student's home district is
4566 restored after a transfer has been approved, the student may
4567 continue to attend the transferee school district. The per-pupil
4568 amount of the adequate education program allotment, including the
4569 collective "add-on program" costs for the student's home school
4570 district shall be transferred monthly to the school district
4571 accredited by the Commission on School Accreditation that has
4572 granted the transfer of the school-age child.

4573 (f) Upon the declaration of a state of emergency for
4574 any school district in which the Governor has previously declared
4575 a state of emergency, the State Board of Education may either (i)
4576 establish a conservatorship or (ii) abolish the school district
4577 and administratively consolidate the school district with one or
4578 more existing school districts or (iii) reduce the size of the
4579 district and administratively consolidate parts of the district,
4580 as determined by the State Board of Education; provided, however,
4581 that no school district which is not under conservatorship shall
4582 be required to accept additional territory over the objection of
4583 the district.

4584 (g) There is established a Mississippi Recovery School
4585 District within the State Department of Education under the
4586 supervision of a deputy superintendent appointed by the State
4587 Superintendent of Public Education, who is subject to the approval



4588 by the State Board of Education. The Mississippi Recovery School
4589 District shall provide leadership and oversight of all school
4590 districts that are subject to state conservatorship, as defined in
4591 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
4592 have all the authority granted under these two (2) chapters. The
4593 Mississippi Department of Education, with the approval of the
4594 State Board of Education, shall develop policies for the operation
4595 and management of the Mississippi Recovery School District. The
4596 deputy state superintendent is responsible for the Mississippi
4597 Recovery School District and shall be authorized to oversee the
4598 administration of the Mississippi Recovery School District,
4599 oversee conservators assigned by the State Board of Education to a
4600 local school district, hear appeals from school districts under
4601 conservatorship that would normally be filed by students, parents
4602 or employees and heard by a local school board, which hearings on
4603 appeal shall be conducted in a prompt and timely manner in the
4604 school district from which the appeal originated in order to
4605 ensure the ability of appellants, other parties and witnesses to
4606 appeal without undue burden of travel costs or loss of time from
4607 work, and perform other related duties as assigned by the State
4608 Superintendent of Public Education. The deputy state
4609 superintendent is responsible for the Mississippi Recovery School
4610 District and shall determine, based on rigorous professional
4611 qualifications set by the State Board of Education, the
4612 appropriate individuals to be engaged to be conservators and



4613 financial advisors, if applicable, of all school districts subject
4614 to state conservatorship. After State Board of Education
4615 approval, these individuals shall be deemed independent
4616 contractors.

4617 (12) Upon the declaration of a state of emergency in a
4618 school district under subsection (11) of this section, the
4619 Commission on School Accreditation shall be responsible for public
4620 notice at least once a week for at least three (3) consecutive
4621 weeks in a newspaper published within the jurisdiction of the
4622 school district failing to meet accreditation standards, or if no
4623 newspaper is published therein, then in a newspaper having a
4624 general circulation therein. The size of the notice shall be no
4625 smaller than one-fourth (1/4) of a standard newspaper page and
4626 shall be printed in bold print. If a conservator has been
4627 appointed for the school district, the notice shall begin as
4628 follows: "By authority of Section 37-17-6, Mississippi Code of
4629 1972, as amended, adopted by the Mississippi Legislature during
4630 the 1991 Regular Session, this school district (name of school
4631 district) is hereby placed under the jurisdiction of the State
4632 Department of Education acting through its appointed conservator
4633 (name of conservator)."

4634 The notice also shall include, in the discretion of the State
4635 Board of Education, any or all details relating to the school
4636 district's emergency status, including the declaration of a state
4637 of emergency in the school district and a description of the



4638 district's impairment deficiencies, conditions of any
4639 conservatorship and corrective actions recommended and being
4640 taken. Public notices issued under this section shall be subject
4641 to Section 13-3-31 and not contrary to other laws regarding
4642 newspaper publication.

4643 Upon termination of the state of emergency in a school
4644 district, the Commission on School Accreditation shall cause
4645 notice to be published in the school district in the same manner
4646 provided in this section, to include any or all details relating
4647 to the corrective action taken in the school district that
4648 resulted in the termination of the state of emergency.

4649 (13) The State Board of Education or the Commission on
4650 School Accreditation shall have the authority to require school
4651 districts to produce the necessary reports, correspondence,
4652 financial statements, and any other documents and information
4653 necessary to fulfill the requirements of this section.

4654 Nothing in this section shall be construed to grant any
4655 individual, corporation, board or conservator the authority to
4656 levy taxes except in accordance with presently existing statutory
4657 provisions.

4658 (14) (a) Whenever the Governor declares a state of
4659 emergency in a school district in response to a request made under
4660 subsection (11) of this section, the State Board of Education, in
4661 its discretion, may assign an interim conservator to the school
4662 district, or in its discretion, may contract with an appropriate



4663 private entity with experience in the academic, finance and other
4664 operational functions of schools and school districts, who will be
4665 responsible for the administration, management and operation of
4666 the school district, including, but not limited to, the following
4667 activities:

4668 (i) Approving or disapproving all financial
4669 obligations of the district, including, but not limited to, the
4670 employment, termination, nonrenewal and reassignment of all
4671 licensed and nonlicensed personnel, contractual agreements and
4672 purchase orders, and approving or disapproving all claim dockets
4673 and the issuance of checks; in approving or disapproving
4674 employment contracts of superintendents, assistant superintendents
4675 or principals, the interim conservator shall not be required to
4676 comply with the time limitations prescribed in Sections 37-9-15
4677 and 37-9-105;

4678 (ii) Supervising the day-to-day activities of the
4679 district's staff, including reassigning the duties and
4680 responsibilities of personnel in a manner which, in the
4681 determination of the conservator, will best suit the needs of the
4682 district;

4683 (iii) Reviewing the district's total financial
4684 obligations and operations and making recommendations to the
4685 district for cost savings, including, but not limited to,
4686 reassigning the duties and responsibilities of staff;



4687 (iv) Attending all meetings of the district's
4688 school board and administrative staff;

4689 (v) Approving or disapproving all athletic, band
4690 and other extracurricular activities and any matters related to
4691 those activities;

4692 (vi) Maintaining a detailed account of
4693 recommendations made to the district and actions taken in response
4694 to those recommendations;

4695 (vii) Reporting periodically to the State Board of
4696 Education on the progress or lack of progress being made in the
4697 district to improve the district's impairments during the state of
4698 emergency; and

4699 (viii) Appointing a parent advisory committee,
4700 comprised of parents of students in the school district that may
4701 make recommendations to the conservator concerning the
4702 administration, management and operation of the school district.

4703 Except when, in the determination of the State Board of
4704 Education, the school district's impairment is related to a lack
4705 of financial resources, the cost of the salary of the conservator
4706 and any other actual and necessary costs related to the
4707 conservatorship paid by the State Department of Education shall be
4708 reimbursed by the local school district from funds other than
4709 adequate education program funds. The department shall submit an
4710 itemized statement to the superintendent of the local school



4711 district for reimbursement purposes, and any unpaid balance may be
4712 withheld from the district's adequate education program funds.

4713 At the time that the Governor, in accordance with the request
4714 of the State Board of Education, declares that the state of
4715 emergency no longer exists in a school district, the powers and
4716 responsibilities of the interim conservator assigned to the
4717 district shall cease.

4718 (b) In order to provide loans to school districts under
4719 a state of emergency or under conservatorship that have
4720 impairments related to a lack of financial resources, the School
4721 District Emergency Assistance Fund is created as a special fund in
4722 the State Treasury into which monies may be transferred or
4723 appropriated by the Legislature from any available public
4724 education funds. Funds in the School District Emergency
4725 Assistance Fund up to a maximum balance of Three Million Dollars
4726 (\$3,000,000.00) annually shall not lapse but shall be available
4727 for expenditure in subsequent years subject to approval of the
4728 State Board of Education. Any amount in the fund in excess of
4729 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
4730 year shall lapse into the State General Fund or the Education
4731 Enhancement Fund, depending on the source of the fund.

4732 The State Board of Education may loan monies from the School
4733 District Emergency Assistance Fund to a school district that is
4734 under a state of emergency or under conservatorship, in those
4735 amounts, as determined by the board, that are necessary to correct



4736 the district's impairments related to a lack of financial
4737 resources. The loans shall be evidenced by an agreement between
4738 the school district and the State Board of Education and shall be
4739 repayable in principal, without necessity of interest, to the
4740 School District Emergency Assistance Fund * * * by the school
4741 district from any allowable funds that are available. The total
4742 amount loaned to the district shall be due and payable within five
4743 (5) years after the impairments related to a lack of financial
4744 resources are corrected. If a school district fails to make
4745 payments on the loan in accordance with the terms of the agreement
4746 between the district and the State Board of Education, the State
4747 Department of Education, in accordance with rules and regulations
4748 established by the State Board of Education, may withhold that
4749 district's adequate education program funds in an amount and
4750 manner that will effectuate repayment consistent with the terms of
4751 the agreement; the funds withheld by the department shall be
4752 deposited into the School District Emergency Assistance Fund.

4753 The State Board of Education shall develop a protocol that
4754 will outline the performance standards and requisite time line
4755 deemed necessary for extreme emergency measures. If the State
4756 Board of Education determines that an extreme emergency exists,
4757 simultaneous with the powers exercised in this subsection, it
4758 shall take immediate action against all parties responsible for
4759 the affected school districts having been determined to be in an
4760 extreme emergency. The action shall include, but not be limited



4761 to, initiating civil actions to recover funds and criminal actions
4762 to account for criminal activity. Any funds recovered by the
4763 State Auditor or the State Board of Education from the surety
4764 bonds of school officials or from any civil action brought under
4765 this subsection shall be applied toward the repayment of any loan
4766 made to a school district hereunder.

4767 (15) If a majority of the membership of the school board of
4768 any school district resigns from office, the State Board of
4769 Education shall be authorized to assign an interim conservator,
4770 who shall be responsible for the administration, management and
4771 operation of the school district until the time as new board
4772 members are selected or the Governor declares a state of emergency
4773 in that school district under subsection (11), whichever occurs
4774 first. In that case, the State Board of Education, acting through
4775 the interim conservator, shall have all powers which were held by
4776 the previously existing school board, and may take any action as
4777 prescribed in Section 37-17-13 and/or one or more of the actions
4778 authorized in this section.

4779 (16) (a) If the Governor declares a state of emergency in a
4780 school district, the State Board of Education may take all such
4781 action pertaining to that school district as is authorized under
4782 subsection (11) or (14) of Section 37-17-6, including the
4783 appointment of an interim conservator. The State Board of
4784 Education shall also have the authority to issue a written request
4785 with documentation to the Governor asking that the office of the



4786 superintendent of the school district be subject to recall. If
4787 the Governor declares that the office of the superintendent of the
4788 school district is subject to recall, the local school board or
4789 the county election commission, as the case may be, shall take the
4790 following action:

4791 (i) If the office of superintendent is an elected
4792 office, in those years in which there is no general election, the
4793 name shall be submitted by the State Board of Education to the
4794 county election commission, and the county election commission
4795 shall submit the question at a special election to the voters
4796 eligible to vote for the office of superintendent within the
4797 county, and the special election shall be held within sixty (60)
4798 days from notification by the State Board of Education. The
4799 ballot shall read substantially as follows:

4800 "Shall County Superintendent of Education _____ (here the
4801 name of the superintendent shall be inserted) of the _____
4802 (here the title of the school district shall be inserted) be
4803 retained in office? Yes _____ No _____"

4804 If a majority of those voting on the question votes against
4805 retaining the superintendent in office, a vacancy shall exist
4806 which shall be filled in the manner provided by law; otherwise,
4807 the superintendent shall remain in office for the term of that
4808 office, and at the expiration of the term shall be eligible for
4809 qualification and election to another term or terms.



4810 (ii) If the office of superintendent is an
4811 appointive office, the name of the superintendent shall be
4812 submitted by the president of the local school board at the next
4813 regular meeting of the school board for retention in office or
4814 dismissal from office. If a majority of the school board voting
4815 on the question vote against retaining the superintendent in
4816 office, a vacancy shall exist which shall be filled as provided by
4817 law, otherwise the superintendent shall remain in office for the
4818 duration of his employment contract.

4819 (b) The State Board of Education may issue a written
4820 request with documentation to the Governor asking that the
4821 membership of the school board of the school district shall be
4822 subject to recall. Whenever the Governor declares that the
4823 membership of the school board is subject to recall, the county
4824 election commission or the local governing authorities, as the
4825 case may be, shall take the following action:

4826 (i) If the members of the local school board are
4827 elected to office, in those years in which the specific member's
4828 office is not up for election, the name of the school board member
4829 shall be submitted by the State Board of Education to the county
4830 election commission, and the county election commission at a
4831 special election shall submit the question to the voters eligible
4832 to vote for the particular member's office within the county or
4833 school district, as the case may be, and the special election
4834 shall be held within sixty (60) days from notification by the



4835 State Board of Education. The ballot shall read substantially as
4836 follows:

4837 "Members of the _____ (here the title of the school
4838 district shall be inserted) School Board who are not up for
4839 election this year are subject to recall because of the school
4840 district's failure to meet critical accountability standards as
4841 defined in the letter of notification to the Governor from the
4842 State Board of Education. Shall the member of the school board
4843 representing this area, _____ (here the name of the school
4844 board member holding the office shall be inserted), be retained in
4845 office? Yes _____ No _____"

4846 If a majority of those voting on the question vote against
4847 retaining the member of the school board in office, a vacancy in
4848 that board member's office shall exist, which shall be filled in
4849 the manner provided by law; otherwise, the school board member
4850 shall remain in office for the term of that office, and at the
4851 expiration of the term of office, the member shall be eligible for
4852 qualification and election to another term or terms of office.
4853 However, if a majority of the school board members are recalled in
4854 the special election, the Governor shall authorize the board of
4855 supervisors of the county in which the school district is situated
4856 to appoint members to fill the offices of the members recalled.
4857 The board of supervisors shall make those appointments in the
4858 manner provided by law for filling vacancies on the school board,



4859 and the appointed members shall serve until the office is filled
4860 at the next regular special election or general election.

4861 (ii) If the local school board is an appointed
4862 school board, the name of all school board members shall be
4863 submitted as a collective board by the president of the municipal
4864 or county governing authority, as the case may be, at the next
4865 regular meeting of the governing authority for retention in office
4866 or dismissal from office. If a majority of the governing
4867 authority voting on the question vote against retaining the board
4868 in office, a vacancy shall exist in each school board member's
4869 office, which shall be filled as provided by law; otherwise, the
4870 members of the appointed school board shall remain in office for
4871 the duration of their term of appointment, and those members may
4872 be reappointed.

4873 (iii) If the local school board is comprised of
4874 both elected and appointed members, the elected members shall be
4875 subject to recall in the manner provided in subparagraph (i) of
4876 this subsection, and the appointed members shall be subject to
4877 recall in the manner provided in subparagraph (ii).

4878 (17) Beginning with the school district audits conducted for
4879 the 1997-1998 fiscal year, the State Board of Education, acting
4880 through the Commission on School Accreditation, shall require each
4881 school district to comply with standards established by the State
4882 Department of Audit for the verification of fixed assets and the



4883 auditing of fixed assets records as a minimum requirement for
4884 accreditation.

4885 (18) Before December 1, 1999, the State Board of Education
4886 shall recommend a program to the Education Committees of the House
4887 of Representatives and the Senate for identifying and rewarding
4888 public schools that improve or are high performing. The program
4889 shall be described by the board in a written report, which shall
4890 include criteria and a process through which improving schools and
4891 high-performing schools will be identified and rewarded.

4892 The State Superintendent of Public Education and the State
4893 Board of Education also shall develop a comprehensive
4894 accountability plan to ensure that local school boards,
4895 superintendents, principals and teachers are held accountable for
4896 student achievement. A written report on the accountability plan
4897 shall be submitted to the Education Committees of both houses of
4898 the Legislature before December 1, 1999, with any necessary
4899 legislative recommendations.

4900 (19) Before January 1, 2008, the State Board of Education
4901 shall evaluate and submit a recommendation to the Education
4902 Committees of the House of Representatives and the Senate on
4903 inclusion of graduation rate and dropout rate in the school level
4904 accountability system.

4905 (20) If a local school district is determined as failing and
4906 placed into conservatorship for reasons authorized by the
4907 provisions of this section, the conservator appointed to the



4908 district shall, within forty-five (45) days after being appointed,
4909 present a detailed and structured corrective action plan to move
4910 the local school district out of conservatorship status to the
4911 local school board and local superintendent of education if they
4912 have not been removed by the conservator, or if the board and
4913 superintendent have been removed, to the local governing authority
4914 of the municipality or county in which the school district under
4915 conservatorship is located. A copy of the conservator's
4916 corrective action plan shall also be filed with the State Board of
4917 Education.

4918 **SECTION 69.** Section 37-18-1, Mississippi Code of 1972, is
4919 amended as follows:

4920 37-18-1. (1) The State Board of Education shall establish,
4921 design and implement a Superior-Performing Schools Program and an
4922 Exemplary Schools Program for identifying and rewarding public
4923 schools, including charter schools, that improve. The State Board
4924 of Education shall develop rules and regulations for the program,
4925 establish criteria and establish a process through which
4926 Superior-Performing and Exemplary Schools will be identified and
4927 rewarded. Upon full implementation of the statewide testing
4928 program, Superior-Performing, Exemplary or School At-Risk
4929 designation shall be made by the State Board of Education in
4930 accordance with the following:

4931 (a) A growth expectation will be established by testing
4932 students annually and, using a psychometrically approved formula,



4933 by tracking their progress. This growth expectation will result
4934 in a composite score each year for each school.

4935 (b) A determination will be made as to the percentage
4936 of students proficient in each school. This measurement will
4937 define what a student must know in order to be deemed proficient
4938 at each grade level and will clearly show how well a student is
4939 performing. The definition of proficiency shall be developed for
4940 each grade, based on a demonstrated range of performance in
4941 relation to content as reflected in the Mississippi Curriculum
4942 Frameworks. This range of performance must be established through
4943 a formal procedure including educators, parents, community leaders
4944 and other stakeholders.

4945 (c) A school has the following two (2) methods for
4946 designation as either a Superior-Performing or an Exemplary
4947 School, to be determined on an annual basis:

4948 (i) A school exceeds its growth expectation by a
4949 percentage established by the State Board of Education; or

4950 (ii) A school achieves the grade level proficiency
4951 standard established by the State Board of Education.

4952 Any school designated as a School At-Risk which exceeds its
4953 growth expectation by a percentage established by the State Board
4954 of Education shall no longer be considered a School At-Risk and
4955 shall be eligible for monetary awards under this section.

4956 (2) Superior-Performing and Exemplary Schools may apply to
4957 the State Board of Education for monetary incentives to be used



4958 for selected school needs, as identified by a vote of all licensed
4959 and instructional personnel employed at the school. These
4960 incentive funds may be used for specific school needs, including,
4961 but not limited to:

4962 (a) Funding for professional development activities.
4963 Staff participating in such activities will report to the school
4964 and school district or, in the case of a charter school, the
4965 governing board of the school about the benefits and lessons
4966 learned from such training;

4967 (b) Technology needs;

4968 (c) Sabbaticals for teachers or administrators, or
4969 both, to pursue additional professional development or educational
4970 enrichment;

4971 (d) Paid professional leave;

4972 (e) Training for parents, including, but not limited
4973 to, the following:

4974 (i) Curriculum;

4975 (ii) Chapter 1;

4976 (iii) Special need students;

4977 (iv) Student rights and responsibility;

4978 (v) School and community relations;

4979 (vi) Effective parenting.

4980 All funds awarded under this subsection shall be subject to
4981 specific appropriation therefor by the Legislature.



4982 (3) The State Board of Education shall provide special
4983 recognition to all schools receiving Superior-Performing or
4984 Exemplary designation and, in the case of noncharter public
4985 schools, their school districts. Examples of such recognition
4986 include, but are not limited to: public announcements and events;
4987 special recognition of student progress and effort; certificates
4988 of recognition and plaques for teachers, principals,
4989 superintendents, support and classified personnel and parents; and
4990 media announcements utilizing the services of Mississippi
4991 Educational Television.

4992 **SECTION 70.** Section 37-21-3, Mississippi Code of 1972, is
4993 amended as follows:

4994 37-21-3. (1) No person shall act in the capacity of
4995 teacher, assistant teacher or teacher's aide in any federal or
4996 state funded program of early childhood education or "Headstart,"
4997 or perform any of the functions, duties or powers of the same,
4998 unless that person shall be qualified in the following manner:

4999 (a) A head teacher or any other employee or consultant
5000 receiving a salary or fee equivalent to that of a head teacher,
5001 shall possess a college degree or its equivalent.

5002 (b) A teacher shall possess a full junior college or
5003 two (2) years of college education or its equivalent.

5004 (c) An assistant teacher shall possess a high school
5005 diploma or its equivalent.



5006 (d) A teacher's aide shall possess an eighth-grade
5007 education or its equivalent.

5008 (2) Persons employed as a teacher, assistant teacher or in
5009 any other capacity in a prekindergarten or early childhood
5010 education program in a charter school authorized by the
5011 Mississippi Charter School Authorizer Board are exempt from the
5012 requirements of this section.

5013 **SECTION 71.** Section 37-41-1, Mississippi Code of 1972, is
5014 amended as follows:

5015 37-41-1. The State Board of Education is authorized,
5016 empowered and directed to promulgate rules and regulations
5017 relating to the transportation of students enrolled in the public
5018 school districts, including rules and regulations for:

5019 (a) Setting standards for public school district bus
5020 routes;

5021 (b) Setting standards for public school district buses;

5022 (c) Setting standards for public school district bus
5023 drivers;

5024 (d) Formulating procedure for selecting public school
5025 district bus drivers;

5026 (e) Formulating courses of training for public school
5027 district bus drivers and mechanics, and assist in administering
5028 and financing such courses;

5029 (f) Providing operation procedure for public school
5030 district buses to insure safety of pupils;



5031 (g) Formulating specifications for use in purchasing
5032 public school district buses; getting bids on public school
5033 district buses; equipment and supplies; and fixing prices based
5034 upon said bids which school districts may not exceed in purchasing
5035 said equipment;

5036 (h) Formulating specifications for use by school
5037 districts in purchasing used school buses; and

5038 (i) Providing a system of records and reports for the
5039 purpose of carrying out the provisions of Sections 37-41-1 through
5040 37-41-51, and providing the superintendent of schools with a
5041 sufficient supply of report forms.

5042 All rules and regulations adopted and promulgated by the
5043 State Board of Education relating to school district bus drivers
5044 shall also be applicable to drivers of privately owned buses
5045 transporting public school district children.

5046 All rules and regulations adopted and promulgated by the
5047 State Board of Education pursuant to the authority conferred by
5048 this section shall be spread at large upon the minutes of the
5049 State Board of Education and copies thereof shall be furnished to
5050 all school boards not less than thirty (30) days prior to the
5051 effective date of such rules and regulations.

5052 The provisions of this chapter are applicable to school
5053 districts and the transportation of students enrolled in public
5054 school districts. Charter schools authorized by the Mississippi



5055 Charter School Authorizer Board are exempt from the provisions of
5056 this chapter

5057 **SECTION 72.** Section 37-41-3, Mississippi Code of 1972, is
5058 amended as follows:

5059 37-41-3. Pupils of legal school age, which shall include
5060 kindergarten pupils, and in actual attendance in the public
5061 schools who live a distance of one (1) mile or more by the nearest
5062 traveled road from the school to which they are assigned by the
5063 school district in which they are enrolled shall be entitled to
5064 transportation within the meaning of this chapter. Nothing
5065 contained in this section shall be construed to bar any child from
5066 such transportation where he or she lives less than one (1) mile
5067 and is on the regular route of travel of a school bus and space is
5068 available in such bus for such transportation. No state funds
5069 shall be paid for the transportation of children living within one
5070 (1) mile of the school, except as otherwise provided in this
5071 chapter, and such children shall not be included in transportation
5072 reports. In the development of route plans, economy shall be a
5073 prime consideration. There shall be no duplication of routes
5074 except in circumstances where it is totally unavoidable. The
5075 State Department of Education shall have authority to investigate
5076 school bus routing when there is reason to believe the provisions
5077 of this statute are being violated. The State Board of Education
5078 shall have authority to withhold transportation funds when school
5079 districts fail to correct unnecessary route duplication. Provided



5080 further, that all school districts are hereby authorized to lease
5081 or contract with any public or private individual, partnership,
5082 corporation, association, agency or other organization for the
5083 implementation of transportation of pupils as provided for in this
5084 section.

5085 The school boards may provide transportation to such crippled
5086 and physically handicapped children as may be designated by such
5087 boards, when the failure to do so would result in undue hardship,
5088 even though the children are not otherwise entitled to
5089 transportation under the provisions of this chapter. The State
5090 Department of Education shall require all school districts during
5091 the 1993-1994 school year to equip school buses with properly
5092 designed seat belts to protect such physically handicapped
5093 children, and school districts are authorized to expend funds
5094 therefor from nonminimum program or other sources.

5095 Where space is available, students attending junior colleges
5096 shall be allowed transportation on established routes in
5097 district-owned buses. However, no additional funds shall be
5098 allocated or expended for such purposes, and such persons shall
5099 not be included in transportation reports.

5100 Children enrolled in special or alternative programs approved
5101 by school boards may be provided transportation even though such
5102 children are not otherwise entitled to transportation under the
5103 provisions of this chapter. No additional funds shall be



5104 allocated or expended for such purpose, and such children shall
5105 not be included in transportation reports.

5106 **SECTION 73.** Section 37-41-23, Mississippi Code of 1972, is
5107 amended as follows:

5108 37-41-23. The State Board of Education shall prescribe
5109 keeping and preservation of all records and the making of all
5110 reports and the description thereof as the board may deem
5111 necessary for the efficient operation of the school district
5112 transportation system of this state. It shall be unlawful for any
5113 pay certificate to be issued to any school district carrier or bus
5114 driver until all such reports required by the regulations of the
5115 State Board of Education shall have been filed in accordance with
5116 said regulations. Any person making a false list, report, or
5117 record required by the aforesaid rules and regulations of the
5118 State Board of Education shall be subject to the penalties
5119 provided by Section 37-41-25.

5120 **SECTION 74.** Section 37-41-25, Mississippi Code of 1972, is
5121 brought forward as follows:

5122 37-41-25. Any superintendent of schools, member of the
5123 school board, superintendent, principal or carrier, or bus driver,
5124 who shall knowingly make any false report, list or record, or who
5125 shall knowingly make use of any false report, list or record
5126 concerning the number of school children being transported or
5127 entitled to be transported in any county or school district shall
5128 be guilty of a misdemeanor and upon conviction shall be punished



5129 by imprisonment in the county jail for a period not to exceed
5130 sixty (60) days, or by a fine of not less than One Hundred Dollars
5131 (\$100.00) nor more than Three Hundred Dollars (\$300.00), or by
5132 both such fine and imprisonment, in the discretion of the court.
5133 In addition, any such person shall be civilly liable for all
5134 amounts of public funds which are illegally, unlawfully or
5135 wrongfully expended or paid out by virtue of or pursuant to such
5136 false report, list or record, and upon conviction or adjudication
5137 of civil liability hereunder such person shall forfeit his license
5138 to teach for a period of three (3) years, if such person is the
5139 holder of such a license. Any suit to recover such funds
5140 illegally, unlawfully, or wrongfully expended or paid out may be
5141 brought in the name of the State of Mississippi by the Attorney
5142 General or the proper district attorney or county attorney. In
5143 the event such suit be brought against a person who is under bond,
5144 the sureties upon such bond shall likewise be liable for such
5145 amount illegally, unlawfully or wrongfully expended or paid out.

5146 **SECTION 75.** Section 37-41-31, Mississippi Code of 1972, is
5147 amended as follows:

5148 37-41-31. In each case where pupils are transported to and
5149 from the public schools in the school districts of this state in
5150 privately owned vehicles, the contract for such transportation
5151 shall be let to the lowest responsible bidder who is able to
5152 furnish a solvent bond for the faithful performance of his
5153 contract. This shall be done after each route over which such



5154 pupils are to be transported has been laid out and established as
5155 provided in this chapter. Such contracts shall be awarded upon
5156 receipt of sealed bids or proposals after the time and place of
5157 letting such contracts and the manner of bidding have been duly
5158 advertised in some newspaper published in the county in accordance
5159 with the procedures provided in Section 31-7-13(c). If no
5160 newspaper is published in the county, then the advertisement shall
5161 be made by publication for the required time in some newspaper
5162 having a general circulation therein, and, in addition, by posting
5163 a copy thereof for that time in at least three (3) public places
5164 in the county, one (1) of which shall be at the county courthouse
5165 in each judicial district of the county. The awarding of all such
5166 contracts shall, however, in all respects be subject to the
5167 provisions of Section 37-41-29.

5168 Private contracts for the transportation of exceptional
5169 children, as defined in Section 37-23-3, may be negotiated by the
5170 local school board without the necessity of the advertising for or
5171 taking of bids. The same may apply under extraordinary
5172 circumstances where regular transportation is considered to be
5173 impractical. The local school board may negotiate and contract
5174 for the transportation described in this paragraph so long as the
5175 local school board complies with the school transportation
5176 regulations promulgated by the State Board of Education.

5177 Contracts shall be made for four (4) years, at the discretion
5178 of the local school board. Any and all bids may be rejected. At



5179 the expiration of any transportation contract, if the school board
5180 believes a route should remain substantially as established and
5181 finds that the carrier thereon has rendered efficient and
5182 satisfactory services it may extend the contract for not more than
5183 four (4) years, subject, however, to the provisions of Section
5184 37-41-29.

5185 **SECTION 76.** Section 37-41-43, Mississippi Code of 1972, is
5186 amended as follows:

5187 37-41-43. All publicly owned school district buses which are
5188 hereafter acquired, and all publicly owned school district buses
5189 which shall hereafter be repainted, whether presently owned or
5190 hereafter acquired, and all publicly owned school district buses
5191 which do not have the name of the county or school district owning
5192 same painted thereon, whether such buses be owned by the county or
5193 a school district, shall have painted on both sides thereof the
5194 name of the county or school district owning same. Such words
5195 shall be painted on each such bus in letters at least five (5)
5196 inches in height and in a color which is in contrast with the
5197 color of the vehicle.

5198 **SECTION 77.** Section 37-41-45, Mississippi Code of 1972, is
5199 amended as follows:

5200 37-41-45. It shall be a misdemeanor for any person to use a
5201 publicly owned school district bus for any purpose other than one
5202 in connection with the school, and upon conviction thereof such
5203 person shall be fined not less than Fifty Dollars (\$50.00). When



5204 any publicly owned school district bus is being operated on the
5205 public roads or highways at a time other than the usual and
5206 customary time for the transportation of children to and from the
5207 public schools, members of the Highway Safety Patrol, sheriffs,
5208 constables and other peace officers shall have the power and
5209 authority to stop such bus for the purpose of ascertaining whether
5210 the trip then being made is authorized by law. If it be found
5211 that such trip is unauthorized, such highway patrolman, sheriff,
5212 constable or other peace or police officer shall forthwith report
5213 the same to the school board owning such bus and to the State
5214 Department of Education.

5215 **SECTION 78.** Section 37-41-49, Mississippi Code of 1972, is
5216 amended as follows:

5217 37-41-49. In case of any violation by a school district bus
5218 driver or carrier of the safety regulations established by the
5219 State Board of Education, such violation shall be deemed a
5220 misdemeanor and such offender may be punished as provided in
5221 Section 37-41-47.

5222 **SECTION 79.** Section 37-41-53, Mississippi Code of 1972, is
5223 amended as follows:

5224 37-41-53. (1) Each school board, person, firm or
5225 corporation transporting public school district children on the
5226 public roads, streets and highways of the state with motor
5227 vehicles shall have the motor vehicles inspected according to the
5228 laws of the state. Each motor vehicle shall be inspected by a



5229 competent mechanic to be safe for transporting pupils on the
5230 roads, streets and highways of the state before it is released for
5231 such purpose. If such motor vehicle is found to be unsafe for
5232 transporting pupils, then it shall be properly repaired or
5233 adjusted as necessary before being used to transport pupils. The
5234 provisions of this subsection shall not apply to vehicles owned by
5235 individuals and under private contract to the school district and
5236 used exclusively for transporting members of their immediate
5237 families.

5238 (2) The State Department of Education may inspect, at its
5239 discretion, any school bus used for transporting school district
5240 pupils to and from the public schools or for activity purposes to
5241 determine the safety of such motor vehicle for operation on the
5242 roads, streets and highways of this state. In the event a vehicle
5243 is inspected and is found to be unsafe for transporting pupils, a
5244 report shall be filed with the appropriate school district
5245 official indicating its deficiencies with recommendations for
5246 correcting such deficiencies.

5247 (3) If it is determined that any school district buses are
5248 in such defective condition as to constitute an emergency safety
5249 hazard, those buses may be condemned and removed from service and
5250 shall not be returned to service until adequate repairs are
5251 completed and such buses are reinspected by the State Department
5252 of Education. Any school district official who approves the
5253 operation of any school bus that has been removed from service



5254 under the conditions listed above, prior to being reinspected by
5255 the State Department of Education, shall be guilty of a
5256 misdemeanor and upon conviction shall be punished by imprisonment
5257 in the county jail for a period not to exceed sixty (60) days, or
5258 a fine of not less than Five Hundred Dollars (\$500.00) nor more
5259 than One Thousand Dollars (\$1,000.00), or by both such fine and
5260 imprisonment, in the discretion of the court.

5261 **SECTION 80.** Section 37-41-57, Mississippi Code of 1972, is
5262 brought forward as follows:

5263 37-41-57. The State Board of Education shall adopt and
5264 enforce regulations not inconsistent with the traffic laws and
5265 regulations of this state to govern the design and operation of
5266 all school buses used for the transportation of school children
5267 when owned and operated by any school board or privately owned and
5268 operated under contract with any school board in this state. Such
5269 regulations shall by reference be made a part of any such contract
5270 with a school board. Every school board, its officers and
5271 employees, and every person employed under contract by a school
5272 board shall be subject to said regulations.

5273 Any officer or employee of any school board who violates any
5274 of said regulations or fails to include the obligation to comply
5275 with said regulations in any contract executed by them on behalf
5276 of a school board shall be guilty of misconduct and subject to
5277 removal from office or employment. Any person operating a school
5278 bus under a contract with a school board who fails to comply with



5279 any of said regulations shall be guilty of breach of contract and
5280 such contract shall be cancelled after notice and hearing by the
5281 responsible officers of such school board.

5282 **SECTION 81.** Section 37-43-1, Mississippi Code of 1972, is
5283 amended as follows:

5284 37-43-1. (1) This chapter is intended to furnish a plan for
5285 the adoption, purchase, distribution, care and use of free
5286 textbooks to be loaned to the pupils in all elementary and high
5287 schools, other than charter schools, of Mississippi.

5288 (2) The books herein provided by the State Board of
5289 Education, which shall be the State Textbook Procurement
5290 Commission, shall be distributed and loaned free of cost to the
5291 children of the free public * * * school districts of the state
5292 and of all other schools located in the state, which maintain
5293 educational standards equivalent to the standards established by
5294 the State Department of Education for the state schools as
5295 outlined in the Approval Requirements of the State Board of
5296 Education for Nonpublic Schools.

5297 (3) Teachers shall permit all pupils in all grades of any
5298 public school in any school district to carry to their homes for
5299 home study, the free textbooks loaned to them, and any other
5300 regular textbooks whether they be free textbooks or not.

5301 (4) For the purposes of this chapter, the term "board" shall
5302 mean the State Board of Education.



5303 (5) "Textbook" shall be defined as any medium or manual of
5304 instruction which contains a systematic presentation of the
5305 principles of a subject and which constitutes a major
5306 instructional vehicle for that subject.

5307 (6) In addition to the authority granted in this chapter,
5308 local school boards shall make available to the parents or legal
5309 guardians of any children of school age who reside in the school
5310 district administered by the school board, upon request, any
5311 textbooks on the state surplus inventory list. The parent or
5312 legal guardian is responsible for the return of the textbook(s) to
5313 the local school district upon completion of the textbook(s) use.
5314 Failure to return the textbook(s) to the school district will
5315 result in the parents or legal guardians being responsible for
5316 compensating the school district for the fair market value of the
5317 textbook(s).

5318 **SECTION 82.** Section 37-43-39, Mississippi Code of 1972, is
5319 brought forward as follows:

5320 37-43-39. No teacher in any of the schools of the state, and
5321 no county or municipal superintendent of schools, and no person
5322 officially connected with the government of or direction of any
5323 school shall, during the term of his office as said superintendent
5324 or during the time of his or her employment as teacher, act as
5325 agent or attorney for any textbook publishing company selling
5326 textbooks in this state. If, after election as county or
5327 municipal superintendent or employment as teacher, any person



5328 filling such position accepts the agency or attorneyship of any
5329 textbook publishing company, the acceptance of such agency or
5330 attorneyship shall work a forfeiture of the office or position as
5331 teacher held at the time of the acceptance of such agency or
5332 attorneyship.

5333 **SECTION 83.** Section 37-45-23, Mississippi Code of 1972, is
5334 amended as follows:

5335 37-45-23. Subject to the provisions of any applicable
5336 statute, the commission shall formulate policies and approve or
5337 disapprove plans for the location and construction of all
5338 necessary elementary and secondary noncharter public school
5339 buildings.

5340 **SECTION 84.** Section 37-47-9, Mississippi Code of 1972, is
5341 amended as follows:

5342 37-47-9. It is found and determined that the state should
5343 make an annual grant of Twenty-four Dollars (\$24.00) for each
5344 child in average daily attendance in the public schools of the
5345 various school districts of this state during each school year,
5346 and that such monies should be applied for the purpose of
5347 establishing and maintaining adequate physical facilities for the
5348 public school * * * district and/or the payment of existing debt
5349 therefor.

5350 The grant to which * * * each public school is entitled under
5351 the provisions of this section shall be credited to the school
5352 district of which such school is part. If any change is made in



5353 the operation or boundaries of any such school district, equitable
5354 reallocations shall be made by the commission of all balances to
5355 the credit of such school district, and all debits charged against
5356 the districts affected by the change in the boundaries or system
5357 of operation. The obligation of the state to make remittance of
5358 the sums appropriated or otherwise provided to make the annual
5359 grants provided by this section shall be subordinate to the pledge
5360 made to secure the state school bonds authorized under this
5361 chapter and the sinking fund created for their retirement. The
5362 grants shall be computed annually as soon as practicable after the
5363 end of the school year, and shall be based on the average daily
5364 attendance for such school year in all of the public schools
5365 operated by each school district as determined by the State
5366 Department of Education.

5367 **SECTION 85.** Section 37-143-11, Mississippi Code of 1972, is
5368 amended as follows:

5369 37-143-11. (1) It is the intention of the Legislature to
5370 attract and retain qualified teachers by awarding incentive loans
5371 to persons declaring an intention to serve in the teaching field
5372 and who actually render service to the state while possessing an
5373 appropriate teaching license.

5374 (2) There is established the "William F. Winter Teacher
5375 Scholar Loan Program."

5376 (3) To the extent of appropriations available, students who
5377 are enrolled in any baccalaureate degree-granting institution of



5378 higher learning in the State of Mississippi accredited by the
5379 Southern Association of Colleges and Schools and approved by the
5380 Mississippi Commission on College Accreditation, or any accredited
5381 nonprofit community or junior college, and who have expressed in
5382 writing a present intention to teach in Mississippi, shall be
5383 eligible for student loans to be applied to the costs of their
5384 college education. Persons who have been admitted to a teacher
5385 education program or a nontraditional teacher internship licensure
5386 program authorized under Section 37-3-2(6)(b), as approved by the
5387 State Board of Education, shall also qualify for loans at approved
5388 institutions. The Board of Trustees of State Institutions of
5389 Higher Learning shall provide that teacher education majors and
5390 noneducation majors shall have equal access to scholarship/loans
5391 under authority of this section.

5392 (4) A freshman establishing initial eligibility shall be
5393 eligible for a maximum of four (4) annual loans and a senior shall
5394 be eligible for one (1) annual loan.

5395 (5) The maximum annual loan shall be set by the Board of
5396 Trustees of State Institutions of Higher Learning at an amount not
5397 to exceed the cost of attendance at any baccalaureate
5398 degree-granting institution of higher learning in the State of
5399 Mississippi. However, it is the intent of the Legislature that
5400 the maximum annual loan amounts under the William F. Winter
5401 Teacher Scholar Loan Program shall not be of such amounts that
5402 would compete with the Critical Needs Teacher Scholarship Program.



5403 (6) The loans of persons who actually render service as
5404 licensed teachers or nontraditional teacher interns authorized
5405 under Section 37-3-2(6)(b) in a public school, including a charter
5406 school, in Mississippi for a major portion of the school day for
5407 at least seventy-eight (78) school days during each of eight (8)
5408 school semesters of the ten (10) immediately after obtaining a
5409 baccalaureate degree, shall be converted to interest-free
5410 scholarships. Conversion shall be based on two (2) semesters of
5411 service for each year a loan was received, and the Board of
5412 Trustees of State Institutions of Higher Learning shall not
5413 authorize the conversion of loans into interest-free scholarships
5414 at any other ratio, except as follows: Participants in the
5415 William F. Winter Teacher Scholar Loan Program may have their
5416 loans converted into interest-free scholarships at the same ratio
5417 as under the Critical Needs Teacher Scholarship Program if they
5418 render service as a licensed teacher or nontraditional teacher
5419 intern authorized under Section 37-3-2(6)(b) in a public school
5420 district in a geographical area of the state where there is a
5421 critical shortage of teachers, as designated by the State Board of
5422 Education, or in a charter school located in such a school
5423 district.

5424 (7) Persons failing to complete an appropriate program of
5425 study shall immediately become liable to the Board of Trustees of
5426 State Institutions of Higher Learning for the sum of all
5427 outstanding loans, except in the case of a deferral of debt for



5428 cause by the board, after which period of deferral, study may be
5429 resumed. Persons failing to meet teaching requirements in any
5430 required semester shall immediately be in breach of contract and
5431 become liable to the board for the amount of the corresponding
5432 loan received, with interest accruing at the current Stafford Loan
5433 rate at the time the breach occurs, except in the case of a
5434 deferral of debt for cause by the board, after which period of
5435 deferral, teaching duties required hereunder will be resumed. If
5436 the claim for payment of such loan is placed in the hands of an
5437 attorney for collection after default, then the obligor shall be
5438 liable for an additional amount equal to a reasonable attorney's
5439 fee.

5440 (8) A loan made pursuant to this section shall not be
5441 voidable by reason of the age of the borrower at the time of
5442 receiving the loan.

5443 (9) Failure to repay any loan and interest that becomes due
5444 shall be cause for the revocation of a person's teaching license
5445 by the State Department of Education.

5446 (10) All monies repaid to the Board of Trustees of State
5447 Institutions of Higher Learning hereunder shall be added to the
5448 appropriations made for purposes of this section, and those
5449 appropriations shall not lapse.

5450 (11) The Board of Trustees of State Institutions of Higher
5451 Learning with the concurrence of the State Board of Education



5452 shall jointly promulgate regulations necessary for the proper
5453 administration of this section.

5454 (12) If insufficient funds are available for requested loans
5455 to a qualified student during any fiscal year, the Board of
5456 Trustees of State Institutions of Higher Learning shall make pro
5457 rata reductions in the loans made to qualifying applicants.
5458 Priority consideration shall be given to persons receiving
5459 previous loans and participating in the program.

5460 (13) The Board of Trustees of State Institutions of Higher
5461 Learning shall make an annual report to the Legislature. Each
5462 report shall contain a complete enumeration of the board's
5463 activities, loans or scholarships granted, names of persons to
5464 whom granted and the institutions attended by those receiving the
5465 same, names of persons to whom loans or scholarships were granted
5466 who were not education majors, the teaching location of applicants
5467 who have received their education and become licensed teachers
5468 within this state as a result of the loans and/or scholarships.
5469 The board shall make a full report and account of receipts and
5470 expenditures for salaries and expenses incurred under the
5471 provisions of this section. The board shall, upon its records and
5472 any published reports, distinguish between those recipients who
5473 have breached their contracts but with the board's permission who
5474 have paid their financial obligations in full, and those
5475 recipients who have breached their contracts and remain
5476 financially indebted to the state.



5477 **SECTION 86.** Section 37-143-12, Mississippi Code of 1972, is
5478 amended as follows:

5479 37-143-12. **Speech-Language Pathologists Loan Forgiveness**
5480 **Program.** (1) There is established a Speech-Language Pathologists
5481 Loan Forgiveness Program. It is the intent of the Legislature
5482 that persons declaring an intention to work in an accredited
5483 public school (K-12), including a charter school, located in the
5484 State of Mississippi as a speech-language pathologist shall be
5485 eligible for a loan for the purpose of acquiring a master's level
5486 education in such profession. The Board of Trustees of State
5487 Institutions of Higher Learning shall enter into contracts with
5488 applicants, providing that such loans may be discharged by working
5489 as a master's level speech-language pathologist in an accredited
5490 public school (K-12), including a charter school, located in the
5491 State of Mississippi, for a period of time after graduation equal
5492 to the period of study provided under the loan. Such contracts
5493 shall provide that for each year of service, the appropriate
5494 portion of the outstanding balance of principal and interest of
5495 such loan shall be converted to interest-free scholarships and
5496 discharged.

5497 (2) The Board of Trustees of State Institutions of Higher
5498 Learning, with the concurrence of the State Board of Education,
5499 shall jointly establish rules and regulations as it deems
5500 necessary and proper to carry out the purposes and intent of this
5501 section.



5502 The provisions of this section shall be subject to specific
5503 appropriation therefor by the Legislature.

5504 **SECTION 87.** Section 37-151-5, Mississippi Code of 1972, is
5505 amended as follows:

5506 37-151-5. As used in Sections 37-151-5 and 37-151-7:

5507 (a) "Adequate program" or "adequate education program"
5508 or "Mississippi Adequate Education Program (MAEP)" shall mean the
5509 program to establish adequate current operation funding levels
5510 necessary for the programs of such school district to meet at
5511 least a successful Level III rating of the accreditation system as
5512 established by the State Board of Education using current
5513 statistically relevant state assessment data.

5514 (b) "Educational programs or elements of programs not
5515 included in the adequate education program calculations, but which
5516 may be included in appropriations and transfers to school
5517 districts" shall mean:

5518 (i) "Capital outlay" shall mean those funds used
5519 for the constructing, improving, equipping, renovating or major
5520 repairing of school buildings or other school facilities, or the
5521 cost of acquisition of land whereon to construct or establish such
5522 school facilities.

5523 (ii) "Pilot programs" shall mean programs of a
5524 pilot or experimental nature usually designed for special purposes
5525 and for a specified period of time other than those included in
5526 the adequate education program.



5527 (iii) "Adult education" shall mean public
5528 education dealing primarily with students above eighteen (18)
5529 years of age not enrolled as full-time public school students and
5530 not classified as students of technical schools, colleges or
5531 universities of the state.

5532 (iv) "Food service programs" shall mean those
5533 programs dealing directly with the nutritional welfare of the
5534 student, such as the school lunch and school breakfast programs.

5535 (c) "Base student" shall mean that student
5536 classification that represents the most economically educated
5537 pupil in a school system meeting the definition of successful, as
5538 determined by the State Board of Education.

5539 (d) "Base student cost" shall mean the funding level
5540 necessary for providing an adequate education program for one (1)
5541 base student, subject to any minimum amounts prescribed in Section
5542 37-151-7(1).

5543 (e) "Add-on program costs" shall mean those items which
5544 are included in the adequate education program appropriations and
5545 are outside of the program calculations:

5546 (i) "Transportation" shall mean transportation to
5547 and from public schools for the students of Mississippi's public
5548 schools provided for under law and funded from state funds.

5549 (ii) "Vocational or technical education program"
5550 shall mean a secondary vocational or technical program approved by



5551 the State Department of Education and provided for from state
5552 funds.

5553 (iii) "Special education program" shall mean a
5554 program for exceptional children as defined and authorized by
5555 Sections 37-23-1 through 37-23-9, and approved by the State
5556 Department of Education and provided from state funds.

5557 (iv) "Gifted education program" shall mean those
5558 programs for the instruction of intellectually or academically
5559 gifted children as defined and provided for in Section 37-23-175
5560 et seq.

5561 (v) "Alternative school program" shall mean those
5562 programs for certain compulsory-school-age students as defined and
5563 provided for in Sections 37-13-92 and 37-19-22.

5564 (vi) "Extended school year programs" shall mean
5565 those programs authorized by law which extend beyond the normal
5566 school year.

5567 (vii) "University-based programs" shall mean those
5568 university-based programs for handicapped children as defined and
5569 provided for in Section 37-23-131 et seq.

5570 (viii) "Bus driver training" programs shall mean
5571 those driver training programs as provided for in Section 37-41-1.

5572 (f) "Teacher" shall include any employee of a local
5573 school who is required by law to obtain a teacher's license from
5574 the State Board of Education and who is assigned to an



5575 instructional area of work as defined by the State Department of
5576 Education.

5577 (g) "Principal" shall mean the head of an attendance
5578 center or division thereof.

5579 (h) "Superintendent" shall mean the head of a school
5580 district.

5581 (i) "School district" shall mean any type of school
5582 district in the State of Mississippi, and shall include
5583 agricultural high schools.

5584 (j) "Minimum school term" shall mean a term of at least
5585 one hundred eighty (180) days of school in which both teachers and
5586 pupils are in regular attendance for scheduled classroom
5587 instruction for not less than sixty percent (60%) of the normal
5588 school day. It is the intent of the Legislature that any tax
5589 levies generated to produce additional local funds required by any
5590 school district to operate school terms in excess of one hundred
5591 seventy-five (175) days shall not be construed to constitute a new
5592 program for the purposes of exemption from the limitation on tax
5593 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
5594 programs mandated by the Legislature.

5595 (k) The term "transportation density" shall mean the
5596 number of transported children in average daily attendance per
5597 square mile of area served in a school district, as determined by
5598 the State Department of Education.



5599 (1) The term "transported children" shall mean children
5600 being transported to school who live within legal limits for
5601 transportation and who are otherwise qualified for being
5602 transported to school at public expense as fixed by Mississippi
5603 state law.

5604 (m) The term "year of teaching experience" shall mean
5605 nine (9) months of actual teaching in the public or private
5606 schools. In no case shall more than one (1) year of teaching
5607 experience be given for all services in one (1) calendar or school
5608 year. In determining a teacher's experience, no deduction shall
5609 be made because of the temporary absence of the teacher because of
5610 illness or other good cause, and the teacher shall be given credit
5611 therefor. Beginning with the 2003-2004 school year, the State
5612 Board of Education shall fix a number of days, not to exceed
5613 forty-five (45) consecutive school days, during which a teacher
5614 may not be under contract of employment during any school year and
5615 still be considered to have been in full-time employment for a
5616 regular scholastic term. If a teacher exceeds the number of days
5617 established by the State Board of Education that a teacher may not
5618 be under contract but may still be employed, that teacher shall
5619 not be credited with a year of teaching experience. In
5620 determining the experience of school librarians, each complete
5621 year of continuous, full-time employment as a professional
5622 librarian in a public library in this or some other state shall be
5623 considered a year of teaching experience. If a full-time school



5624 administrator returns to actual teaching in the public schools,
5625 the term "year of teaching experience" shall include the period of
5626 time he or she served as a school administrator. In determining
5627 the salaries of teachers who have experience in any branch of the
5628 military, the term "year of teaching experience" shall include
5629 each complete year of actual classroom instruction while serving
5630 in the military. In determining the experience of speech-language
5631 pathologists and audiologists, each complete year of continuous
5632 full-time post master's degree employment in an educational
5633 setting in this or some other state shall be considered a year of
5634 teaching experience. Provided, however, that school districts are
5635 authorized, in their discretion, to negotiate the salary levels
5636 applicable to certificated employees employed after July 1, 2009,
5637 who are receiving retirement benefits from the retirement system
5638 of another state, and the annual experience increment provided in
5639 Section 37-19-7 shall not be applicable to any such retired
5640 certificated employee.

5641 (n) The term "average daily attendance" shall be the
5642 figure which results when the total aggregate attendance during
5643 the period or months counted is divided by the number of days
5644 during the period or months counted upon which both teachers and
5645 pupils are in regular attendance for scheduled classroom
5646 instruction less the average daily attendance for self-contained
5647 special education classes and, prior to full implementation of the
5648 adequate education program the department shall deduct the average



5649 daily attendance for the alternative school program provided for
5650 in Section 37-19-22.

5651 (o) The term "local supplement" shall mean the amount
5652 paid to an individual teacher over and above the adequate
5653 education program salary schedule for regular teaching duties.

5654 (p) The term "aggregate amount of support from ad
5655 valorem taxation" shall mean the amounts produced by the
5656 district's total tax levies for operations.

5657 (q) The term "adequate education program funds" shall
5658 mean all funds, both state and local, constituting the
5659 requirements for meeting the cost of the adequate program as
5660 provided for in Section 37-151-7.

5661 (r) "Department" shall mean the State Department of
5662 Education.

5663 (s) "Commission" shall mean the Mississippi Commission
5664 on School Accreditation created under Section 37-17-3.

5665 (t) The term "successful school district" shall mean a
5666 Level III school district as designated by the State Board of
5667 Education using current statistically relevant state assessment
5668 data.

5669 (u) "Dual enrollment-dual credit programs" shall mean
5670 programs for potential or recent high school student dropouts to
5671 dually enroll in their home high school and a local community
5672 college in a dual credit program consisting of high school
5673 completion coursework and a credential, certificate or degree



5674 program at the community college, as provided in Section
5675 37-15-38(19).

5676 (v) "Charter school" means a public school that is
5677 established and operating under the terms of a charter contract
5678 between the school's governing board and the Mississippi Charter
5679 School Authorizer Board.

5680 **SECTION 88.** Section 37-151-7, Mississippi Code of 1972, is
5681 amended as follows:

5682 37-151-7. The annual allocation to each school district for
5683 the operation of the adequate education program shall be
5684 determined as follows:

5685 (1) **Computation of the basic amount to be included for**
5686 **current operation in the adequate education program.** The
5687 following procedure shall be followed in determining the annual
5688 allocation to each school district:

5689 (a) **Determination of average daily attendance.**
5690 Effective with fiscal year 2011, the State Department of Education
5691 shall determine the percentage change from the prior year of each
5692 year of each school district's average of months two (2) and three
5693 (3) average daily attendance (ADA) for the three (3) immediately
5694 preceding school years of the year for which funds are being
5695 appropriated. For any school district that experiences a positive
5696 growth in the average of months two (2) and three (3) ADA each
5697 year of the three (3) years, the average percentage growth over
5698 the three-year period shall be multiplied times the school



5699 district's average of months two (2) and three (3) ADA for the
5700 year immediately preceding the year for which MAEP funds are being
5701 appropriated. The resulting amount shall be added to the school
5702 district's average of months two (2) and three (3) ADA for the
5703 year immediately preceding the year for which MAEP funds are being
5704 appropriated to arrive at the ADA to be used in determining a
5705 school district's MAEP allocation. Otherwise, months two (2) and
5706 three (3) ADA for the year immediately preceding the year for
5707 which MAEP funds are being appropriated will be used in
5708 determining a school district's MAEP allocation. In any fiscal
5709 year prior to 2010 in which the MAEP formula is not fully funded,
5710 for those districts that do not demonstrate a three-year positive
5711 growth in months two (2) and three (3) ADA, months one (1) through
5712 nine (9) ADA of the second preceding year for which funds are
5713 being appropriated or months two (2) and three (3) ADA of the
5714 preceding year for which funds are being appropriated, whichever
5715 is greater, shall be used to calculate the district's MAEP
5716 allocation. The district's average daily attendance shall be
5717 computed and currently maintained in accordance with regulations
5718 promulgated by the State Board of Education. The district's
5719 average daily attendance shall include any student enrolled in a
5720 Dual Enrollment-Dual Credit Program as defined and provided in
5721 Section 37-15-38(19). The State Department of Education shall
5722 make payments for Dual Enrollment-Dual Credit Programs to the home
5723 school in which the student is enrolled, in accordance with



5724 regulations promulgated by the State Board of Education. The
5725 community college providing services to students in a Dual
5726 Enrollment-Dual Credit Program shall require payment from the home
5727 school district for services provided to such students at a rate
5728 of one hundred percent (100%) of ADA. All MAEP/state funding
5729 shall cease upon completion of high school graduation
5730 requirements.

5731 (b) **Determination of base student cost.** Effective with
5732 fiscal year 2011 and every fourth fiscal year thereafter, the
5733 State Board of Education, on or before August 1, with adjusted
5734 estimate no later than January 2, shall submit to the Legislative
5735 Budget Office and the Governor a proposed base student cost
5736 adequate to provide the following cost components of educating a
5737 pupil in a successful school district: (i) Instructional Cost;
5738 (ii) Administrative Cost; (iii) Operation and Maintenance of
5739 Plant; and (iv) Ancillary Support Cost. For purposes of these
5740 calculations, the Department of Education shall utilize financial
5741 data from the second preceding year of the year for which funds
5742 are being appropriated.

5743 For the instructional cost component, the Department of
5744 Education shall select districts that have been identified as
5745 instructionally successful and have a ratio of a number of
5746 teachers per one thousand (1,000) students that is between one (1)
5747 standard deviation above the mean and two (2) standard deviations
5748 below the mean of the statewide average of teachers per one



5749 thousand (1,000) students. The instructional cost component shall
5750 be calculated by dividing the latest available months one (1)
5751 through nine (9) ADA into the instructional expenditures of these
5752 selected districts. For the purpose of this calculation, the
5753 Department of Education shall use the following funds, functions
5754 and objects:

5755 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
5756 1210, 1220, 2150-2159 Objects 210 and 215;
5757 Fund 1130 All Functions, Object Code 210 and 215;
5758 Fund 2001 Functions 1110-1199 Objects 100-999;
5759 Fund 2070 Functions 1110-1199 Objects 100-999;
5760 Fund 2420 Functions 1110-1199 Objects 100-999;
5761 Fund 2711 All Functions, Object Code 210 and 215.

5762 Prior to the calculation of the instructional cost component,
5763 there shall be subtracted from the above expenditures any revenue
5764 received for Chickasaw Cession payments, Master Teacher
5765 Certification payments and the district's portion of state revenue
5766 received from the MAEP at-risk allocation.

5767 For the administrative cost component, the Department of
5768 Education shall select districts that have been identified as
5769 instructionally successful and have a ratio of an administrative
5770 staff to nonadministrative staff between one (1) standard
5771 deviation above the mean and two (2) standard deviations below the
5772 mean of the statewide average administrative staff to
5773 nonadministrative staff. The administrative cost component shall



5774 be calculated by dividing the latest available months one (1)
5775 through nine (9) ADA of the selected districts into the
5776 administrative expenditures of these selected districts. For the
5777 purpose of this calculation, the Department of Education shall use
5778 the following funds, functions and objects:

5779 Fund 1120 Functions 2300-2599, Functions 2800-2899,
5780 Objects 100-999;

5781 Fund 2711 Functions 2300-2599, Functions 2800-2899,
5782 Objects 100-999.

5783 For the plant and maintenance cost component, the Department
5784 of Education shall select districts that have been identified as
5785 instructionally successful and have a ratio of plant and
5786 maintenance expenditures per one hundred thousand (100,000) square
5787 feet of building space and a ratio of maintenance workers per one
5788 hundred thousand (100,000) square feet of building space that are
5789 both between one (1) standard deviation above the mean and two (2)
5790 standard deviations below the mean of the statewide average. The
5791 plant and maintenance cost component shall be calculated by
5792 dividing the latest available months one (1) through nine (9) ADA
5793 of the selected districts into the plant and maintenance
5794 expenditures of these selected districts. For the purpose of this
5795 calculation, the Department of Education shall use the following
5796 funds, functions and objects:

5797 Fund 1120 Functions 2600-2699, Objects 100-699
5798 and Objects 800-999;



5799 Fund 2711 Functions 2600-2699, Objects 100-699

5800 and Objects 800-999;

5801 Fund 2430 Functions 2600-2699, Objects 100-699

5802 and Objects 800-999.

5803 For the ancillary support cost component, the Department of
5804 Education shall select districts that have been identified as
5805 instructionally successful and have a ratio of a number of
5806 librarians, media specialists, guidance counselors and
5807 psychologists per one thousand (1,000) students that is between
5808 one (1) standard deviation above the mean and two (2) standard
5809 deviations below the mean of the statewide average of librarians,
5810 media specialists, guidance counselors and psychologists per one
5811 thousand (1,000) students. The ancillary cost component shall be
5812 calculated by dividing the latest available months one (1) through
5813 nine (9) ADA into the ancillary expenditures instructional
5814 expenditures of these selected districts. For the purpose of this
5815 calculation, the Department of Education shall use the following
5816 funds, functions and objects:

5817 Fund 1120 Functions 2110-2129, Objects 100-999;

5818 Fund 1120 Functions 2140-2149, Objects 100-999;

5819 Fund 1120 Functions 2220-2229, Objects 100-999;

5820 Fund 2001 Functions 2100-2129, Objects 100-999;

5821 Fund 2001 Functions 2140-2149, Objects 100-999;

5822 Fund 2001 Functions 2220-2229, Objects 100-999.



5823 The total base cost for each year shall be the sum of the
5824 instructional cost component, administrative cost component, plant
5825 and maintenance cost component and ancillary support cost
5826 component, and any estimated adjustments for additional state
5827 requirements as determined by the State Board of Education.

5828 Provided, however, that the base student cost in fiscal year 1998
5829 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

5830 For each of the fiscal years between the recalculation of the
5831 base student cost under the provisions of this paragraph (b), the
5832 base student cost shall be increased by an amount equal to forty
5833 percent (40%) of the base student cost for the previous fiscal
5834 year, multiplied by the latest annual rate of inflation for the
5835 State of Mississippi as determined by the State Economist, plus
5836 any adjustments for additional state requirements such as, but not
5837 limited to, teacher pay raises and health insurance premium
5838 increases.

5839 (c) **Determination of the basic adequate education**
5840 **program cost.** The basic amount for current operation to be
5841 included in the Mississippi Adequate Education Program for each
5842 school district shall be computed as follows:

5843 Multiply the average daily attendance of the district by the
5844 base student cost as established by the Legislature, which yields
5845 the total base program cost for each school district.

5846 (d) **Adjustment to the base student cost for at-risk**
5847 **pupils.** The amount to be included for at-risk pupil programs for



5848 each school district shall be computed as follows: Multiply the
5849 base student cost for the appropriate fiscal year as determined
5850 under paragraph (b) by five percent (5%), and multiply that
5851 product by the number of pupils participating in the federal free
5852 school lunch program in such school district, which yields the
5853 total adjustment for at-risk pupil programs for such school
5854 district.

5855 (e) **Add-on program cost.** The amount to be allocated to
5856 school districts in addition to the adequate education program
5857 cost for add-on programs for each school district shall be
5858 computed as follows:

5859 (i) Transportation cost shall be the amount
5860 allocated to such school district for the operational support of
5861 the district transportation system from state funds.

5862 (ii) Vocational or technical education program
5863 cost shall be the amount allocated to such school district from
5864 state funds for the operational support of such programs.

5865 (iii) Special education program cost shall be the
5866 amount allocated to such school district from state funds for the
5867 operational support of such programs.

5868 (iv) Gifted education program cost shall be the
5869 amount allocated to such school district from state funds for the
5870 operational support of such programs.



5871 (v) Alternative school program cost shall be the
5872 amount allocated to such school district from state funds for the
5873 operational support of such programs.

5874 (vi) Extended school year programs shall be the
5875 amount allocated to school districts for those programs authorized
5876 by law which extend beyond the normal school year.

5877 (vii) University-based programs shall be the
5878 amount allocated to school districts for those university-based
5879 programs for handicapped children as defined and provided for in
5880 Section 37-23-131 et seq., Mississippi Code of 1972.

5881 (viii) Bus driver training programs shall be the
5882 amount provided for those driver training programs as provided for
5883 in Section 37-41-1, Mississippi Code of 1972.

5884 The sum of the items listed above (i) transportation, (ii)
5885 vocational or technical education, (iii) special education, (iv)
5886 gifted education, (v) alternative school, (vi) extended school
5887 year, (vii) university-based, and (viii) bus driver training shall
5888 yield the add-on cost for each school district.

5889 (f) **Total projected adequate education program cost.**

5890 The total Mississippi Adequate Education Program cost shall be the
5891 sum of the total basic adequate education program cost (paragraph
5892 (c)), and the adjustment to the base student cost for at-risk
5893 pupils (paragraph (d)) for each school district. In any year in
5894 which the MAEP is not fully funded, the Legislature shall direct



5895 the Department of Education in the K-12 appropriation bill as to
5896 how to allocate MAEP funds to school districts for that year.

5897 (g) The State Auditor shall annually verify the State
5898 Board of Education's estimated calculations for the Mississippi
5899 Adequate Education Program that are submitted each year to the
5900 Legislative Budget Office on August 1 and the final calculation
5901 that is submitted on January 2.

5902 (2) **Computation of the required local revenue in support of**
5903 **the adequate education program.** The amount that each district
5904 shall provide toward the cost of the adequate education program
5905 shall be calculated as follows:

5906 (a) The State Department of Education shall certify to
5907 each school district that twenty-eight (28) mills, less the
5908 estimated amount of the yield of the School Ad Valorem Tax
5909 Reduction Fund grants as determined by the State Department of
5910 Education, is the millage rate required to provide the district
5911 required local effort for that year, or twenty-seven percent (27%)
5912 of the basic adequate education program cost for such school
5913 district as determined under paragraph (c), whichever is a lesser
5914 amount. In the case of an agricultural high school, the millage
5915 requirement shall be set at a level which generates an equitable
5916 amount per pupil to be determined by the State Board of Education.
5917 The local contribution amount for school districts in which there
5918 is located one or more charter schools will be calculated using
5919 the following methodology: using the adequate education program



5920 twenty-eight (28) mill value, or the twenty-seven percent (27%)
5921 cap amount (whichever is less) for each school district in which a
5922 charter school is located, an average per pupil amount will be
5923 calculated. This average per pupil amount will be multiplied
5924 times the number of students attending the charter school in that
5925 school district. The sum becomes the charter school's local
5926 contribution to the adequate education program.

5927 (b) The State Department of Education shall determine
5928 the following from the annual assessment information submitted to
5929 the department by the tax assessors of the various counties: (i)
5930 the total assessed valuation of nonexempt property for school
5931 purposes in each school district; (ii) assessed value of exempt
5932 property owned by homeowners aged sixty-five (65) or older or
5933 disabled as defined in Section 27-33-67(2), Mississippi Code of
5934 1972; (iii) the school district's tax loss from exemptions
5935 provided to applicants under the age of sixty-five (65) and not
5936 disabled as defined in Section 27-33-67(1), Mississippi Code of
5937 1972; and (iv) the school district's homestead reimbursement
5938 revenues.

5939 (c) The amount of the total adequate education program
5940 funding which shall be contributed by each school district shall
5941 be the sum of the ad valorem receipts generated by the millage
5942 required under this subsection plus the following local revenue
5943 sources for the appropriate fiscal year which are or may be
5944 available for current expenditure by the school district:



5945 One hundred percent (100%) of Grand Gulf income as prescribed
5946 in Section 27-35-309.

5947 One hundred percent (100%) of any fees in lieu of taxes as
5948 prescribed in Section 27-31-104.

5949 (3) **Computation of the required state effort in support of**
5950 **the adequate education program.**

5951 (a) The required state effort in support of the
5952 adequate education program shall be determined by subtracting the
5953 sum of the required local tax effort as set forth in subsection
5954 (2) (a) of this section and the other local revenue sources as set
5955 forth in subsection (2) (c) of this section in an amount not to
5956 exceed twenty-seven percent (27%) of the total projected adequate
5957 education program cost as set forth in subsection (1) (f) of this
5958 section from the total projected adequate education program cost
5959 as set forth in subsection (1) (f) of this section.

5960 (b) Provided, however, that in fiscal year 1998 and in
5961 the fiscal year in which the adequate education program is fully
5962 funded by the Legislature, any increase in the said state
5963 contribution to any district calculated under this section shall
5964 be not less than eight percent (8%) in excess of the amount
5965 received by said district from state funds for the fiscal year
5966 immediately preceding. For purposes of this paragraph (b), state
5967 funds shall include minimum program funds less the add-on
5968 programs, State Uniform Millage Assistance Grant Funds, Education
5969 Enhancement Funds appropriated for Uniform Millage Assistance



5970 Grants and state textbook allocations, and State General Funds
5971 allocated for textbooks.

5972 (c) If the school board of any school district shall
5973 determine that it is not economically feasible or practicable to
5974 operate any school within the district for the full one hundred
5975 eighty (180) days required for a school term of a scholastic year
5976 as required in Section 37-13-63, Mississippi Code of 1972, due to
5977 an enemy attack, a man-made, technological or natural disaster in
5978 which the Governor has declared a disaster emergency under the
5979 laws of this state or the President of the United States has
5980 declared an emergency or major disaster to exist in this state,
5981 said school board may notify the State Department of Education of
5982 such disaster and submit a plan for altering the school term. If
5983 the State Board of Education finds such disaster to be the cause
5984 of the school not operating for the contemplated school term and
5985 that such school was in a school district covered by the
5986 Governor's or President's disaster declaration, it may permit said
5987 school board to operate the schools in its district for less than
5988 one hundred eighty (180) days and, in such case, the State
5989 Department of Education shall not reduce the state contributions
5990 to the adequate education program allotment for such district,
5991 because of the failure to operate said schools for one hundred
5992 eighty (180) days.

5993 (4) The Interim School District Capital Expenditure Fund is
5994 hereby established in the State Treasury which shall be used to



5995 distribute any funds specifically appropriated by the Legislature
5996 to such fund to school districts entitled to increased allocations
5997 of state funds under the adequate education program funding
5998 formula prescribed in Sections 37-151-3 through 37-151-7,
5999 Mississippi Code of 1972, until such time as the said adequate
6000 education program is fully funded by the Legislature. The
6001 following percentages of the total state cost of increased
6002 allocations of funds under the adequate education program funding
6003 formula shall be appropriated by the Legislature into the Interim
6004 School District Capital Expenditure Fund to be distributed to all
6005 school districts under the formula: Nine and two-tenths percent
6006 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
6007 (20%) shall be appropriated in fiscal year 1999, forty percent
6008 (40%) shall be appropriated in fiscal year 2000, sixty percent
6009 (60%) shall be appropriated in fiscal year 2001, eighty percent
6010 (80%) shall be appropriated in fiscal year 2002, and one hundred
6011 percent (100%) shall be appropriated in fiscal year 2003 into the
6012 State Adequate Education Program Fund. Until July 1, 2002, such
6013 money shall be used by school districts for the following
6014 purposes:

6015 (a) Purchasing, erecting, repairing, equipping,
6016 remodeling and enlarging school buildings and related facilities,
6017 including gymnasiums, auditoriums, lunchrooms, vocational training
6018 buildings, libraries, school barns and garages for transportation
6019 vehicles, school athletic fields and necessary facilities



6020 connected therewith, and purchasing land therefor. Any such
6021 capital improvement project by a school district shall be approved
6022 by the State Board of Education, and based on an approved
6023 long-range plan. The State Board of Education shall promulgate
6024 minimum requirements for the approval of school district capital
6025 expenditure plans.

6026 (b) Providing necessary water, light, heating,
6027 air-conditioning, and sewerage facilities for school buildings,
6028 and purchasing land therefor.

6029 (c) Paying debt service on existing capital improvement
6030 debt of the district or refinancing outstanding debt of a district
6031 if such refinancing will result in an interest cost savings to the
6032 district.

6033 (d) From and after October 1, 1997, through June 30,
6034 1998, pursuant to a school district capital expenditure plan
6035 approved by the State Department of Education, a school district
6036 may pledge such funds until July 1, 2002, plus funds provided for
6037 in paragraph (e) of this subsection (4) that are not otherwise
6038 permanently pledged under such paragraph (e) to pay all or a
6039 portion of the debt service on debt issued by the school district
6040 under Sections 37-59-1 through 37-59-45, 37-59-101 through
6041 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
6042 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
6043 issued by boards of supervisors for agricultural high schools
6044 pursuant to Section 37-27-65, Mississippi Code of 1972, or



6045 lease-purchase contracts entered into pursuant to Section 31-7-13,
6046 Mississippi Code of 1972, or to retire or refinance outstanding
6047 debt of a district, if such pledge is accomplished pursuant to a
6048 written contract or resolution approved and spread upon the
6049 minutes of an official meeting of the district's school board or
6050 board of supervisors. It is the intent of this provision to allow
6051 school districts to irrevocably pledge their Interim School
6052 District Capital Expenditure Fund allotments as a constant stream
6053 of revenue to secure a debt issued under the foregoing code
6054 sections. To allow school districts to make such an irrevocable
6055 pledge, the state shall take all action necessary to ensure that
6056 the amount of a district's Interim School District Capital
6057 Expenditure Fund allotments shall not be reduced below the amount
6058 certified by the department or the district's total allotment
6059 under the Interim Capital Expenditure Fund if fully funded, so
6060 long as such debt remains outstanding.

6061 (e) [Repealed]

6062 (f) [Repealed]

6063 (g) The State Board of Education may authorize the
6064 school district to expend not more than twenty percent (20%) of
6065 its annual allotment of such funds or Twenty Thousand Dollars
6066 (\$20,000.00), whichever is greater, for technology needs of the
6067 school district, including computers, software,
6068 telecommunications, cable television, interactive video, film,
6069 low-power television, satellite communications, microwave



6070 communications, technology-based equipment installation and
6071 maintenance, and the training of staff in the use of such
6072 technology-based instruction. Any such technology expenditure
6073 shall be reflected in the local district technology plan approved
6074 by the State Board of Education under Section 37-151-17,
6075 Mississippi Code of 1972.

6076 (h) To the extent a school district has not utilized
6077 twenty percent (20%) of its annual allotment for technology
6078 purposes under paragraph (g), a school district may expend not
6079 more than twenty percent (20%) of its annual allotment or Twenty
6080 Thousand Dollars (\$20,000.00), whichever is greater, for
6081 instructional purposes. The State Board of Education may
6082 authorize a school district to expend more than said twenty
6083 percent (20%) of its annual allotment for instructional purposes
6084 if it determines that such expenditures are needed for
6085 accreditation purposes.

6086 (i) The State Department of Education or the State
6087 Board of Education may require that any project commenced under
6088 this section with an estimated project cost of not less than Five
6089 Million Dollars (\$5,000,000.00) shall be done only pursuant to
6090 program management of the process with respect to design and
6091 construction. Any individuals, partnerships, companies or other
6092 entities acting as a program manager on behalf of a local school
6093 district and performing program management services for projects



6094 covered under this subsection shall be approved by the State
6095 Department of Education.

6096 Any interest accruing on any unexpended balance in the
6097 Interim School District Capital Expenditure Fund shall be invested
6098 by the State Treasurer and placed to the credit of each school
6099 district participating in such fund in its proportionate share.

6100 The provisions of this subsection (4) shall be cumulative and
6101 supplemental to any existing funding programs or other authority
6102 conferred upon school districts or school boards.

6103 (5) The State Department of Education shall make payments to
6104 charter schools for each student in average daily attendance at
6105 the charter school equal to the state share of the adequate
6106 education program payments for each student in average daily
6107 attendance at the school district in which the public charter
6108 school is located. In calculating the local contribution for
6109 purposes of determining the state share of the adequate education
6110 program payments, the department shall deduct the pro rata local
6111 contribution of the school district in which the student resides
6112 as determined in subsection (2) (a) of this section.

6113 **SECTION 89.** Section 37-151-101, Mississippi Code of 1972, is
6114 amended as follows:

6115 37-151-101. It shall be the duty of the State Department of
6116 Education to file with the State Treasurer and the State Fiscal
6117 Officer such data and information as may be required to enable the
6118 said State Treasurer and State Fiscal Officer to distribute the



6119 common school funds and adequate education program funds by
6120 electronic funds transfer to the several school districts and
6121 charter schools at the time required and provided under the
6122 provisions of this chapter. Such data and information so filed
6123 shall show in detail the amount of funds to which each school
6124 district and charter school is entitled from such common school
6125 fund and adequate education program fund. Such data and
6126 information so filed may be revised from time to time as
6127 necessitated by law. At the time provided by law, the State
6128 Treasurer and the State Fiscal Officer shall distribute to the
6129 several school districts and charter schools the amounts to which
6130 they are entitled from the common school fund and the adequate
6131 education program fund as provided by this chapter. Such
6132 distribution shall be made by electronic funds transfer to the
6133 depositories of the several school districts and charter schools
6134 designated in writing to the State Treasurer based upon the data
6135 and information supplied by the State Department of Education for
6136 such distribution. In such instances, the State Treasurer shall
6137 submit a request for an electronic funds transfer to the State
6138 Fiscal Officer, which shall set forth the purpose, amount and
6139 payees, and shall be in such form as may be approved by the State
6140 Fiscal Officer so as to provide the necessary information as would
6141 be required for a requisition and issuance of a warrant. A copy
6142 of the record of said electronic funds transfers shall be
6143 transmitted by the school district and charter school depositories



6144 to the Treasurer, who shall file duplicates with the State Fiscal
6145 Officer. The Treasurer and State Fiscal Officer shall jointly
6146 promulgate regulations for the utilization of electronic funds
6147 transfers to school districts and charter schools.

6148 **SECTION 90.** Section 37-151-103, Mississippi Code of 1972, is
6149 amended as follows:

6150 37-151-103. (1) Funds due each school district and charter
6151 school under the terms of this chapter from the Adequate Education
6152 Program Fund shall be paid in the following manner: On the two
6153 (2) days prior to the last day of each month, or the next business
6154 date after that date, there shall be paid to each school district
6155 and charter school, by electronic funds transfer, one-twelfth
6156 (1/12) of the funds to which the district or charter school is
6157 entitled from funds appropriated for the Adequate Education
6158 Program Fund. However, in December those payments shall be made
6159 on December 15th or the next business day after that date. All
6160 school districts shall process a single monthly payroll with
6161 electronic settlement of payroll checks secured through direct
6162 deposit of net pay for all school district employees. In
6163 addition, the State Department of Education may pay school
6164 districts and charter schools from the common school fund and the
6165 Adequate Education Program Fund on a date earlier than provided
6166 for by this section if it is determined that it is in the best
6167 interest of school districts and charter schools to do so.



6168 Provided, however, that if the cash balance in the State
6169 General Fund is not adequate on the due date to pay the amounts
6170 due to all school districts and charter schools in the state as
6171 determined by the State Superintendent of Education, the State
6172 Fiscal Officer shall not transfer said funds payable to any school
6173 district or districts or charter schools until money is available
6174 to pay the amount due to all districts and charter schools.

6175 (2) Notwithstanding any provision of this chapter or any
6176 other law requiring the number of children in average daily
6177 attendance or the average daily attendance of transported children
6178 to be determined on the basis of the preceding year, the State
6179 Board of Education is hereby authorized and empowered to make
6180 proper adjustments in allotments in cases where major changes in
6181 the number of children in average daily attendance or the average
6182 daily attendance of transported children occurs from one year to
6183 another as a result of changes or alterations in the boundaries of
6184 school districts, the sending of children from one county or
6185 district to another upon a contract basis, the termination or
6186 discontinuance of a contract for the sending of children from one
6187 county or district to another, a change in or relocation of
6188 attendance centers, or for any other reason which would result in
6189 a major decrease or increase in the number of children in average
6190 daily attendance or the average daily attendance of transported
6191 children during the current school year as compared with the
6192 preceding year.



6193 (3) In the event of an inordinately large number of
6194 absentees in any school district or charter school as a result of
6195 epidemic, natural disaster, or any concerted activity discouraging
6196 school attendance, then in such event school attendance for the
6197 purposes of determining average daily attendance under the
6198 adequate education program shall be based upon the average daily
6199 attendance for the preceding school year for such school district
6200 or charter school.

6201 **SECTION 91.** Section 37-57-107, Mississippi Code of 1972, is
6202 amended as follows:

6203 37-57-107. (1) Beginning with the tax levy for the 1997
6204 fiscal year and for each fiscal year thereafter, the aggregate
6205 receipts from taxes levied for school district purposes pursuant
6206 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
6207 receipts from those sources during any one (1) of the immediately
6208 preceding three (3) fiscal years, as determined by the school
6209 board, plus an increase not to exceed seven percent (7%). For the
6210 purpose of this limitation, the term "aggregate receipts" when
6211 used in connection with the amount of funds generated in a
6212 preceding fiscal year shall not include excess receipts required
6213 by law to be deposited into a special account. However, the term
6214 "aggregate receipts" includes any receipts required by law to be
6215 paid to a charter school. The additional revenue from the ad
6216 valorem tax on any newly constructed properties or any existing
6217 properties added to the tax rolls or any properties previously



6218 exempt which were not assessed in the next preceding year may be
6219 excluded from the seven percent (7%) increase limitation set forth
6220 herein. Taxes levied for payment of principal of and interest on
6221 general obligation school bonds issued heretofore or hereafter
6222 shall be excluded from the seven percent (7%) increase limitation
6223 set forth herein. Any additional millage levied to fund any new
6224 program mandated by the Legislature shall be excluded from the
6225 limitation for the first year of the levy and included within such
6226 limitation in any year thereafter. For the purposes of this
6227 section, the term "new program" shall include, but shall not be
6228 limited to, (a) the Early Childhood Education Program required to
6229 commence with the 1986-1987 school year as provided by Section
6230 37-21-7 and any additional millage levied and the revenue
6231 generated therefrom, which is excluded from the limitation for the
6232 first year of the levy, to support the mandated Early Childhood
6233 Education Program shall be specified on the minutes of the school
6234 board and of the governing body making such tax levy; (b) any
6235 additional millage levied and the revenue generated therefrom
6236 which shall be excluded from the limitation for the first year of
6237 the levy, for the purpose of generating additional local
6238 contribution funds required for the adequate education program for
6239 the 2003 fiscal year and for each fiscal year thereafter under
6240 Section 37-151-7(2); and (c) any additional millage levied and the
6241 revenue generated therefrom which shall be excluded from the
6242 limitation for the first year of the levy, for the purpose of



6243 support and maintenance of any agricultural high school which has
6244 been transferred to the control, operation and maintenance of the
6245 school board by the board of trustees of the community college
6246 district under provisions of Section 37-29-272.

6247 (2) The seven percent (7%) increase limitation prescribed in
6248 this section may be increased an additional amount only when the
6249 school board has determined the need for additional revenues and
6250 has held an election on the question of raising the limitation
6251 prescribed in this section. The limitation may be increased only
6252 if three-fifths (3/5) of those voting in the election shall vote
6253 for the proposed increase. The resolution, notice and manner of
6254 holding the election shall be as prescribed by law for the holding
6255 of elections for the issuance of bonds by the respective school
6256 boards. Revenues collected for the fiscal year in excess of the
6257 seven percent (7%) increase limitation pursuant to an election
6258 shall be included in the tax base for the purpose of determining
6259 aggregate receipts for which the seven percent (7%) increase
6260 limitation applies for subsequent fiscal years.

6261 (3) Except as otherwise provided for excess revenues
6262 generated pursuant to an election, if revenues collected as the
6263 result of the taxes levied for the fiscal year pursuant to this
6264 section and Section 37-57-1 exceed the increase limitation, then
6265 it shall be the mandatory duty of the school board of the school
6266 district to deposit such excess receipts over and above the
6267 increase limitation into a special account and credit it to the



6268 fund for which the levy was made. It will be the further duty of
6269 such board to hold said funds and invest the same as authorized by
6270 law. Such excess funds shall be calculated in the budgets for the
6271 school districts for the purpose for which such levies were made,
6272 for the succeeding fiscal year. Taxes imposed for the succeeding
6273 year shall be reduced by the amount of excess funds available.
6274 Under no circumstances shall such excess funds be expended during
6275 the fiscal year in which such excess funds are collected.

6276 (4) For the purposes of determining ad valorem tax receipts
6277 for a preceding fiscal year under this section, the term "fiscal
6278 year" means the fiscal year beginning October 1 and ending
6279 September 30.

6280 (5) Beginning with the 2013-2014 school year, each school
6281 district in which a charter school is located shall pay to the
6282 charter school an amount for each student enrolled in the charter
6283 school equal to the ad valorem taxes levied per pupil for the
6284 support of the school district in which the charter school is
6285 located. The pro rata ad valorem taxes to be transferred to the
6286 charter school must include all levies for the support of the
6287 school district under Sections 37-57-1 (local contribution to the
6288 adequate education program) and 37-57-105 (school district
6289 operational levy) but may not include any taxes levied for the
6290 retirement of school district bonded indebtedness or short-term
6291 notes or any taxes levied for the support of vocational-technical
6292 education programs. Payments made pursuant to this subsection by



6293 a school district to a charter school must be made before the
6294 expiration of three (3) business days after the funds are
6295 distributed to the school district.

6296 **SECTION 92.** Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7,
6297 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19,
6298 37-165-21, 37-165-23, 37-165-25 and 37-165-27, Mississippi Code of
6299 1972, which are the Conversion Charter School Act of 2010, are
6300 repealed.

6301 **SECTION 93.** Section 37-167-1, Mississippi Code of 1972,
6302 which establishes the New Start School Program, is repealed.

6303 **SECTION 94.** Sections 1 through 31 of this act shall stand
6304 repealed from and after July 1, 2020.

6305 **SECTION 95.** This act shall take effect and be in force from
6306 and after July 1, 2013.

