

By: Representatives Moore, Dixon

To: Education

HOUSE BILL NO. 369  
(As Passed the House)

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 AND ANY EDUCATION SERVICE  
48 PROVIDER WHICH PROVIDES COMPREHENSIVE MANAGEMENT FOR A CHARTER  
49 SCHOOL TO BE A NONPROFIT EDUCATION ORGANIZATION THAT FUNCTIONS AS  
50 A LOCAL EDUCATIONAL AGENCY; TO PRESCRIBE CERTAIN POWERS RELATING  
51 TO THE FISCAL AND OPERATIONAL MANAGEMENT OF A CHARTER SCHOOL WHICH  
52 MAY BE EXERCISED BY THE SCHOOL; TO PROHIBIT CHARTER SCHOOLS FROM  
53 ENGAGING IN DISCRIMINATION AND FROM CHARGING TUITION; TO PROVIDE  
54 THAT CHARTER SCHOOLS ARE NOT SUBJECT TO RULES AND REGULATIONS  
55 ADOPTED BY THE STATE BOARD OF EDUCATION OR THE SCHOOL BOARD OF THE  
56 SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED; TO  
57 ENUMERATE CERTAIN STATUTES FROM WHICH CHARTER SCHOOLS ARE NOT  
58 EXEMPT; TO PRESCRIBE CERTAIN QUALIFICATIONS OF EMPLOYEES OF  
59 CHARTER SCHOOLS; TO REQUIRE AT LEAST SEVENTY-FIVE PERCENT OF  
60 TEACHERS IN A CHARTER SCHOOL TO BE LICENSED BY THE STATE WHEN THE  
61 INITIAL CHARTER APPLICATION IS APPROVED; TO EXEMPT ADMINISTRATORS  
62 FROM STATE LICENSURE REQUIREMENTS; TO PROHIBIT CHARTER SCHOOL  
63 EMPLOYEES FROM PARTICIPATING IN THE PUBLIC EMPLOYEES' RETIREMENT  
64 SYSTEM; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR CHARTER SCHOOL  
65 EMPLOYEES; TO AUTHORIZE CHARTER SCHOOLS TO PARTICIPATE IN STATE  
66 AND DISTRICT SPONSORED ATHLETIC AND ACADEMIC INTERSCHOLASTIC  
67 LEAGUES AND COMPETITIONS; TO REQUIRE CHARTER SCHOOLS TO CERTIFY  
68 AVERAGE DAILY ATTENDANCE AND QUALIFY FOR STATE ADEQUATE EDUCATION  
69 PROGRAM ALLOCATIONS ON A PER-PUPIL BASIS; TO AUTHORIZE LOCAL  
70 FUNDING FOR CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF  
71 EDUCATION TO MAKE ADEQUATE EDUCATION PROGRAM PAYMENTS TO CHARTER  
72 SCHOOLS BASED ON THE SCHOOL'S AVERAGE DAILY ATTENDANCE; TO  
73 AUTHORIZE EQUAL TRANSPORTATION FUNDING UNDER THE ADEQUATE  
74 EDUCATION PROGRAM FOR CHARTER SCHOOLS; TO REQUIRE CHARTER SCHOOLS  
75 TO UNDERGO AN ANNUAL FINANCIAL AUDIT; TO PROVIDE THAT FUNDS  
76 REMAINING IN A CHARTER SCHOOL'S ACCOUNTS AT THE END OF A YEAR MUST  
77 REMAIN IN THE SCHOOL'S ACCOUNTS FOR USE IN SUBSEQUENT YEARS; TO  
78 AUTHORIZE CHARTER SCHOOLS TO ACCEPT GIFTS, DONATIONS AND GRANTS;  
79 TO GRANT CHARTER SCHOOLS THE RIGHT OF FIRST REFUSAL TO VACANT  
80 SCHOOL FACILITIES AND PROPERTY AND TO AUTHORIZE THE USE OF PUBLIC  
81 SPACE FOR CHARTER SCHOOL OPERATIONS UNDER PREEXISTING ZONING  
82 REGULATIONS; TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972,  
83 TO REVISE THE DEFINITION OF THE TERMS "EMPLOYEE" AND "POLITICAL  
84 SUBDIVISION," AS THOSE TERMS ARE USED UNDER THE TORT CLAIMS ACT,  
85 TO EXTEND COVERAGE FOR TORTS TO CHARTER SCHOOLS; TO AMEND SECTION



86 25-41-3, MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD  
87 OF A CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS  
88 USED UNDER THE OPEN MEETINGS LAWS; TO AMEND SECTION 25-61-3,  
89 MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A  
90 CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED  
91 UNDER THE PUBLIC RECORDS ACT; TO AMEND SECTION 31-7-1, MISSISSIPPI  
92 CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "AGENCY" AND  
93 "GOVERNING AUTHORITY," AS THOSE TERMS ARE USED IN THE PUBLIC  
94 PURCHASING LAWS, TO EXEMPT CHARTER SCHOOLS FROM REQUIREMENTS  
95 RELATING TO PUBLIC PURCHASES; TO AMEND SECTION 37-1-3, MISSISSIPPI  
96 CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT BOUND TO THE  
97 CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION FOR SCHOOL  
98 DISTRICTS; TO AMEND SECTION 37-1-12, MISSISSIPPI CODE OF 1972, TO  
99 EXEMPT CHARTER SCHOOLS FROM CERTAIN ANNUAL REPORTING REQUIREMENTS  
100 ESTABLISHED BY THE STATE BOARD OF EDUCATION; TO AMEND SECTION  
101 37-1-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT REGULATIONS  
102 REGARDING RELOCATABLE CLASSROOMS ISSUED BY THE STATE BOARD OF  
103 EDUCATION ARE NOT APPLICABLE TO CHARTER SCHOOLS; TO AMEND SECTION  
104 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE LIMITATIONS  
105 ON THE EMPLOYMENT OF NONLICENSED TEACHERS WHICH ARE APPLICABLE TO  
106 SCHOOL DISTRICTS DO NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION  
107 37-3-4, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM  
108 CONTINUING EDUCATION REQUIREMENTS FOR SCHOOL DISTRICT  
109 ADMINISTRATORS AND PRINCIPALS; TO AMEND SECTION 37-3-5,  
110 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE GENERAL DUTIES OF  
111 THE STATE DEPARTMENT OF EDUCATION RELATE TO PUBLIC SCHOOL  
112 DISTRICTS; TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO  
113 CLARIFY THAT THE DUTY OF THE STATE SUPERINTENDENT OF PUBLIC  
114 EDUCATION TO RECOMMEND RULES GOVERNING PUBLIC EDUCATION RELATES TO  
115 THE SUPERVISION OF PUBLIC SCHOOL DISTRICTS; TO AMEND SECTION  
116 37-3-46, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DUTY OF THE  
117 STATE DEPARTMENT OF EDUCATION TO ASSIST CERTAIN SCHOOLS IN  
118 ESTABLISHING A PROGRAM OF EDUCATIONAL ACCOUNTABILITY DOES NOT  
119 APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-49, MISSISSIPPI  
120 CODE OF 1972, TO CLARIFY THAT REQUIREMENTS RELATING TO THE  
121 ADOPTION OF INSTRUCTIONAL PROGRAMS AND MANAGEMENT SYSTEMS DO NOT  
122 APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-51, MISSISSIPPI  
123 CODE OF 1972, TO REQUIRE NOTICE TO BE GIVEN TO THE MISSISSIPPI  
124 CHARTER SCHOOL AUTHORIZER BOARD OF THE CONVICTION OF CHARTER  
125 SCHOOL EMPLOYEES OF CERTAIN FELONIES AND SEX OFFENSES; TO AMEND  
126 SECTION 37-3-53, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
127 MISSISSIPPI REPORT CARD TO INCLUDE DATA ON CHARTER SCHOOLS; TO  
128 AMEND SECTION 37-3-61, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT  
129 CHARTER SCHOOLS ARE NOT REQUIRED TO PARTICIPATE IN THE ALLIANCE  
130 FOR FAMILIES PROGRAM; TO AMEND SECTION 37-3-105, MISSISSIPPI CODE  
131 OF 1972, TO CLARIFY THAT CHARTER SCHOOL TEACHERS ARE EXEMPT FROM  
132 IN-SERVICE TRAINING REQUIREMENTS IN RESEARCH-BASED READING  
133 METHODS; TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO  
134 CLARIFY THAT COUNTY SUPERINTENDENTS OF EDUCATION HAVE NO AUTHORITY  
135 OVER CHARTER SCHOOLS; TO AMEND SECTION 37-7-455, MISSISSIPPI CODE  
136 OF 1972, TO PROVIDE THAT SCHOOL DISTRICT PROPERTY NO LONGER NEEDED



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



188 AMEND SECTION 37-18-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT  
189 CHARTER SCHOOLS MAY BE RECOGNIZED FOR IMPROVEMENT BY THE STATE  
190 BOARD OF EDUCATION THROUGH THE SUPERIOR-PERFORMING AND EXEMPLARY  
191 SCHOOLS PROGRAMS; TO AMEND SECTION 37-21-3, MISSISSIPPI CODE OF  
192 1972, TO EXEMPT CHARTER SCHOOL EMPLOYEES FROM CERTAIN EDUCATIONAL  
193 QUALIFICATIONS REQUIRED OF EARLY CHILDHOOD PROGRAM EMPLOYEES; TO  
194 AMEND SECTIONS 37-41-1, 37-41-3 AND 37-41-23, MISSISSIPPI CODE OF  
195 1972, TO CLARIFY THAT THE REQUIREMENTS RELATING TO THE  
196 TRANSPORTATION OF STUDENTS AND SCHOOL BUSES ARE NOT APPLICABLE TO  
197 CHARTER SCHOOLS; TO BRING FORWARD SECTION 37-41-25, MISSISSIPPI  
198 CODE OF 1972, WHICH ESTABLISHES PENALTIES FOR FALSE REPORTS  
199 RELATING TO STUDENT TRANSPORTATION BY SCHOOL OFFICIALS, FOR  
200 PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 37-41-31,  
201 37-41-43, 37-41-45, 37-41-49 AND 37-41-53, MISSISSIPPI CODE OF  
202 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD  
203 SECTION 37-41-57, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE  
204 STATE BOARD OF EDUCATION TO ADOPT REGULATIONS GOVERNING THE DESIGN  
205 AND OPERATION OF SCHOOL BUSES, FOR PURPOSES OF POSSIBLE AMENDMENT;  
206 TO AMEND SECTION 37-43-1, MISSISSIPPI CODE OF 1972, TO CLARIFY  
207 THAT CHARTER SCHOOLS ARE NOT PARTICIPANTS IN THE STATE TEXTBOOK  
208 PROGRAM; TO BRING FORWARD SECTION 37-43-39, MISSISSIPPI CODE OF  
209 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION  
210 37-45-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER  
211 SCHOOLS ARE EXEMPT FROM THE REQUIREMENT OF HAVING THE STATE BOARD  
212 OF EDUCATION APPROVE PLANS FOR THE LOCATION AND CONSTRUCTION OF  
213 SCHOOL BUILDINGS; TO AMEND SECTION 37-47-9, MISSISSIPPI CODE OF  
214 1972, TO CLARIFY THAT ANNUAL GRANTS BY THE STATE FOR THE  
215 CONSTRUCTION OF SCHOOL FACILITIES ARE PAYABLE TO SCHOOL DISTRICTS  
216 ONLY; TO AMEND SECTION 37-143-11, MISSISSIPPI CODE OF 1972, TO  
217 AUTHORIZE RECIPIENTS OF WILLIAM F. WINTER TEACHER SCHOLARSHIPS TO  
218 DISCHARGE THEIR TEACHING OBLIGATIONS IN CHARTER SCHOOLS; TO AMEND  
219 SECTION 37-143-12, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
220 PARTICIPANTS IN THE SPEECH-LANGUAGE PATHOLOGISTS LOAN FORGIVENESS  
221 PROGRAM TO DISCHARGE THEIR LOANS BY RENDERING SERVICE IN A CHARTER  
222 SCHOOL; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO  
223 DEFINE THE TERM "CHARTER SCHOOL" AS USED UNDER THE ADEQUATE  
224 EDUCATION PROGRAM; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF  
225 1972, TO CONFORM THE ADEQUATE EDUCATION PROGRAM FUNDING FORMULA TO  
226 THE ALLOCATION OF FUNDS TO CHARTER SCHOOLS; TO AMEND SECTIONS  
227 37-151-101 AND 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE  
228 FOR THE DISTRIBUTION OF STATE FUNDS TO CHARTER SCHOOLS AT THE SAME  
229 TIME AND IN THE SAME MANNER SUCH FUNDS ARE PAID TO SCHOOL  
230 DISTRICTS; TO AMEND SECTION 37-57-107, MISSISSIPPI CODE OF 1972,  
231 TO REQUIRE EACH SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS  
232 LOCATED TO TRANSFER TO THE CHARTER SCHOOL ITS PER PUPIL PRO RATA  
233 SHARE OF LOCAL AD VALOREM SCHOOL DISTRICT MAINTENANCE FUNDS; TO  
234 REPEAL SECTIONS 37-165-1 THROUGH 37-165-27, MISSISSIPPI CODE OF  
235 1972, WHICH ARE THE CONVERSION CHARTER SCHOOL ACT OF 2010; TO  
236 REPEAL SECTION 37-167-1, MISSISSIPPI CODE OF 1972, WHICH CREATES  
237 THE NEW START SCHOOL PROGRAM; TO PROVIDE FOR THE REPEAL OF THE



238 MISSISSIPPI CHARTER SCHOOLS ACT OF 2013 ON JULY 1, 2020; AND FOR  
239 RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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





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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

429 (i) Organizational capacity and infrastructure;

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

432 (iii) Performance contracting;

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

435 (v) Charter renewal decision-making;



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

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

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

524           (a) An executive summary;

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

597           (u) Proposed governing bylaws;

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

855 (h) Financial performance and sustainability; and

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

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

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

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

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



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

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

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

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





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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



1000 reasons for the board's decision and assurances as to compliance  
1001 with all of the requirements set forth in this act.

1002       **SECTION 18.** (1) Before implementing a charter school  
1003 closure decision, the authorizer must develop a charter school  
1004 closure protocol to ensure timely notification to parents, orderly  
1005 transition of students and student records to new schools, and  
1006 proper disposition of school funds, property and assets in  
1007 accordance with the requirements of this act. The protocol must  
1008 specify tasks, timelines and responsible parties, including  
1009 delineating the respective duties of the school and the  
1010 authorizer. If a charter school is to be closed for any reason,  
1011 the authorizer shall oversee and work with the closing school to  
1012 ensure a smooth and orderly closure and transition for students  
1013 and parents, as guided by the closure protocol.

1014       (2) If a charter school closes, all unspent government  
1015 funds, unspent earnings from those funds and assets purchased with  
1016 government funds must revert to the local school district in which  
1017 the charter school is located. Unless otherwise provided for in  
1018 the charter or a debt instrument, unspent funds from  
1019 nongovernmental sources, unspent earnings from those funds, assets  
1020 purchased with those funds and debts of the school must revert to  
1021 the nonprofit entity created to operate the school and may be  
1022 disposed of according to applicable laws for nonprofit  
1023 corporations.



1024           **SECTION 19.** (1) Before October 1 of each year, beginning in  
1025 the year that the state has had at least one (1) charter school  
1026 operating for a full school year, the Mississippi Charter School  
1027 Authorizer Board shall issue to the Governor, Legislature, State  
1028 Board of Education and the public an annual report on the state's  
1029 charter schools for the preceding school year. The report must  
1030 include a comparison of the performance of charter school students  
1031 with the performance of academically, ethnically and economically  
1032 comparable groups of students in the school district in which a  
1033 charter school is located. In addition, the report must include  
1034 the authorizer's assessment of the successes, challenges and areas  
1035 for improvement in meeting the purposes of this act. The report  
1036 also must include an assessment on whether the number and size of  
1037 operating charter schools are sufficient to meet demand, as  
1038 calculated according to admissions data and the number of students  
1039 denied enrollment based on lottery results. The report due from  
1040 the authorizer under this section must be coordinated with reports  
1041 due from charter school governing boards, as near as possible, to  
1042 decrease or eliminate duplication.

1043           (2) The Joint Legislative Committee on Performance  
1044 Evaluation and Expenditure Review (PEER) shall prepare an annual  
1045 report assessing the sufficiency of funding for charter schools,  
1046 the efficacy of the state formula for authorizer funding, and any  
1047 suggested changes in state law or policy necessary to strengthen  
1048 the state's charter schools.



1049           **SECTION 20.** (1) Notwithstanding any provision of law to the  
1050 contrary, to the extent that any provision of this act is  
1051 inconsistent with any other state or local law, rule or  
1052 regulation, the provisions of this act govern and are controlling.

1053           (2) A charter school and any education service provider  
1054 which provides comprehensive management for a charter school must  
1055 be a nonprofit education organization.

1056           (3) A charter school is subject to all federal laws and  
1057 authorities specified in this act or agreed upon with the  
1058 authorizer in the charter contract, where such contracting is  
1059 consistent with applicable laws, rules and regulations.

1060           (4) To the extent approved by the authorizer, a charter  
1061 contract may consist of one or more schools. Each charter school  
1062 that is part of a charter contract must be separate and distinct  
1063 from any other charter school.

1064           (5) A single governing board may hold one or more charter  
1065 contracts.

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



1073 contract, links with the local school district for services,  
1074 resources and programs.

1075 **SECTION 21.** A charter school may exercise those powers  
1076 necessary for carrying out the terms of its charter contract,  
1077 including the following powers:

1078 (a) To receive and disburse funds authorized by law for  
1079 school purposes;

1080 (b) To secure appropriate insurance and to enter into  
1081 contracts and leases;

1082 (c) To contract with an education service provider for  
1083 the management and operation of the charter school so long as the  
1084 school's governing board retains oversight authority over the  
1085 school;

1086 (d) To solicit and accept any gifts or grants for  
1087 school purposes subject to applicable laws and the terms of its  
1088 charter contract;

1089 (e) To acquire real property for use as its facility or  
1090 facilities, from public or private sources; and

1091 (f) To sue and be sued in its own name.

1092 **SECTION 22.** (1) A charter school may not discriminate  
1093 against any person on the basis of race, creed, color, sex,  
1094 disability, national origin or any other category that would be  
1095 unlawful if done by a noncharter public school.





1096 (2) A charter school may not engage in any sectarian  
1097 practices in its educational program, admissions or employment  
1098 policies or operations.

1099 (3) A charter school may not discriminate against any  
1100 student on the basis of national origin, minority status or  
1101 limited proficiency in English. Consistent with federal civil  
1102 rights laws, charter schools must provide limited English  
1103 proficient students with appropriate services designed to teach  
1104 them English and the general curriculum.

1105 (4) A charter school may not charge tuition.

1106 (5) The terms of each charter school must include a  
1107 transportation plan for students attending the charter school.

1108 (6) Subject to the approval of the authorizer, a charter  
1109 school may contract with an accredited online course provider for  
1110 the delivery of virtual courses to students enrolled in the  
1111 charter school.

1112 (7) Except to the extent authorized under paragraph (c) of  
1113 Section 21, the powers, obligations and responsibilities set forth  
1114 in the charter contract may not be delegated or assigned by either  
1115 party.

1116 **SECTION 23.** (1) Charter schools are subject to the same  
1117 civil rights, health and safety requirements applicable to  
1118 noncharter public schools in the state, except as otherwise  
1119 specifically provided in this act.



1120 (2) Charter schools are subject to the student assessment  
1121 and accountability requirements applicable to noncharter public  
1122 schools in the state; however, this requirement does not preclude  
1123 a charter school from establishing additional student assessment  
1124 measures that go beyond state requirements if the authorizer  
1125 approves those measures.

1126 (3) Although a charter school is geographically located  
1127 within the boundaries of a particular school district and enrolls  
1128 students who reside within the school district, the charter school  
1129 may not be considered a school within that district under the  
1130 purview of the school district's school board. The rules,  
1131 regulations, policies and procedures established by the school  
1132 board for the noncharter public schools that are in the school  
1133 district in which the charter school is geographically located do  
1134 not apply to the charter school unless otherwise required under  
1135 the charter contract or any contract entered into between the  
1136 charter school governing board and the local school board.

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



1145 school unless the statute specifically is made applicable to  
1146 charter schools as well as noncharter public schools.

1147 (5) A charter school is not subject to any rule, regulation,  
1148 policy or procedure adopted by the State Board of Education or the  
1149 State Department of Education unless otherwise required by the  
1150 authorizer or in the charter contract.

1151 (6) Charter schools are not exempt from the following  
1152 statutes:

1153 (a) Chapter 41, Title 25, Mississippi Code of 1972,  
1154 which relate to open meetings of public bodies.

1155 (b) Chapter 61, Title 25, Mississippi Code of 1972,  
1156 which relate to public access to public records.

1157 (c) Section 37-3-51, which requires notice by the  
1158 district attorney of licensed school employees who are convicted  
1159 of certain sex offenses.

1160 (d) Section 37-3-53, which requires publication of the  
1161 Mississippi Report Card by the State Board of Education.

1162 (e) Section 37-11-18, which requires the automatic  
1163 expulsion of a student possessing a weapon or controlled substance  
1164 on educational property.

1165 (f) Section 37-11-18.1, which requires expulsion of  
1166 certain habitually disruptive students.

1167 (g) Section 37-11-19, which requires suspension or  
1168 expulsion of a student who damages school property.



1169           (h) Section 37-11-20, which prohibits acts of  
1170 intimidation intended to keep a student from attending school.

1171           (i) Section 37-11-21, which prohibits parental abuse of  
1172 school staff.

1173           (j) Section 37-11-23, which prohibits the willful  
1174 disruption of school and school meetings.

1175           (k) Sections 37-11-29 and 37-11-31, which relate to  
1176 reporting requirements regarding unlawful or violent acts on  
1177 school property.

1178           (l) Section 37-11-67, which prohibits bullying or  
1179 harassing behavior in public schools.

1180           (m) Section 37-13-3, which prohibits doctrinal,  
1181 sectarian or denominational teaching in public schools.

1182           (n) Sections 37-13-5 and 37-13-6, which require the  
1183 flags of the United States and the State of Mississippi to be  
1184 displayed near the school building.

1185           (o) Section 37-13-63(1), which prescribes the minimum  
1186 number of days which public schools must be kept in session during  
1187 a scholastic year.

1188           (p) Section 37-13-91, which is the Mississippi  
1189 Compulsory School Attendance Law.

1190           (q) Section 37-13-171(2) and (4), which requires any  
1191 course containing sex-related education to include instruction in  
1192 abstinence-only or abstinence-plus education.



1193 (r) Section 37-13-173, which requires notice to parents  
1194 before instruction on human sexuality is provided in public  
1195 classrooms.

1196 (s) Section 37-13-193, which relates to civil rights  
1197 and human rights education in the public schools.

1198 (t) Sections 37-15-1 and 37-15-3, which relate to the  
1199 maintenance and transfer of permanent student records in public  
1200 schools.

1201 (u) Section 37-15-6, which requires the State  
1202 Department of Education to maintain a record of expulsions from  
1203 the public schools.

1204 (v) Section 37-15-9, which establishes minimum age  
1205 requirements for kindergarten and first grade enrollment in public  
1206 schools.

1207 (w) Section 37-15-11, which requires a parent, legal  
1208 guardian or custodian to accompany a child seeking enrollment in a  
1209 public school.

1210 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,  
1211 which relate to the statewide assessment testing program.

1212 (y) Section 37-18-1, which establishes the  
1213 Superior-Performing Schools Program and Exemplary Schools Program  
1214 to recognize public schools that improve.

1215 **SECTION 24.** (1) (a) Charter schools must comply with  
1216 applicable federal laws, rules and regulations regarding the  
1217 qualification of teachers and other instructional staff. No more



1218 than twenty-five percent (25%) of teachers in a charter school may  
1219 be exempt from state teacher licensure requirements at the time  
1220 the initial charter application is approved by the authorizer.  
1221 Administrators of charter schools are exempt from state  
1222 administrator licensure requirements. However, teachers and  
1223 administrators must have a bachelor's degree as a minimum  
1224 requirement, and teachers must have demonstrated subject-matter  
1225 competency. Within three (3) years of the date of initial  
1226 application approval by the authorizer, all teachers must have, at  
1227 a minimum, alternative licensure approved by the Commission on  
1228 Teacher and Administrator Education, Certification and Licensure  
1229 and Development.

1230           (b) A charter school may not staff positions for  
1231 teachers, administrators, ancillary support personnel or other  
1232 employees by utilizing or otherwise relying on nonimmigrant  
1233 foreign worker visa programs. However, a charter school may  
1234 submit a request to the authorizer for an exception allowing the  
1235 employment of a nonimmigrant foreign worker before the worker is  
1236 employed. The authorizer may grant permission for the employment  
1237 of the nonimmigrant foreign worker only if the charter school  
1238 makes a satisfactory showing of efforts to recruit lawful  
1239 permanent residents of the United States to fill the position and  
1240 a lack of qualified applicants to fill the position.



1241 (2) Employees in charter schools must have the same general  
1242 rights and privileges as other public school employees, except  
1243 such employees are not:

1244 (a) Covered under the Education Employment Procedures  
1245 Law (Section 37-9-103);

1246 (b) Subject to the state salary requirements prescribed  
1247 in Section 37-19-7; and

1248 (c) Members of the Public Employees' Retirement System.

1249 (3) Employees in charter schools are eligible for  
1250 participation in retirement and other benefits programs in which  
1251 the charter school chooses to make available to its employees.

1252 **SECTION 25.** (1) Charter school teachers and other school  
1253 personnel, as well as members of the governing board and any  
1254 education service provider with whom a charter school contracts,  
1255 are subject to criminal history record checks and fingerprinting  
1256 requirements applicable to employees of other public schools. The  
1257 authorizer shall require that current criminal records background  
1258 checks and current child abuse registry checks are obtained, and  
1259 that the criminal record information and registry checks are on  
1260 file at the charter school for any new hires applying for  
1261 employment. In order to determine an applicant's suitability for  
1262 employment, the applicant must be fingerprinted. If no  
1263 disqualifying record is identified at the state level, the  
1264 fingerprints must be forwarded by the Department of Public Safety  
1265 to the Federal Bureau of Investigation for a national criminal



1266 history record check. Under no circumstances may a member of the  
1267 Mississippi Charter School Authorizer Board, member of the charter  
1268 school governing board or any individual other than the subject of  
1269 the criminal history record checks disseminate information  
1270 received through the checks except as may be required to fulfill  
1271 the purposes of this section. The determination whether the  
1272 applicant has a disqualifying crime, as set forth in subsection  
1273 (2) of this section, must be made by the appropriate state or  
1274 federal governmental authority, which must notify the charter  
1275 school whether a disqualifying crime exists.

1276 (2) If the fingerprinting or criminal record checks disclose  
1277 a felony conviction, guilty plea or plea of nolo contendere to a  
1278 felony of possession or sale of drugs, murder, manslaughter, armed  
1279 robbery, rape, sexual battery, sex offense listed in Section  
1280 45-33-23(g), child abuse, arson, grand larceny, burglary,  
1281 gratification of lust or aggravated assault which has not been  
1282 reversed on appeal or for which a pardon has not been granted, the  
1283 new hire is not eligible to be employed at the charter school.  
1284 However, the charter school, in its discretion, may allow any  
1285 applicant aggrieved by the employment decision under this section  
1286 to show mitigating circumstances that exist and may allow, subject  
1287 to the approval of the Mississippi Charter School Authorizer  
1288 Board, the new hire to be employed at the school. The authorizer  
1289 may approve the employment depending on the mitigating  
1290 circumstances, which may include, but need not be limited to: (a)





1291 age at which the crime was committed; (b) circumstances  
1292 surrounding the crime; (c) length of time since the conviction and  
1293 criminal history since the conviction; (d) work history; (e)  
1294 current employment and character references; and (f) other  
1295 evidence demonstrating the ability of the person to perform the  
1296 employment responsibilities competently and that the person does  
1297 not pose a threat to the health or safety of children.

1298 (3) No charter school, charter school employee, member of  
1299 the charter school governing board, the Mississippi Charter School  
1300 Authorizer Board or member or employee of the Mississippi Charter  
1301 School Authorizer Board employee may be held liable in any  
1302 employment discrimination suit in which an allegation of  
1303 discrimination is made regarding an employment decision authorized  
1304 under this section.

1305 (4) A charter school shall terminate any teacher or  
1306 administrator for committing one or more of the following acts:

1307 (a) Engaging in unethical conduct relating to an  
1308 educator-student relationship as identified by the Mississippi  
1309 Charter School Authorizer Board;

1310 (b) Fondling a student as described in Section 97-5-23  
1311 or engaging in any type of sexual involvement with a student as  
1312 described in Section 97-3-95; or

1313 (c) Failure to report sexual involvement of a charter  
1314 school employee with a student as required by Section 97-5-24.



1315           **SECTION 26.** A charter school is eligible to participate in  
1316 state-sponsored or district-sponsored athletic and academic  
1317 interscholastic leagues, competitions, awards, scholarships and  
1318 recognition programs for students, educators, administrators and  
1319 schools to the same extent as noncharter public schools.

1320           **SECTION 27.** (1) Each charter school shall certify annually  
1321 to the State Department of Education its student enrollment,  
1322 average daily attendance and student participation in the national  
1323 school lunch program, special education, vocational education,  
1324 gifted education, alternative school program and federal programs  
1325 in the same manner as school districts.

1326           (2) Each charter school shall certify annually to the school  
1327 board of the school district in which the charter school is  
1328 located the number of enrolled charter school students residing in  
1329 the school district.

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



1339 student resides, to be determined as provided in Section  
1340 37-151-7(2) (a) .

1341 (b) Payments made pursuant to this subsection by the  
1342 State Department of Education must be made at the same time and in  
1343 the same manner as adequate education program payments are made to  
1344 school districts under Sections 37-151-101 and 37-151-103.  
1345 Amounts payable to a charter school must be determined by the  
1346 State Department of Education. Amounts payable to a charter  
1347 school in its first year of operation must be based on the  
1348 projections of initial-year enrollment and federal school level  
1349 funding set forth in the charter contract. Such projections must  
1350 be reconciled with the average daily attendance at the end of the  
1351 school's first year of operation, and any necessary adjustments  
1352 must be made to payments during the school's second year of  
1353 operation.

1354 (2) The school district in which a charter school is located  
1355 shall pay to the charter school an amount for each student  
1356 enrolled in the charter school equal to the ad valorem taxes  
1357 levied and collected and in lieu payments received per pupil for  
1358 the support of the school district in which the student resides.  
1359 The pro rata ad valorem taxes and in lieu payments to be  
1360 transferred to the charter school must include all levies for the  
1361 support of the school district under Sections 37-57-1 (local  
1362 contribution to the adequate education program) and 37-57-105  
1363 (school district operational levy) and may not include any taxes



1364 levied for the retirement of school district bonded indebtedness  
1365 or short-term notes or any taxes levied for the support of  
1366 vocational-technical education programs. In no event may the  
1367 payment exceed the pro rata amount of the local ad valorem payment  
1368 for the local contribution to the adequate education program under  
1369 Section 37-57-1 for the school district in which the student  
1370 resides. Payments made under this section by a school district to  
1371 a charter school must be made before the expiration of three (3)  
1372 business days after the funds are distributed to the school  
1373 district by the tax collector.

1374 (3) (a) The State Department of Education shall direct the  
1375 proportionate share of monies generated under federal and state  
1376 categorical aid programs, including special education, vocational,  
1377 gifted and alternative school programs, to charter schools serving  
1378 students eligible for such aid. The department shall ensure that  
1379 charter schools with rapidly expanding enrollments are treated  
1380 equitably in the calculation and disbursement of all federal and  
1381 state categorical aid program dollars. Each charter school that  
1382 serves students who may be eligible to receive services provided  
1383 through such programs shall comply with all reporting requirements  
1384 to receive the aid.

1385 (b) A charter school shall pay to a local school  
1386 district any federal or state aid attributable to a student with a  
1387 disability attending the charter school in proportion to the level



1388 of services for that student which the local school district  
1389 provides directly or indirectly.

1390 (c) Subject to the approval of the authorizer, a  
1391 charter school and a local school district may negotiate and enter  
1392 into a contract for the provision of and payment for special  
1393 education services, including, but not necessarily limited to, a  
1394 reasonable reserve not to exceed five percent (5%) of the local  
1395 school district's total budget for providing special education  
1396 services. The reserve may be used by the local school district  
1397 only to offset excess costs of providing services to students with  
1398 disabilities enrolled in the charter school.

1399 (4) (a) The State Department of Education shall disburse  
1400 state transportation funding to a charter school on the same basis  
1401 and in the same manner as it is paid to school districts under the  
1402 adequate education program.

1403 (b) A charter school may enter into a contract with a  
1404 school district or private provider to provide transportation to  
1405 the school's students.

1406 **SECTION 29.** (1) A charter school must adhere to generally  
1407 accepted accounting principles.

1408 (2) A charter school shall have its financial records  
1409 audited annually, at the end of each fiscal year, either by the  
1410 State Auditor or by a certified public accountant approved by the  
1411 State Auditor. However, a certified public accountant may not be  
1412 selected to perform the annual audit of a charter school if that



1413 accountant previously has audited the charter school for more than  
1414 three (3) consecutive years. Certified public accountants must be  
1415 selected in a manner determined by the State Auditor. The charter  
1416 school shall file a copy of each audit report and accompanying  
1417 management letter with the authorizer before August 1.

1418        SECTION 30. (1) Any monies received by a charter school  
1419 from any source remaining in the charter school's accounts at the  
1420 end of a budget year must remain in the charter school's accounts  
1421 for use by the charter school during subsequent budget years.

1422        (2) Nothing in this act may be construed to prohibit any  
1423 person or organization from providing funding or other assistance  
1424 to the establishment or operation of a charter school. The  
1425 governing board of a charter school may accept gifts, donations  
1426 and grants of any kind made to the charter school and may expend  
1427 or use such gifts, donations and grants in accordance with the  
1428 conditions prescribed by the donor; however, a gift, donation or  
1429 grant may not be accepted if it is subject to a condition that is  
1430 contrary to any provision of law or term of the charter contract.

1431        (3) A charter school must disclose publicly all sources of  
1432 private funding and all funds received from foreign sources,  
1433 including gifts from foreign governments, foreign legal entities  
1434 and domestic entities affiliated with either foreign governments  
1435 or foreign legal entities. For the purposes of this subsection,  
1436 the term "foreign" means a country or jurisdiction outside of any  
1437 state or territory of the United States.



1438           **SECTION 31.** (1) A charter school has a right of first  
1439 refusal to purchase or lease at or below fair market value a  
1440 closed public school facility or property or unused portions of a  
1441 public school facility or property in the school district in which  
1442 the charter school is located if the school district decides to  
1443 sell or lease the public school facility or property.

1444           (2) A charter school may negotiate and contract at or below  
1445 fair market value with a school district, state institution of  
1446 higher learning, public community or junior college, or any other  
1447 public or for-profit or nonprofit private entity for the use of a  
1448 facility for a school building.

1449           (3) Public entities, including, but not limited to,  
1450 libraries, community service organizations, museums, performing  
1451 arts venues, theatres, cinemas, churches, community and junior  
1452 colleges, colleges and universities, may provide space to charter  
1453 schools within their facilities under their preexisting zoning and  
1454 land use designations.

1455           **SECTION 32.** Section 11-46-1, Mississippi Code of 1972, is  
1456 amended as follows:

1457           11-46-1. As used in this chapter, the following terms shall  
1458 have the meanings herein ascribed unless the context otherwise  
1459 requires:

1460           (a) "Claim" means any demand to recover damages from a  
1461 governmental entity as compensation for injuries.



1462 (b) "Claimant" means any person seeking compensation  
1463 under the provisions of this chapter, whether by administrative  
1464 remedy or through the courts.

1465 (c) "Board" means the Mississippi Tort Claims Board.

1466 (d) "Department" means the Department of Finance and  
1467 Administration.

1468 (e) "Director" means the executive director of the  
1469 department who is also the executive director of the board.

1470 (f) "Employee" means any officer, employee or servant  
1471 of the State of Mississippi or a political subdivision of the  
1472 state, including elected or appointed officials and persons acting  
1473 on behalf of the state or a political subdivision in any official  
1474 capacity, temporarily or permanently, in the service of the state  
1475 or a political subdivision whether with or without compensation.  
1476 The term "employee" shall not mean a person or other legal entity  
1477 while acting in the capacity of an independent contractor under  
1478 contract to the state or a political subdivision; provided,  
1479 however, that for purposes of the limits of liability provided for  
1480 in Section 11-46-15, the term "employee" shall include physicians  
1481 under contract to provide health services with the State Board of  
1482 Health, the State Board of Mental Health or any county or  
1483 municipal jail facility while rendering services under such  
1484 contract. The term "employee" shall also include any physician,  
1485 dentist or other health care practitioner employed by the  
1486 University of Mississippi Medical Center (UMMC) and its





1487 departmental practice plans who is a faculty member and provides  
1488 health care services only for patients at UMMC or its affiliated  
1489 practice sites. The term "employee" shall also include any  
1490 physician, dentist or other health care practitioner employed by  
1491 any university under the control of the Board of Trustees of State  
1492 Institutions of Higher Learning who practices only on the campus  
1493 of any university under the control of the Board of Trustees of  
1494 State Institutions of Higher Learning. The term "employee" shall  
1495 also include any physician, dentist or other health care  
1496 practitioner employed by the State Veterans Affairs Board and who  
1497 provides health care services for patients for the State Veterans  
1498 Affairs Board. The term "employee" shall also include Mississippi  
1499 Department of Human Services licensed foster parents for the  
1500 limited purposes of coverage under the Tort Claims Act as provided  
1501 in Section 11-46-8. The term "employee" also shall include any  
1502 employee or member of the governing board of a charter school but  
1503 shall not include any person or entity acting in the capacity of  
1504 an independent contractor to provide goods or services under a  
1505 contract with a charter school.

1506 (g) "Governmental entity" means and includes the state  
1507 and political subdivisions as herein defined.

1508 (h) "Injury" means death, injury to a person, damage to  
1509 or loss of property or any other injury that a person may suffer  
1510 that is actionable at law or in equity.



1511 (i) "Political subdivision" means any body politic or  
1512 body corporate other than the state responsible for governmental  
1513 activities only in geographic areas smaller than that of the  
1514 state, including, but not limited to, any county, municipality,  
1515 school district, charter school, community hospital as defined in  
1516 Section 41-13-10, \* \* \* airport authority or other instrumentality  
1517 thereof, whether or not such body or instrumentality thereof has  
1518 the authority to levy taxes or to sue or be sued in its own name.

1519 (j) "State" means the State of Mississippi and any  
1520 office, department, agency, division, bureau, commission, board,  
1521 institution, hospital, college, university, airport authority or  
1522 other instrumentality thereof, whether or not such body or  
1523 instrumentality thereof has the authority to levy taxes or to sue  
1524 or be sued in its own name.

1525 (k) "Law" means all species of law, including, but not  
1526 limited to, any and all constitutions, statutes, case law, common  
1527 law, customary law, court order, court rule, court decision, court  
1528 opinion, court judgment or mandate, administrative rule or  
1529 regulation, executive order, or principle or rule of equity.

1530 **SECTION 33.** Section 25-41-3, Mississippi Code of 1972, is  
1531 amended as follows:

1532 25-41-3. For purposes of this chapter, the following words  
1533 shall have the meaning ascribed herein, to wit:

1534 (a) "Public body" means any executive or administrative  
1535 board, commission, authority, council, department, agency, bureau



1536 or any other policy-making entity, or committee thereof, of the  
1537 State of Mississippi, or any political subdivision or municipal  
1538 corporation of the state, whether such entity be created by  
1539 statute or executive order, which is supported wholly or in part  
1540 by public funds or expends public funds, and any standing, interim  
1541 or special committee of the Mississippi Legislature. The term  
1542 "public body" includes the governing board of a charter school  
1543 authorized by the Mississippi Charter School Authorizer Board.

1544 There shall be exempted from the provisions of this chapter:

- 1545 (i) The judiciary, including all jury deliberations;
- 1546 (ii) Public and private hospital staffs, public and  
1547 private hospital boards and committees thereof;
- 1548 (iii) Law enforcement officials;
- 1549 (iv) The military;
- 1550 (v) The State Probation and Parole Board;
- 1551 (vi) The Workers' Compensation Commission;
- 1552 (vii) Legislative subcommittees and legislative  
1553 conference committees;
- 1554 (viii) The arbitration council established in Section  
1555 69-3-19;
- 1556 (ix) License revocation, suspension and disciplinary  
1557 proceedings held by the Mississippi State Board of Dental  
1558 Examiners; and



1559           (x) Hearings and meetings of the Board of Tax Appeals  
1560 and of the hearing officers and the board of review of the  
1561 Department of Revenue as provided in Section 27-77-15.

1562           (b) "Meeting" means an assemblage of members of a public  
1563 body at which official acts may be taken upon a matter over which  
1564 the public body has supervision, control, jurisdiction or advisory  
1565 power; "meeting" also means any such assemblage through the use of  
1566 video or teleconference devices.

1567           **SECTION 34.** Section 25-61-3, Mississippi Code of 1972, is  
1568 amended as follows:

1569           25-61-3. The following words shall have the meanings  
1570 ascribed herein unless the context clearly requires otherwise:

1571           (a) "Public body" shall mean any department, bureau,  
1572 division, council, commission, committee, subcommittee, board,  
1573 agency and any other entity of the state or a political  
1574 subdivision thereof, and any municipal corporation and any other  
1575 entity created by the Constitution or by law, executive order,  
1576 ordinance or resolution. The term "public body" includes the  
1577 governing board of a charter school authorized by the Mississippi  
1578 Charter School Authorizer Board. Within the meaning of this  
1579 chapter, the term "entity" shall not be construed to include  
1580 individuals employed by a public body or any appointed or elected  
1581 public official.

1582           (b) "Public records" shall mean all books, records,  
1583 papers, accounts, letters, maps, photographs, films, cards, tapes,



1584 recordings or reproductions thereof, and any other documentary  
1585 materials, regardless of physical form or characteristics, having  
1586 been used, being in use, or prepared, possessed or retained for  
1587 use in the conduct, transaction or performance of any business,  
1588 transaction, work, duty or function of any public body, or  
1589 required to be maintained by any public body.

1590 (c) "Data processing software" means the programs and  
1591 routines used to employ and control the capabilities of data  
1592 processing hardware, including, but not limited to, operating  
1593 systems, compilers, assemblers, utilities, library routines,  
1594 maintenance routines, applications and computer networking  
1595 programs.

1596 (d) "Proprietary software" means data processing  
1597 software that is obtained under a licensing agreement and is  
1598 protected by copyright or trade secret laws.

1599 (e) "Incident report" means a narrative description, if  
1600 such narrative description exists and if such narrative  
1601 description does not contain investigative information, of an  
1602 alleged offense, and at a minimum shall include the name and  
1603 identification of each person charged with and arrested for the  
1604 alleged offense, the time, date and location of the alleged  
1605 offense, and the property involved, to the extent this information  
1606 is known.

1607 (f) "Investigative report" means records of a law  
1608 enforcement agency containing information beyond the scope of the



1609 matters contained in an incident report, and generally will  
1610 include, but not be limited to, the following matters if beyond  
1611 the scope of the matters contained in an incident report:

1612           (i) Records that are compiled in the process of  
1613 detecting and investigating any unlawful activity or alleged  
1614 unlawful activity, the disclosure of which would harm the  
1615 investigation which may include crime scene reports and  
1616 demonstrative evidence;

1617           (ii) Records that would reveal the identity of  
1618 informants and/or witnesses;

1619           (iii) Records that would prematurely release  
1620 information that would impede the public body's enforcement,  
1621 investigative or detection efforts;

1622           (iv) Records that would disclose investigatory  
1623 techniques and/or results of investigative techniques;

1624           (v) Records that would deprive a person of a right  
1625 to a fair trial or an impartial adjudication;

1626           (vi) Records that would endanger the life or  
1627 safety of a public official or law enforcement personnel, or  
1628 confidential informants or witnesses;

1629           (vii) Records pertaining to quality control or  
1630 PEER review activities; or

1631           (viii) Records that would impede or jeopardize a  
1632 prosecutor's ability to prosecute the alleged offense.



1633 (g) "Law enforcement agency" means a public body that  
1634 performs as one (1) of its principal functions activities  
1635 pertaining to the enforcement of criminal laws, the apprehension  
1636 and investigation of criminal offenders, or the investigation of  
1637 criminal activities.

1638 **SECTION 35.** Section 31-7-1, Mississippi Code of 1972, is  
1639 amended as follows:

1640 31-7-1. The following terms are defined for the purposes of  
1641 this chapter to have the following meanings:

1642 (a) "Agency" means any state board, commission,  
1643 committee, council, university, department or unit thereof created  
1644 by the Constitution or statutes if such board, commission,  
1645 committee, council, university, department, unit or the head  
1646 thereof is authorized to appoint subordinate staff by the  
1647 Constitution or statute, except a legislative or judicial board,  
1648 commission, committee, council, department or unit thereof; except  
1649 a charter school authorized by the Mississippi Charter School  
1650 Authorizer Board; and except the Mississippi State Port Authority.

1651 (b) "Governing authority" means boards of supervisors,  
1652 governing boards of all school districts, all boards of directors  
1653 of public water supply districts, boards of directors of master  
1654 public water supply districts, municipal public utility  
1655 commissions, governing authorities of all municipalities, port  
1656 authorities, Mississippi State Port Authority, commissioners and  
1657 boards of trustees of any public hospitals, boards of trustees of



1658 public library systems, district attorneys, school attendance  
1659 officers and any political subdivision of the state supported  
1660 wholly or in part by public funds of the state or political  
1661 subdivisions thereof, including commissions, boards and agencies  
1662 created or operated under the authority of any county or  
1663 municipality of this state. The term "governing authority" shall  
1664 not include economic development authorities supported in part by  
1665 private funds, or commissions appointed to hold title to and  
1666 oversee the development and management of lands and buildings  
1667 which are donated by private individuals to the public for the use  
1668 and benefit of the community and which are supported in part by  
1669 private funds. The term "governing authority" also shall not  
1670 include the governing board of a charter school.

1671 (c) "Purchasing agent" means any administrator,  
1672 superintendent, purchase clerk or other chief officer so  
1673 designated having general or special authority to negotiate for  
1674 and make private contract for or purchase for any governing  
1675 authority or agency.

1676 (d) "Public funds" means and includes any appropriated  
1677 funds, special funds, fees or any other emoluments received by an  
1678 agency or governing authority.

1679 (e) "Commodities" means and includes the various  
1680 commodities, goods, merchandise, furniture, equipment, automotive  
1681 equipment of every kind, and other personal property purchased by  
1682 the agencies of the state and governing authorities, but not





1683 commodities purchased for resale or raw materials converted into  
1684 products for resale.

1685 (i) "Equipment" shall be construed to include:  
1686 automobiles, trucks, tractors, office appliances and all other  
1687 equipment of every kind and description.

1688 (ii) "Furniture" shall be construed to include:  
1689 desks, chairs, tables, seats, filing cabinets, bookcases and all  
1690 other items of a similar nature as well as dormitory furniture,  
1691 appliances, carpets and all other items of personal property  
1692 generally referred to as home, office or school furniture.

1693 (f) "Emergency" means any circumstances caused by fire,  
1694 flood, explosion, storm, earthquake, epidemic, riot, insurrection  
1695 or caused by any inherent defect due to defective construction, or  
1696 when the immediate preservation of order or of public health is  
1697 necessary by reason of unforeseen emergency, or when the immediate  
1698 restoration of a condition of usefulness of any public building,  
1699 equipment, road or bridge appears advisable, or in the case of a  
1700 public utility when there is a failure of any machine or other  
1701 thing used and useful in the generation, production or  
1702 distribution of electricity, water or natural gas, or in the  
1703 transportation or treatment of sewage; or when the delay incident  
1704 to obtaining competitive bids could cause adverse impact upon the  
1705 governing authorities or agency, its employees or its citizens; or  
1706 in the case of a public airport, when the delay incident to  
1707 publishing an advertisement for competitive bids would endanger



1708 public safety in a specific (not general) manner, result in or  
1709 perpetuate a specific breach of airport security, or prevent the  
1710 airport from providing specific air transportation services.

1711 (g) "Construction" means the process of building,  
1712 altering, improving, renovating or demolishing a public structure,  
1713 public building, or other public real property. It does not  
1714 include routine operation, routine repair or regularly scheduled  
1715 maintenance of existing public structures, public buildings or  
1716 other public real property.

1717 (h) "Purchase" means buying, renting, leasing or  
1718 otherwise acquiring.

1719 (i) "Certified purchasing office" means any purchasing  
1720 office wherein fifty percent (50%) or more of the purchasing  
1721 agents hold a certification from the Universal Public Purchasing  
1722 Certification Council or other nationally recognized purchasing  
1723 certification.

1724 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is  
1725 amended as follows:

1726 37-1-3. (1) The State Board of Education shall adopt rules  
1727 and regulations and set standards and policies for the  
1728 organization, operation, management, planning, budgeting and  
1729 programs of the State Department of Education.

1730 (a) The board is directed to identify all functions of  
1731 the department that contribute to or comprise a part of the state  
1732 system of educational accountability and to establish and maintain



1733 within the department the necessary organizational structure,  
1734 policies and procedures for effectively coordinating such  
1735 functions. Such policies and procedures shall clearly fix and  
1736 delineate responsibilities for various aspects of the system and  
1737 for overall coordination of the total system and its effective  
1738 management.

1739 (b) The board shall establish and maintain a  
1740 system-wide plan of performance, policy and directions of public  
1741 education not otherwise provided for.

1742 (c) The board shall effectively use the personnel and  
1743 resources of the department to enhance technical assistance to  
1744 school districts in instruction and management therein.

1745 (d) The board shall establish and maintain a central  
1746 budget policy.

1747 (e) The board shall establish and maintain within the  
1748 State Department of Education a central management capacity under  
1749 the direction of the State Superintendent of Public Education.

1750 (f) The board, with recommendations from the  
1751 superintendent, shall design and maintain a five-year plan and  
1752 program for educational improvement that shall set forth  
1753 objectives for system performance and development and be the basis  
1754 for budget requests and legislative initiatives.

1755 (2) (a) The State Board of Education shall adopt and  
1756 maintain a curriculum and a course of study to be used in the  
1757 public \* \* \* school districts that is designed to prepare the



1758 state's children and youth to be productive, informed, creative  
1759 citizens, workers and leaders, and it shall regulate all matters  
1760 arising in the practical administration of the school system not  
1761 otherwise provided for.

1762 (b) Before the 1999-2000 school year, the State Board  
1763 of Education shall develop personal living and finances objectives  
1764 that focus on money management skills for individuals and families  
1765 for appropriate, existing courses at the secondary level. The  
1766 objectives must require the teaching of those skills necessary to  
1767 handle personal business and finances and must include instruction  
1768 in the following:

- 1769 (i) Opening a bank account and assessing the  
1770 quality of a bank's services;
- 1771 (ii) Balancing a checkbook;
- 1772 (iii) Managing debt, including retail and credit  
1773 card debt;
- 1774 (iv) Completing a loan application;
- 1775 (v) The implications of an inheritance;
- 1776 (vi) The basics of personal insurance policies;
- 1777 (vii) Consumer rights and responsibilities;
- 1778 (viii) Dealing with salesmen and merchants;
- 1779 (ix) Computing state and federal income taxes;
- 1780 (x) Local tax assessments;
- 1781 (xi) Computing interest rates by various  
1782 mechanisms;



1783 (xii) Understanding simple contracts; and  
1784 (xiii) Contesting an incorrect billing statement.

1785 (3) The State Board of Education shall have authority to  
1786 expend any available federal funds, or any other funds expressly  
1787 designated, to pay training, educational expenses, salary  
1788 incentives and salary supplements to licensed teachers employed in  
1789 local school districts or schools administered by the State Board  
1790 of Education. Such incentive payments shall not be considered  
1791 part of a school district's local supplement as defined in Section  
1792 37-151-5(o), nor shall the incentives be considered part of the  
1793 local supplement paid to an individual teacher for the purposes of  
1794 Section 37-19-7(1). MAEP funds or any other state funds shall not  
1795 be used to provide such incentives unless specifically authorized  
1796 by law.

1797 (4) The State Board of Education shall through its actions  
1798 seek to implement the policies set forth in Section 37-1-2.

1799 **SECTION 37.** Section 37-1-12, Mississippi Code of 1972, is  
1800 amended as follows:

1801 37-1-12. The State Board of Education shall develop and  
1802 promulgate regulations for annual reports from \* \* \* school  
1803 districts and from the State Department of Education to the  
1804 Legislature. Such regulations shall eliminate duplication, make  
1805 effective use of technology and enable the Legislature to monitor  
1806 education in Mississippi. These regulations may include methods  
1807 to reduce redundant reporting requirements and eliminate



1808 inadequate performance measures, and the State Board of Education  
1809 may include any proposed legislative amendments to state law  
1810 necessary to improve statewide reporting mandates.

1811         **SECTION 38.** Section 37-1-13, Mississippi Code of 1972, is  
1812 amended as follows:

1813             37-1-13. (1) The State Board of Education shall issue  
1814 regulations:

1815                     (a) Setting minimum specifications for relocatable  
1816 classrooms for the public \* \* \* school districts;

1817                     (b) Approving or disapproving plans for relocatable  
1818 classrooms for public \* \* \* school districts;

1819                     (c) Providing a system of requiring local school  
1820 districts to receive State Department of Education approval before  
1821 purchase of such relocatable classrooms.

1822             (2) The State Department of Education may, in its  
1823 discretion, inspect the facilities of any manufacturer of  
1824 relocatable classrooms for the purpose of determining if State  
1825 Department of Education minimum specifications are being met.

1826             (3) The State Department of Education shall insure that  
1827 local school districts advertise for and receive bids as required  
1828 by state law for purchase of relocatable classrooms. The State  
1829 Department of Education shall approve plans for relocatable  
1830 classrooms by persons, firms, corporations or associations  
1831 permitted to submit bids for consideration, before such bids are  
1832 submitted to local school districts. The State Department of



1833 Education shall have the right to reject any and all relocatable  
1834 classroom plans submitted. Bids may not be submitted to local  
1835 school districts, unless persons, firms, corporations or  
1836 associations have State Department of Education approval.

1837 **SECTION 39.** Section 37-3-2, Mississippi Code of 1972, is  
1838 amended as follows:

1839 37-3-2. (1) There is established within the State  
1840 Department of Education the Commission on Teacher and  
1841 Administrator Education, Certification and Licensure and  
1842 Development. It shall be the purpose and duty of the commission  
1843 to make recommendations to the State Board of Education regarding  
1844 standards for the certification and licensure and continuing  
1845 professional development of those who teach or perform tasks of an  
1846 educational nature in the public schools of Mississippi.

1847 (2) The commission shall be composed of fifteen (15)  
1848 qualified members. The membership of the commission shall be  
1849 composed of the following members to be appointed, three (3) from  
1850 each congressional district: four (4) classroom teachers; three  
1851 (3) school administrators; one (1) representative of schools of  
1852 education of institutions of higher learning located within the  
1853 state to be recommended by the Board of Trustees of State  
1854 Institutions of Higher Learning; one (1) representative from the  
1855 schools of education of independent institutions of higher  
1856 learning to be recommended by the Board of the Mississippi  
1857 Association of Independent Colleges; one (1) representative from



1858 public community and junior colleges located within the state to  
1859 be recommended by the State Board for Community and Junior  
1860 Colleges; one (1) local school board member; and four (4)  
1861 laypersons. All appointments shall be made by the State Board of  
1862 Education after consultation with the State Superintendent of  
1863 Public Education. The first appointments by the State Board of  
1864 Education shall be made as follows: five (5) members shall be  
1865 appointed for a term of one (1) year; five (5) members shall be  
1866 appointed for a term of two (2) years; and five (5) members shall  
1867 be appointed for a term of three (3) years. Thereafter, all  
1868 members shall be appointed for a term of four (4) years.

1869 (3) The State Board of Education when making appointments  
1870 shall designate a chairman. The commission shall meet at least  
1871 once every two (2) months or more often if needed. Members of the  
1872 commission shall be compensated at a rate of per diem as  
1873 authorized by Section 25-3-69 and be reimbursed for actual and  
1874 necessary expenses as authorized by Section 25-3-41.

1875 (4) (a) An appropriate staff member of the State Department  
1876 of Education shall be designated and assigned by the State  
1877 Superintendent of Public Education to serve as executive secretary  
1878 and coordinator for the commission. No less than two (2) other  
1879 appropriate staff members of the State Department of Education  
1880 shall be designated and assigned by the State Superintendent of  
1881 Public Education to serve on the staff of the commission.





1882           (b) An Office of Educator Misconduct Evaluations shall  
1883 be established within the State Department of Education to assist  
1884 the commission in responding to infractions and violations, and in  
1885 conducting hearings and enforcing the provisions of Section  
1886 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,  
1887 and violations of the Mississippi Educator Code of Ethics.

1888           (5) It shall be the duty of the commission to:

1889           (a) Set standards and criteria, subject to the approval  
1890 of the State Board of Education, for all educator preparation  
1891 programs in the state;

1892           (b) Recommend to the State Board of Education each year  
1893 approval or disapproval of each educator preparation program in  
1894 the state, subject to a process and schedule determined by the  
1895 State Board of Education;

1896           (c) Establish, subject to the approval of the State  
1897 Board of Education, standards for initial teacher certification  
1898 and licensure in all fields;

1899           (d) Establish, subject to the approval of the State  
1900 Board of Education, standards for the renewal of teacher licenses  
1901 in all fields;

1902           (e) Review and evaluate objective measures of teacher  
1903 performance, such as test scores, which may form part of the  
1904 licensure process, and to make recommendations for their use;

1905           (f) Review all existing requirements for certification  
1906 and licensure;



1907 (g) Consult with groups whose work may be affected by  
1908 the commission's decisions;

1909 (h) Prepare reports from time to time on current  
1910 practices and issues in the general area of teacher education and  
1911 certification and licensure;

1912 (i) Hold hearings concerning standards for teachers'  
1913 and administrators' education and certification and licensure with  
1914 approval of the State Board of Education;

1915 (j) Hire expert consultants with approval of the State  
1916 Board of Education;

1917 (k) Set up ad hoc committees to advise on specific  
1918 areas; and

1919 (l) Perform such other functions as may fall within  
1920 their general charge and which may be delegated to them by the  
1921 State Board of Education.

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



1932 teacher is employed shall compensate such assistant teachers at  
1933 the required salary level during the period of time such  
1934 individual is completing student teaching requirements.

1935 Applicants for a standard license shall submit to the department:

1936 (i) An application on a department form;

1937 (ii) An official transcript of completion of a

1938 teacher education program approved by the department or a

1939 nationally accredited program, subject to the following:

1940 Licensure to teach in Mississippi prekindergarten through

1941 kindergarten classrooms shall require completion of a teacher

1942 education program or a bachelor of science degree with child

1943 development emphasis from a program accredited by the American

1944 Association of Family and Consumer Sciences (AAFCS) or by the

1945 National Association for Education of Young Children (NAEYC) or by

1946 the National Council for Accreditation of Teacher Education

1947 (NCATE). Licensure to teach in Mississippi kindergarten, for

1948 those applicants who have completed a teacher education program,

1949 and in Grade 1 through Grade 4 shall require the completion of an

1950 interdisciplinary program of studies. Licenses for Grades 4

1951 through 8 shall require the completion of an interdisciplinary

1952 program of studies with two (2) or more areas of concentration.

1953 Licensure to teach in Mississippi Grades 7 through 12 shall

1954 require a major in an academic field other than education, or a

1955 combination of disciplines other than education. Students

1956 preparing to teach a subject shall complete a major in the



1957 respective subject discipline. All applicants for standard  
1958 licensure shall demonstrate that such person's college preparation  
1959 in those fields was in accordance with the standards set forth by  
1960 the National Council for Accreditation of Teacher Education  
1961 (NCATE) or the National Association of State Directors of Teacher  
1962 Education and Certification (NASDTEC) or, for those applicants who  
1963 have a bachelor of science degree with child development emphasis,  
1964 the American Association of Family and Consumer Sciences (AAFCS);

1965 (iii) A copy of test scores evidencing  
1966 satisfactory completion of nationally administered examinations of  
1967 achievement, such as the Educational Testing Service's teacher  
1968 testing examinations; and

1969 (iv) Any other document required by the State  
1970 Board of Education.

1971 (b) **Standard License - Nontraditional Teaching Route.**

1972 Beginning January 1, 2004, an individual who has a passing score  
1973 on the Praxis I Basic Skills and Praxis II Specialty Area Test in  
1974 the requested area of endorsement may apply for the Teach  
1975 Mississippi Institute (TMI) program to teach students in Grades 7  
1976 through 12 if the individual meets the requirements of this  
1977 paragraph (b). The State Board of Education shall adopt rules  
1978 requiring that teacher preparation institutions which provide the  
1979 Teach Mississippi Institute (TMI) program for the preparation of  
1980 nontraditional teachers shall meet the standards and comply with  
1981 the provisions of this paragraph.



1982 (i) The Teach Mississippi Institute (TMI) shall  
1983 include an intensive eight-week, nine-semester-hour summer program  
1984 or a curriculum of study in which the student matriculates in the  
1985 fall or spring semester, which shall include, but not be limited  
1986 to, instruction in education, effective teaching strategies,  
1987 classroom management, state curriculum requirements, planning and  
1988 instruction, instructional methods and pedagogy, using test  
1989 results to improve instruction, and a one (1) semester three-hour  
1990 supervised internship to be completed while the teacher is  
1991 employed as a full-time teacher intern in a local school district.  
1992 The TMI shall be implemented on a pilot program basis, with  
1993 courses to be offered at up to four (4) locations in the state,  
1994 with one (1) TMI site to be located in each of the three (3)  
1995 Mississippi Supreme Court districts.

1996 (ii) The school sponsoring the teacher intern  
1997 shall enter into a written agreement with the institution  
1998 providing the Teach Mississippi Institute (TMI) program, under  
1999 terms and conditions as agreed upon by the contracting parties,  
2000 providing that the school district shall provide teacher interns  
2001 seeking a nontraditional provisional teaching license with a  
2002 one-year classroom teaching experience. The teacher intern shall  
2003 successfully complete the one (1) semester three-hour intensive  
2004 internship in the school district during the semester immediately  
2005 following successful completion of the TMI and prior to the end of  
2006 the one-year classroom teaching experience.



2007 (iii) Upon completion of the nine-semester-hour  
2008 TMI or the fall or spring semester option, the individual shall  
2009 submit his transcript to the commission for provisional licensure  
2010 of the intern teacher, and the intern teacher shall be issued a  
2011 provisional teaching license by the commission, which will allow  
2012 the individual to legally serve as a teacher while the person  
2013 completes a nontraditional teacher preparation internship program.

2014 (iv) During the semester of internship in the  
2015 school district, the teacher preparation institution shall monitor  
2016 the performance of the intern teacher. The school district that  
2017 employs the provisional teacher shall supervise the provisional  
2018 teacher during the teacher's intern year of employment under a  
2019 nontraditional provisional license, and shall, in consultation  
2020 with the teacher intern's mentor at the school district of  
2021 employment, submit to the commission a comprehensive evaluation of  
2022 the teacher's performance sixty (60) days prior to the expiration  
2023 of the nontraditional provisional license. If the comprehensive  
2024 evaluation establishes that the provisional teacher intern's  
2025 performance fails to meet the standards of the approved  
2026 nontraditional teacher preparation internship program, the  
2027 individual shall not be approved for a standard license.

2028 (v) An individual issued a provisional teaching  
2029 license under this nontraditional route shall successfully  
2030 complete, at a minimum, a one-year beginning teacher mentoring and



2031 induction program administered by the employing school district  
2032 with the assistance of the State Department of Education.

2033                   (vi) Upon successful completion of the TMI and the  
2034 internship provisional license period, applicants for a Standard  
2035 License - Nontraditional Route shall submit to the commission a  
2036 transcript of successful completion of the twelve (12) semester  
2037 hours required in the internship program, and the employing school  
2038 district shall submit to the commission a recommendation for  
2039 standard licensure of the intern. If the school district  
2040 recommends licensure, the applicant shall be issued a Standard  
2041 License - Nontraditional Route which shall be valid for a  
2042 five-year period and be renewable.

2043                   (vii) At the discretion of the teacher preparation  
2044 institution, the individual shall be allowed to credit the twelve  
2045 (12) semester hours earned in the nontraditional teacher  
2046 internship program toward the graduate hours required for a Master  
2047 of Arts in Teacher (MAT) Degree.

2048                   (viii) The local school district in which the  
2049 nontraditional teacher intern or provisional licensee is employed  
2050 shall compensate such teacher interns at Step 1 of the required  
2051 salary level during the period of time such individual is  
2052 completing teacher internship requirements and shall compensate  
2053 such Standard License - Nontraditional Route teachers at Step 3 of  
2054 the required salary level when they complete license requirements.



2055 Implementation of the TMI program provided for under this  
2056 paragraph (b) shall be contingent upon the availability of funds  
2057 appropriated specifically for such purpose by the Legislature.  
2058 Such implementation of the TMI program may not be deemed to  
2059 prohibit the State Board of Education from developing and  
2060 implementing additional alternative route teacher licensure  
2061 programs, as deemed appropriate by the board. The emergency  
2062 certification program in effect prior to July 1, 2002, shall  
2063 remain in effect.

2064 A Standard License - Approved Program Route shall be issued  
2065 for a five-year period, and may be renewed. Recognizing teaching  
2066 as a profession, a hiring preference shall be granted to persons  
2067 holding a Standard License - Approved Program Route or Standard  
2068 License - Nontraditional Teaching Route over persons holding any  
2069 other license.

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





2080 citizen-teacher license. A Special License - Expert Citizen may  
2081 be renewed in accordance with the established rules and  
2082 regulations of the State Department of Education.

2083 (d) **Special License - Nonrenewable.** The State Board of  
2084 Education is authorized to establish rules and regulations to  
2085 allow those educators not meeting requirements in subsection  
2086 (6) (a), (b) or (c) to be licensed for a period of not more than  
2087 three (3) years, except by special approval of the State Board of  
2088 Education.

2089 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
2090 person may teach for a maximum of three (3) periods per teaching  
2091 day in a public school district or a nonpublic school  
2092 accredited/approved by the state. Such person shall submit to the  
2093 department a transcript or record of his education and experience  
2094 which substantiates his preparation for the subject to be taught  
2095 and shall meet other qualifications specified by the commission  
2096 and approved by the State Board of Education. In no case shall  
2097 any local school board hire nonlicensed personnel as authorized  
2098 under this paragraph in excess of five percent (5%) of the total  
2099 number of licensed personnel in any single school.

2100 (f) **Special License - Transitional Bilingual Education.**  
2101 Beginning July 1, 2003, the commission shall grant special  
2102 licenses to teachers of transitional bilingual education who  
2103 possess such qualifications as are prescribed in this section.  
2104 Teachers of transitional bilingual education shall be compensated



2105 by local school boards at not less than one (1) step on the  
2106 regular salary schedule applicable to permanent teachers licensed  
2107 under this section. The commission shall grant special licenses  
2108 to teachers of transitional bilingual education who present the  
2109 commission with satisfactory evidence that they (i) possess a  
2110 speaking and reading ability in a language, other than English, in  
2111 which bilingual education is offered and communicative skills in  
2112 English; (ii) are in good health and sound moral character; (iii)  
2113 possess a bachelor's degree or an associate's degree in teacher  
2114 education from an accredited institution of higher education; (iv)  
2115 meet such requirements as to courses of study, semester hours  
2116 therein, experience and training as may be required by the  
2117 commission; and (v) are legally present in the United States and  
2118 possess legal authorization for employment. A teacher of  
2119 transitional bilingual education serving under a special license  
2120 shall be under an exemption from standard licensure if he achieves  
2121 the requisite qualifications therefor. Two (2) years of service  
2122 by a teacher of transitional bilingual education under such an  
2123 exemption shall be credited to the teacher in acquiring a Standard  
2124 Educator License. Nothing in this paragraph shall be deemed to  
2125 prohibit a local school board from employing a teacher licensed in  
2126 an appropriate field as approved by the State Department of  
2127 Education to teach in a program in transitional bilingual  
2128 education.



2129 (g) In the event any school district meets the highest  
2130 accreditation standards as defined by the State Board of Education  
2131 in the accountability system, the State Board of Education, in its  
2132 discretion, may exempt such school district from any restrictions  
2133 in paragraph (e) relating to the employment of nonlicensed  
2134 teaching personnel.

2135 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
2136 any teacher from any state meeting the federal definition of  
2137 highly qualified, as described in the No Child Left Behind Act,  
2138 must be granted a standard five-year license by the State  
2139 Department of Education.

2140 (7) **Administrator License.** The State Board of Education is  
2141 authorized to establish rules and regulations and to administer  
2142 the licensure process of the school administrators in the State of  
2143 Mississippi. There will be four (4) categories of administrator  
2144 licensure with exceptions only through special approval of the  
2145 State Board of Education.

2146 (a) **Administrator License - Nonpracticing.** Those  
2147 educators holding administrative endorsement but having no  
2148 administrative experience or not serving in an administrative  
2149 position on January 15, 1997.

2150 (b) **Administrator License - Entry Level.** Those  
2151 educators holding administrative endorsement and having met the  
2152 department's qualifications to be eligible for employment in a



2153 Mississippi school district. Administrator License - Entry Level  
2154 shall be issued for a five-year period and shall be nonrenewable.

2155 (c) **Standard Administrator License - Career Level.** An  
2156 administrator who has met all the requirements of the department  
2157 for standard administrator licensure.

2158 (d) **Administrator License - Nontraditional Route.** The  
2159 board may establish a nontraditional route for licensing  
2160 administrative personnel. Such nontraditional route for  
2161 administrative licensure shall be available for persons holding,  
2162 but not limited to, a master of business administration degree, a  
2163 master of public administration degree, a master of public  
2164 planning and policy degree or a doctor of jurisprudence degree  
2165 from an accredited college or university, with five (5) years of  
2166 administrative or supervisory experience. Successful completion  
2167 of the requirements of alternate route licensure for  
2168 administrators shall qualify the person for a standard  
2169 administrator license.

2170 Individuals seeking school administrator licensure under  
2171 paragraph (b), (c) or (d) shall successfully complete a training  
2172 program and an assessment process prescribed by the State Board of  
2173 Education. All applicants for school administrator licensure  
2174 shall meet all requirements prescribed by the department under  
2175 paragraph (b), (c) or (d), and the cost of the assessment process  
2176 required shall be paid by the applicant.



2177           (8) **Reciprocity.** (a) The department shall grant a standard  
2178 license to any individual who possesses a valid standard license  
2179 from another state and meets minimum Mississippi license  
2180 requirements or equivalent requirements as determined by the State  
2181 Board of Education.

2182           (b) The department shall grant a nonrenewable special  
2183 license to any individual who possesses a credential which is less  
2184 than a standard license or certification from another state. Such  
2185 special license shall be valid for the current school year plus  
2186 one (1) additional school year to expire on June 30 of the second  
2187 year, not to exceed a total period of twenty-four (24) months,  
2188 during which time the applicant shall be required to complete the  
2189 requirements for a standard license in Mississippi.

2190           (9) **Renewal and Reinstatement of Licenses.** The State Board  
2191 of Education is authorized to establish rules and regulations for  
2192 the renewal and reinstatement of educator and administrator  
2193 licenses. Effective May 15, 1997, the valid standard license held  
2194 by an educator shall be extended five (5) years beyond the  
2195 expiration date of the license in order to afford the educator  
2196 adequate time to fulfill new renewal requirements established  
2197 pursuant to this subsection. An educator completing a master of  
2198 education, educational specialist or doctor of education degree in  
2199 May 1997 for the purpose of upgrading the educator's license to a  
2200 higher class shall be given this extension of five (5) years plus  
2201 five (5) additional years for completion of a higher degree.



2202 (10) All controversies involving the issuance, revocation,  
2203 suspension or any change whatsoever in the licensure of an  
2204 educator required to hold a license shall be initially heard in a  
2205 hearing de novo, by the commission or by a subcommittee  
2206 established by the commission and composed of commission members  
2207 for the purpose of holding hearings. Any complaint seeking the  
2208 denial of issuance, revocation or suspension of a license shall be  
2209 by sworn affidavit filed with the Commission of Teacher and  
2210 Administrator Education, Certification and Licensure and  
2211 Development. The decision thereon by the commission or its  
2212 subcommittee shall be final, unless the aggrieved party shall  
2213 appeal to the State Board of Education, within ten (10) days, of  
2214 the decision of the committee or its subcommittee. An appeal to  
2215 the State Board of Education shall be on the record previously  
2216 made before the commission or its subcommittee unless otherwise  
2217 provided by rules and regulations adopted by the board. The State  
2218 Board of Education in its authority may reverse, or remand with  
2219 instructions, the decision of the committee or its subcommittee.  
2220 The decision of the State Board of Education shall be final.

2221 (11) The State Board of Education, acting through the  
2222 commission, may deny an application for any teacher or  
2223 administrator license for one or more of the following:

2224 (a) Lack of qualifications which are prescribed by law  
2225 or regulations adopted by the State Board of Education;



2226 (b) The applicant has a physical, emotional or mental  
2227 disability that renders the applicant unfit to perform the duties  
2228 authorized by the license, as certified by a licensed psychologist  
2229 or psychiatrist;

2230 (c) The applicant is actively addicted to or actively  
2231 dependent on alcohol or other habit-forming drugs or is a habitual  
2232 user of narcotics, barbiturates, amphetamines, hallucinogens or  
2233 other drugs having similar effect, at the time of application for  
2234 a license;

2235 (d) Revocation or suspension of an applicant's  
2236 certificate or license by another state;

2237 (e) Fraud or deceit committed by the applicant in  
2238 securing or attempting to secure such certification and license;

2239 (f) Failing or refusing to furnish reasonable evidence  
2240 of identification;

2241 (g) The applicant has been convicted, has pled guilty  
2242 or entered a plea of nolo contendere to a felony, as defined by  
2243 federal or state law; or

2244 (h) The applicant has been convicted, has pled guilty  
2245 or entered a plea of nolo contendere to a sex offense as defined  
2246 by federal or state law.

2247 (12) The State Board of Education, acting on the  
2248 recommendation of the commission, may revoke or suspend any  
2249 teacher or administrator license for specified periods of time for  
2250 one or more of the following:



2251 (a) Breach of contract or abandonment of employment may  
2252 result in the suspension of the license for one (1) school year as  
2253 provided in Section 37-9-57;

2254 (b) Obtaining a license by fraudulent means shall  
2255 result in immediate suspension and continued suspension for one  
2256 (1) year after correction is made;

2257 (c) Suspension or revocation of a certificate or  
2258 license by another state shall result in immediate suspension or  
2259 revocation and shall continue until records in the prior state  
2260 have been cleared;

2261 (d) The license holder has been convicted, has pled  
2262 guilty or entered a plea of nolo contendere to a felony, as  
2263 defined by federal or state law;

2264 (e) The license holder has been convicted, has pled  
2265 guilty or entered a plea of nolo contendere to a sex offense, as  
2266 defined by federal or state law;

2267 (f) The license holder knowingly and willfully  
2268 committing any of the acts affecting validity of mandatory uniform  
2269 test results as provided in Section 37-16-4(1);

2270 (g) The license holder has engaged in unethical conduct  
2271 relating to an educator/student relationship as identified by the  
2272 State Board of Education in its rules;

2273 (h) The license holder has fondled a student as  
2274 described in Section 97-5-23, or had any type of sexual  
2275 involvement with a student as described in Section 97-3-95; or





2276 (i) The license holder has failed to report sexual  
2277 involvement of a school employee with a student as required by  
2278 Section 97-5-24.

2279 (13) (a) Dismissal or suspension of a licensed employee by  
2280 a local school board pursuant to Section 37-9-59 may result in the  
2281 suspension or revocation of a license for a length of time which  
2282 shall be determined by the commission and based upon the severity  
2283 of the offense.

2284 (b) Any offense committed or attempted in any other  
2285 state shall result in the same penalty as if committed or  
2286 attempted in this state.

2287 (c) A person may voluntarily surrender a license. The  
2288 surrender of such license may result in the commission  
2289 recommending any of the above penalties without the necessity of a  
2290 hearing. However, any such license which has voluntarily been  
2291 surrendered by a licensed employee may only be reinstated by a  
2292 majority vote of all members of the commission present at the  
2293 meeting called for such purpose.

2294 (14) A person whose license has been suspended on any  
2295 grounds except criminal grounds may petition for reinstatement of  
2296 the license after one (1) year from the date of suspension, or  
2297 after one-half (1/2) of the suspended time has lapsed, whichever  
2298 is greater. A license suspended or revoked on the criminal  
2299 grounds may be reinstated upon petition to the commission filed  
2300 after expiration of the sentence and parole or probationary period



2301 imposed upon conviction. A revoked, suspended or surrendered  
2302 license may be reinstated upon satisfactory showing of evidence of  
2303 rehabilitation. The commission shall require all who petition for  
2304 reinstatement to furnish evidence satisfactory to the commission  
2305 of good character, good mental, emotional and physical health and  
2306 such other evidence as the commission may deem necessary to  
2307 establish the petitioner's rehabilitation and fitness to perform  
2308 the duties authorized by the license.

2309 (15) Reporting procedures and hearing procedures for dealing  
2310 with infractions under this section shall be promulgated by the  
2311 commission, subject to the approval of the State Board of  
2312 Education. The revocation or suspension of a license shall be  
2313 effected at the time indicated on the notice of suspension or  
2314 revocation. The commission shall immediately notify the  
2315 superintendent of the school district or school board where the  
2316 teacher or administrator is employed of any disciplinary action  
2317 and also notify the teacher or administrator of such revocation or  
2318 suspension and shall maintain records of action taken. The State  
2319 Board of Education may reverse or remand with instructions any  
2320 decision of the commission regarding a petition for reinstatement  
2321 of a license, and any such decision of the State Board of  
2322 Education shall be final.

2323 (16) An appeal from the action of the State Board of  
2324 Education in denying an application, revoking or suspending a  
2325 license or otherwise disciplining any person under the provisions



2326 of this section shall be filed in the Chancery Court of the First  
2327 Judicial District of Hinds County, Mississippi, on the record  
2328 made, including a verbatim transcript of the testimony at the  
2329 hearing. The appeal shall be filed within thirty (30) days after  
2330 notification of the action of the board is mailed or served and  
2331 the proceedings in chancery court shall be conducted as other  
2332 matters coming before the court. The appeal shall be perfected  
2333 upon filing notice of the appeal and by the prepayment of all  
2334 costs, including the cost of preparation of the record of the  
2335 proceedings by the State Board of Education, and the filing of a  
2336 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
2337 if the action of the board be affirmed by the chancery court, the  
2338 applicant or license holder shall pay the costs of the appeal and  
2339 the action of the chancery court.

2340 (17) All such programs, rules, regulations, standards and  
2341 criteria recommended or authorized by the commission shall become  
2342 effective upon approval by the State Board of Education as  
2343 designated by appropriate orders entered upon the minutes thereof.

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



2350 standards of performance as a prerequisite of initial or continued  
2351 employment in such districts.

2352           (19) In addition to the reasons specified in subsections  
2353 (12) and (13) of this section, the board shall be authorized to  
2354 suspend the license of any licensee for being out of compliance  
2355 with an order for support, as defined in Section 93-11-153. The  
2356 procedure for suspension of a license for being out of compliance  
2357 with an order for support, and the procedure for the reissuance or  
2358 reinstatement of a license suspended for that purpose, and the  
2359 payment of any fees for the reissuance or reinstatement of a  
2360 license suspended for that purpose, shall be governed by Section  
2361 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
2362 board in suspending a license when required by Section 93-11-157  
2363 or 93-11-163 are not actions from which an appeal may be taken  
2364 under this section. Any appeal of a license suspension that is  
2365 required by Section 93-11-157 or 93-11-163 shall be taken in  
2366 accordance with the appeal procedure specified in Section  
2367 93-11-157 or 93-11-163, as the case may be, rather than the  
2368 procedure specified in this section. If there is any conflict  
2369 between any provision of Section 93-11-157 or 93-11-163 and any  
2370 provision of this chapter, the provisions of Section 93-11-157 or  
2371 93-11-163, as the case may be, shall control.

2372           **SECTION 40.** Section 37-3-4, Mississippi Code of 1972, is  
2373 amended as follows:



2374           37-3-4. (1) There is established within the State  
2375 Department of Education, the School Executive Management  
2376 Institute. The director shall be appointed by the State Board of  
2377 Education upon recommendation by the State Superintendent of  
2378 Public Education. The State Superintendent of Public Education,  
2379 with the approval of the State Board of Education, shall assign  
2380 sufficient staff members from the State Department of Education to  
2381 the institute.

2382           (2) It shall be the purpose and duty of the institute to  
2383 conduct thorough empirical studies and analyses of the school  
2384 management needs of the local school districts throughout the  
2385 state, to make recommendations to the State Board of Education  
2386 regarding standards and programs of training that aid in the  
2387 development of administrative and management skills of local  
2388 school administrators, and to conduct such programs related to  
2389 these purposes as they are implemented under guidelines  
2390 established by the State Board of Education.

2391           (3) The State Board of Education shall develop and implement  
2392 through the School Executive Management Institute a program for  
2393 the development of administrative and management skills of local  
2394 school administrators under which all local school administrators  
2395 employed by a school district shall be required to participate.  
2396 Subject to the extent of appropriations available for such  
2397 purpose, the School Executive Management Institute or the  
2398 Mississippi School Boards Association shall be required to offer



2399 courses at least twice a year on the uses of technology to school  
2400 district principals, superintendents and other administrative  
2401 personnel. These courses shall relate to the application of  
2402 technology to learning, as well as administrative problems.

2403 (4) (a) The institute shall have an advisory board composed  
2404 of ten (10) qualified members appointed by the State Board of  
2405 Education after consultation with the State Superintendent of  
2406 Public Education. This advisory board will offer recommendations  
2407 to the institute on the types of training to be instituted and  
2408 supported. The membership of the advisory board shall be composed  
2409 of the following members, two (2) to be appointed from each  
2410 congressional district: three (3) school administrators; one (1)  
2411 representative of public community/junior colleges within the  
2412 state; one (1) representative of a school of education in an  
2413 institution of higher learning within the state; two (2) local  
2414 school board members; one (1) classroom teacher; and two (2)  
2415 laypersons. In making the initial appointments, three (3) members  
2416 shall be appointed for a term of one (1) year, three (3) members  
2417 shall be appointed for a term of two (2) years, two (2) members  
2418 shall be appointed for a term of three (3) years, and two (2)  
2419 members shall be appointed for a term of four (4) years.  
2420 Thereafter, all members shall be appointed for a term of four (4)  
2421 years. The advisory board shall meet when called by the director,  
2422 but in no event fewer than three (3) times per year. The members  
2423 of the advisory board shall be compensated at the per diem rate



2424 authorized by Section 25-3-69 and reimbursed for actual and  
2425 necessary expenses as authorized by Section 25-3-41.

2426 (b) Board members of the Oxford-Lafayette Business and  
2427 Industrial Complex shall be paid per diem and reimbursed for  
2428 expenses and mileage from local funds in accordance with Section  
2429 37-6-13.

2430 (5) (a) Basic Education Course. The Mississippi School  
2431 Boards Association shall be responsible for preparing and  
2432 conducting a course of training for basic education for the local  
2433 school board members of this state, in order for board members to  
2434 carry out their duties more effectively and be exposed to new  
2435 ideas involving school restructuring. The basic course shall be  
2436 known as the "School Board Member Training Course" and shall  
2437 consist of at least twelve (12) hours of training. The  
2438 Mississippi School Boards Association shall issue certificates of  
2439 completion to those school board members who complete the basic  
2440 education course.

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



2448 Course for School Board Members" and shall consist of at least six  
2449 (6) hours of training.

2450 (c) Additional Required Training. Effective July 1,  
2451 2009, local school board members and the local superintendent that  
2452 serve in a district with one or more failing schools as determined  
2453 by the Mississippi Board of Education accountability system as  
2454 provided for in Section 37-17-6, or serving in a school district  
2455 that has a serious financial condition as determined by the State  
2456 Auditor as provided for in Section 37-9-18, shall annually attend  
2457 additional training provided by the Mississippi School Boards  
2458 Association.

2459 The Mississippi School Boards Association shall, subject to  
2460 appropriation, develop and conduct training specific to the local  
2461 boards' role in improving learning outcomes and effective  
2462 financial management. Such training shall be known as "Improving  
2463 Student Outcomes and Academic Success" which shall consist of not  
2464 less than six (6) hours of training and "Effective Financial  
2465 Management In Local School Districts" which shall consist of not  
2466 less than six (6) hours of training. Any local board members and  
2467 the local superintendent that serve in a school district that  
2468 meets the criteria for both of the training modules shall annually  
2469 attend both training sessions for a total of not less than twelve  
2470 (12) hours of training. At such time the school district is  
2471 determined to no longer have failing schools; or no longer has a  
2472 serious financial condition, such board member and the local





2473 superintendent shall no longer be required to attend the training  
2474 as provided herein. The training as required under subsection (c)  
2475 shall not replace, but is in addition to, the training required  
2476 for new school board members and continuing board members as  
2477 required under Section 37-7-306.

2478 The Mississippi School Boards Association shall issue  
2479 certificates of completion to those school board members who  
2480 complete the continuing education course. All costs and expenses  
2481 for preparing and conducting the basic education course and the  
2482 continuing education course provided for in this paragraph shall  
2483 be paid out of any funds which are made available to the  
2484 Mississippi School Boards Association upon authorization and  
2485 appropriation by the Legislature to the State Department of  
2486 Education.

2487 (6) The Mississippi School Boards Association shall prepare  
2488 and submit a report each year to the State Board of Education and  
2489 to the respective Chairs of the House and Senate Education  
2490 Committees describing the activities and providing an evaluation  
2491 of the continuing education programs offered by the association  
2492 each year.

2493 (7) The School Executive Management Institute of the State  
2494 Department of Education, or the Mississippi School Boards  
2495 Association with the oversight of the State Board of Education, at  
2496 least twice a year, shall prepare and conduct required courses of  
2497 training for continuing education for the elementary and secondary



2498 school principals employed by the school districts of this state,  
2499 in order for those principals to carry out their duties more  
2500 effectively and be exposed to new ideas involving school  
2501 management. The continuing education course shall be known as the  
2502 "Continuing Education Course for Principals" and shall consist of  
2503 at least six (6) hours of training. The content of the continuing  
2504 education courses and the time and place such courses are to be  
2505 conducted shall be determined by the School Executive Management  
2506 Institute or the Mississippi School Boards Association; however,  
2507 to the extent practicable, such training sessions shall be held  
2508 within geographical proximity of local districts in order that  
2509 travel times and costs shall not be prohibitive.

2510 The institute shall issue certificates of completion to those  
2511 principals who complete such courses. All costs and expenses for  
2512 preparing and conducting the basic and continuing education  
2513 courses provided for in this subsection shall be paid out of any  
2514 funds which are made available to the institute upon authorization  
2515 and appropriation by the Legislature.

2516 (8) School district principals and other administrators with  
2517 career level certifications at schools meeting the highest levels  
2518 of accreditation standards, as defined by the State Board of  
2519 Education, are exempt from the requirements of this section,  
2520 subject to approval of the local school district superintendent.

2521 **SECTION 41.** Section 37-3-5, Mississippi Code of 1972, is  
2522 amended as follows:



2523           37-3-5. The State Department of Education is hereby charged  
2524 with the execution of all laws relating to the administrative,  
2525 supervisory and consultative services to the public schools and  
2526 agricultural high schools of the school districts throughout the  
2527 State of Mississippi. The State Department of Education is also  
2528 authorized to grant property to public \* \* \* school districts and  
2529 agricultural high schools of the State of Mississippi.

2530           Subject to the direction of the State Board of Education as  
2531 provided by law, the administration, management and control of the  
2532 department is hereby vested in the State Superintendent of Public  
2533 Education, who shall be directly responsible for the rightful  
2534 functioning thereof.

2535           **SECTION 42.** Section 37-3-11, Mississippi Code of 1972, is  
2536 amended as follows:

2537           37-3-11. The State Superintendent of Public Education shall  
2538 perform the duties assigned to him by the State Board of  
2539 Education, and he shall have the following duties:

2540                   (a) To serve as secretary for the State Board of  
2541 Education;

2542                   (b) To be the chief administrative officer of the State  
2543 Department of Education;

2544                   (c) To recommend to the State Board of Education, for  
2545 its consideration, rules and regulations for the supervision of  
2546 the public \* \* \* schools and agricultural high schools of the



2547 school districts throughout the state and for the efficient  
2548 organization and conduct of the same;

2549 (d) To collect data and make it available to the state  
2550 board for determining the proper distribution of the state common  
2551 school funds;

2552 (e) To keep a complete record of all official acts of  
2553 the State Superintendent and the acts of the State Board of  
2554 Education;

2555 (f) To prepare, have printed and furnish all officers  
2556 charged with the administration of the laws pertaining to the  
2557 public schools, such blank forms and books as may be necessary to  
2558 the proper discharge of their duties, which printing is to be paid  
2559 for out of funds provided by the Legislature;

2560 (g) To have printed in pamphlet form the laws  
2561 pertaining to the public schools and publish therein forms for  
2562 conducting school business, the rules and regulations for the  
2563 government of schools that the State Superintendent or the State  
2564 Board of Education may recommend, and such other matters as may be  
2565 deemed worthy of public interest pertaining to the public schools,  
2566 which printing is to be paid for out of funds provided by the  
2567 Legislature;

2568 (h) To meet all superintendents annually at such time  
2569 and place as the State Superintendent shall appoint for the  
2570 purpose of accumulating facts relative to schools, to review the  
2571 educational progress made in the various sections of the state, to



2572 compare views, discuss problems, hear discussions and suggestions  
2573 relative to examinations and qualifications of teachers, methods  
2574 of instruction, textbooks, summer schools for teachers, visitation  
2575 of schools, consolidation of schools, health work in the schools,  
2576 vocational education and other matters pertaining to the public  
2577 school system;

2578 (i) To advise all superintendents upon all matters  
2579 involving the welfare of the schools, and at the request of any  
2580 superintendent, to give an opinion upon a written statement of  
2581 facts on all questions and controversies arising out of the  
2582 interpretation and construction of the school laws, in regard to  
2583 rights, powers and duties of school officers and superintendents,  
2584 and to keep a record of all such decisions. Before giving any  
2585 opinion, the superintendent may submit the statement of facts to  
2586 the Attorney General, and it shall be the duty of the Attorney  
2587 General forthwith to examine such statement and suggest the proper  
2588 decision to be made upon such fact;

2589 (j) To require annually, and as often as the State  
2590 Superintendent may deem proper, of all superintendents, detailed  
2591 reports on the educational business of the various districts;

2592 (k) On or before January 10 in each year to prepare,  
2593 under the direction of the State Board of Education, the annual  
2594 information report of the State Department of Education as  
2595 described in Section 37-151-97;



2596 (1) To determine the number of educable children in the  
2597 several school districts under rules and regulations prescribed by  
2598 the State Board of Education; and

2599 (m) To perform such other duties as may be prescribed  
2600 by the State Board of Education.

2601 **SECTION 43.** Section 37-3-46, Mississippi Code of 1972, is  
2602 amended as follows:

2603 37-3-46. (1) The State Department of Education, in regard  
2604 to any school within a school district or any school district not  
2605 meeting adequate performance of accreditation standards, as  
2606 defined by the State Board of Education, shall, subject to  
2607 appropriation:

2608 (a) Provide to local \* \* \* school districts, or  
2609 specific schools within those districts, financial, training and  
2610 other assistance to implement and maintain a state program of  
2611 educational accountability and assessment of performance.

2612 (b) Provide to local \* \* \* school districts, or  
2613 specific schools within those districts, technical assistance and  
2614 training in the development, implementation and administration of  
2615 a personnel appraisal and compensation system for all school  
2616 employees.

2617 (c) Provide to local \* \* \* school districts, or  
2618 specific schools within those districts, technical assistance in  
2619 the development, implementation and administration of programs



2620 designed to keep children in school voluntarily and to prevent  
2621 dropouts.

2622 (2) Schools or school districts receiving assistance from  
2623 the State Department of Education as outlined in subsection (1) of  
2624 this section shall be required to implement any training,  
2625 programs, and any other requirements as specified by the State  
2626 Superintendent of Public Education.

2627 **SECTION 44.** Section 37-3-49, Mississippi Code of 1972, is  
2628 amended as follows:

2629 37-3-49. (1) The State Department of Education shall  
2630 provide an instructional program and establish guidelines and  
2631 procedures for managing such program in the public schools within  
2632 the school districts throughout the state as part of the State  
2633 Program of Educational Accountability and Assessment of  
2634 Performance as prescribed in Section 37-3-46. Public school  
2635 districts may (a) elect to adopt the instructional program and  
2636 management system provided by the State Department of Education,  
2637 or (b) elect to adopt an instructional program and management  
2638 system which meets or exceeds criteria established by the State  
2639 Department of Education for such. This provision shall begin with  
2640 the courses taught in Grades K-8 which contain skills tested  
2641 through the Mississippi Basic Skills Assessment Program and shall  
2642 proceed through all secondary school courses mandated for  
2643 graduation and all secondary school courses in the Mississippi  
2644 end-of-course testing program. Other state core objectives must



2645 be included in the district's instructional program as they are  
2646 provided by the State Department of Education along with  
2647 instructional practices, resources, evaluation items and  
2648 management procedures. Districts are encouraged to adapt this  
2649 program and accompanying procedures to all other instructional  
2650 areas. The department shall provide that such program and  
2651 guidelines, or a program and guidelines developed by a local  
2652 school district which incorporates the core objectives from the  
2653 curriculum structure are enforced through the performance-based  
2654 accreditation system. It is the intent of the Legislature that  
2655 every effort be made to protect the instructional time in the  
2656 classroom and reduce the amount of paperwork which must be  
2657 completed by teachers. The State Department of Education shall  
2658 take steps to insure that school districts properly use staff  
2659 development time to work on the districts' instructional  
2660 management plans.

2661 (2) The State Department of Education shall provide such  
2662 instructional program and management guidelines which shall  
2663 require for every public school district that:

2664 (a) All courses taught in Grades K-8 which contain  
2665 skills which are tested through the Mississippi Basic Skills  
2666 Assessment Program, all secondary school courses mandated for  
2667 graduation, and all courses in the end-of-course testing program  
2668 shall include the State Department of Education's written list of  
2669 learning objectives.





2670 (b) The local school board must adopt the objectives  
2671 that will form the core curriculum which will be systematically  
2672 delivered throughout the district.

2673 (c) The set of objectives provided by the State  
2674 Department of Education must be accompanied by suggested  
2675 instructional practices and resources that would help teachers  
2676 organize instruction so as to promote student learning of the  
2677 objectives. Objectives added by the school district must also be  
2678 accompanied by suggested instructional practices and resources  
2679 that would help teachers organize instruction. The instructional  
2680 practices and resources that are identified are to be used as  
2681 suggestions and not as requirements that teachers must follow.  
2682 The goal of the program is to have students to achieve the desired  
2683 objective and not to limit teachers in the way they teach.

2684 (d) Standards for student performance must be  
2685 established for each core objective in the local program and those  
2686 standards establish the district's definition of mastery for each  
2687 objective.

2688 (e) There shall be an annual review of student  
2689 performance in the instructional program against locally  
2690 established standards. When weaknesses exist in the local  
2691 instructional program, the district shall take action to improve  
2692 student performance.

2693 (3) The State Board of Education and the board of trustees  
2694 of each school district shall adopt policies to limit and reduce



2695 the number and length of written reports that classroom teachers  
2696 are required to prepare.

2697 (4) This section shall not be construed to limit teachers  
2698 from using their own professional skills to help students master  
2699 instructional objectives, nor shall it be construed as a call for  
2700 more detailed or complex lesson plans or any increase in testing  
2701 at the local school district level.

2702 (5) Districts meeting the highest levels of accreditation  
2703 standards, as defined by the State Board of Education, shall be  
2704 exempted from the provisions of subsection (2) of this section.

2705 **SECTION 45.** Section 37-3-51, Mississippi Code of 1972, is  
2706 amended as follows:

2707 37-3-51. (1) Upon the conviction of any licensed personnel,  
2708 as defined in Section \* \* \* 37-9-1, employed by a public school  
2709 district or any person employed by a charter or private elementary  
2710 or secondary school in a position that requires licensure in the  
2711 public school districts, of any felony, or of a sex offense as  
2712 defined in subsection (2) of this section, the district attorney  
2713 or other prosecuting attorney shall identify those defendants for  
2714 the circuit clerk. Each circuit clerk shall provide the State  
2715 Department of Education with notice of the conviction of any such  
2716 personnel of a felony or a sex offense. In addition, if the  
2717 convicted person is an employee of a charter school, the circuit  
2718 clerk must provide the same notice to the Mississippi Charter  
2719 School Authorizer Board.



2720           (2) "Sex offense" shall mean any of the following offenses:  
2721                 (a) Section 97-3-65, Mississippi Code of 1972, relating  
2722 to the carnal knowledge of a child under fourteen (14) years of  
2723 age;  
2724                 (b) Section 97-3-95, Mississippi Code of 1972, relating  
2725 to sexual battery;  
2726                 (c) Section 97-5-21, Mississippi Code of 1972, relating  
2727 to seduction of a child under age eighteen (18);  
2728                 (d) Section 97-5-23, Mississippi Code of 1972, relating  
2729 to the touching of a child for lustful purposes;  
2730                 (e) Section 97-5-27, Mississippi Code of 1972, relating  
2731 to the dissemination of sexually oriented material to children;  
2732                 (f) Section 97-5-33, Mississippi Code of 1972, relating  
2733 to the exploitation of children;  
2734                 (g) Section 97-5-41, Mississippi Code of 1972, relating  
2735 to the carnal knowledge of a stepchild, adopted child, or child of  
2736 a cohabitating partner;  
2737                 (h) Section 97-29-59, Mississippi Code of 1972,  
2738 relating to unnatural intercourse; or  
2739                 (i) Any other offense committed in another jurisdiction  
2740 which, if committed in this state, would be deemed to be such a  
2741 crime without regard to its designation elsewhere.  
2742           (3) In addition, the State Department of Education is  
2743 considered to be the employer of such personnel for purposes of  
2744 requesting a criminal record background checks.



2745           **SECTION 46.** Section 37-3-53, Mississippi Code of 1972, is  
2746 amended as follows:

2747           37-3-53. Each school year, the State Board of Education,  
2748 acting through the Office of Educational Accountability, shall  
2749 develop a public school reporting system, or "Mississippi Report  
2750 Card," on the performance of students and public schools,  
2751 including charter schools, at the local, district and state level.

2752 In developing the report card, the Office of Educational  
2753 Accountability shall collect school, district and state level  
2754 student achievement data in the appropriate grades as designated  
2755 by the State Board of Education in all core subjects, and compare  
2756 the data with national standards to identify students' strengths  
2757 and weaknesses. The Mississippi Report Card shall provide more  
2758 than reports to parents on the level at which their children are  
2759 performing; the report shall provide clear and comparable public  
2760 information on the level at which schools, school districts and  
2761 the state public education system are performing. The Office of  
2762 Educational Accountability shall encourage local school districts  
2763 and the general public to use Mississippi Report Card information  
2764 along with local individual student data to assess the quality of  
2765 instructional programs and the performance of schools and to plan  
2766 and implement programs of instructional improvement.

2767           Beginning with the 1998-1999 school year, the Mississippi  
2768 Report Card shall include information, as compiled by the Office  
2769 of Compulsory School Attendance Enforcement, which demonstrates



2770 clearly the absenteeism and dropout rates in each school district,  
2771 charter school and the state as a whole and whether those rates  
2772 reflect a positive or negative change from the same information as  
2773 reported in the previous year's Mississippi Report Card.

2774 Each local school district shall be required to develop and  
2775 publish an annual report as prescribed by the State Board of  
2776 Education. By November 1 of each year, as prescribed by the State  
2777 Board of Education, the report shall be published in a newspaper  
2778 having general circulation in the county and posted on the school  
2779 district's website in a printable format. The public notice shall  
2780 include information on the report's availability on the district's  
2781 website, with the website address, and the location(s) in the  
2782 school district where a copy of the report can be obtained.

2783 **SECTION 47.** Section 37-3-61, Mississippi Code of 1972, is  
2784 amended as follows:

2785 37-3-61. The State Board of Education may provide for the  
2786 establishment of an Alliance for Families program for the purpose  
2787 of mobilizing public and parental support for education and to  
2788 strengthen communication between the school, student and parents.  
2789 The program's goal shall be to increase student success in  
2790 Mississippi public \* \* \* school districts, K-12, by generating  
2791 focused, effective parent involvement. The objectives of the  
2792 program shall be as follows:

2793 (a) To engage parents in supporting the schools and  
2794 their children's education.



2795 (b) To implement effective home-school communication  
2796 systems which allow parents to be kept well informed about the  
2797 school and their children's progress.

2798 (c) To train school administrators on successful  
2799 strategies for involving parents both at home and at school and in  
2800 developing community support for the schools.

2801 (d) To train teachers on successful strategies for  
2802 communicating with parents and teaching parents to reinforce  
2803 skills being learned at school.

2804 (e) To promote reading as the key curricular activity  
2805 for parental focus.

2806 (f) To involve the business, medical and religious  
2807 communities in supporting the schools through direct assistance,  
2808 and to develop positive public relations for the schools in the  
2809 community.

2810 (g) Publication of a resource manual to assist schools  
2811 and school districts in implementation of Alliance for Families  
2812 program.

2813 **SECTION 48.** Section 37-3-105, Mississippi Code of 1972, is  
2814 amended as follows:

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



2820 education may be accomplished through self-review of suitable  
2821 intensive, comprehensive and researched-based reading materials.

2822 **SECTION 49.** Section 37-5-61, Mississippi Code of 1972, is  
2823 amended as follows:

2824 37-5-61. (1) There shall be a county superintendent of  
2825 education in each county.

2826 (2) Said superintendent shall serve as the executive  
2827 secretary of the county board of education, but shall have no vote  
2828 in the proceedings before the board and no voice in fixing the  
2829 policies thereof.

2830 (3) In addition, said superintendent shall be the director  
2831 of all schools in the county school district which are outside the  
2832 municipal separate school districts.

2833 (4) Said superintendent shall be elected at the same time  
2834 and in the same manner as other county officers are elected and  
2835 shall hold office for a term of four (4) years.

2836 **SECTION 50.** Section 37-7-455, Mississippi Code of 1972, is  
2837 amended as follows:

2838 37-7-455. (1) Any land, buildings or other property that is  
2839 not used for school purposes and which is not needed in the  
2840 operation of the schools of the district may be sold in the manner  
2841 established in this section but only after each charter school  
2842 located in the school district has notified the school board that  
2843 it is not exercising its right of first refusal on the property,  
2844 as provided under Section 31 of this act. Except as otherwise



2845 provided in subsections (2) and (3) of this section, all such  
2846 land, buildings or other property shall be sold only after the  
2847 receipt of sealed bids therefor after the time and place of making  
2848 such sale has been duly advertised in some newspaper having a  
2849 general circulation in the county in which the property is located  
2850 once each week for three (3) consecutive weeks with the first  
2851 publication to be made not less than fifteen (15) days prior to  
2852 the date upon which such bids are to be received and opened. The  
2853 property shall be sold to the highest and best bidder for cash,  
2854 but the school board shall have the right to reject any and all  
2855 bids. If the property is not sold pursuant to such advertisement,  
2856 the school board, by resolution, may set a date for an open  
2857 meeting of the school board to be held within sixty (60) days  
2858 after the date upon which the bids were opened. At the meeting  
2859 held pursuant to such resolution, the school board may sell by  
2860 auction the property for a consideration not less than the highest  
2861 sealed bid previously received pursuant to the advertisement. At  
2862 the meeting, any interested party may bid for cash, and the  
2863 property shall be sold to the highest and best bidder for cash,  
2864 but the school board shall have the right to reject any and all  
2865 bids. The school board may require a written confirmation of bids  
2866 received at such called meeting before selling the property at  
2867 auction, but it shall not be necessary that sealed bids be  
2868 received before conducting the auction.





2869           (2) As an alternative to the procedures established under  
2870 subsection (1) of this section, the school board of a school  
2871 district may elect, in its discretion, to sell by public auction  
2872 any property, other than real property or buildings of the school  
2873 district, which is not used for school or related school purposes  
2874 and not needed in the operation of the schools, according to the  
2875 procedure in Section 17-25-25.

2876           (3) As an alternative to the procedures established under  
2877 subsection (1) or (2) of this section, the county board of  
2878 education of a county having a population in excess of ten  
2879 thousand (10,000) according to the 2000 decennial census and in  
2880 which U.S. Highway 45 intersects with Mississippi Highway 16, may  
2881 elect, in its discretion, to transfer and sell the buildings of  
2882 the school district and the real property upon which the buildings  
2883 are located which are not used as school facilities or for  
2884 school-related purposes and not needed in the operation of the  
2885 schools, after advertising for and receiving competitive bids for  
2886 the sale of such property. If any bid is offered by a nonprofit  
2887 501(c)(3) entity which has made substantial improvements to the  
2888 buildings, the fair market value of the improvements shall be  
2889 deemed to be consideration for, a part of, the bid offered by the  
2890 entity. In this case, the school board shall enter a finding on  
2891 its minutes that the nonprofit entity has made substantial  
2892 improvements to the property and the property is no longer needed  
2893 for school district purposes.



2894 (4) When the sale of such property is authorized and  
2895 approved by the school board, the president of the school board  
2896 shall be authorized and empowered to execute a conveyance of the  
2897 property upon the terms and for the consideration fixed by the  
2898 board. The school board shall reserve unto the district all oil,  
2899 gas and minerals in, on or under the land, and all proceeds  
2900 derived from royalties upon the reserved mineral interests shall  
2901 be used as provided by Section 37-7-457.

2902 **SECTION 51.** Section 37-7-473, Mississippi Code of 1972, is  
2903 amended as follows:

2904 37-7-473. School buildings, land, property and related  
2905 facilities may be sold, conveyed, leased or otherwise disposed of  
2906 under Sections 37-7-471 through 37-7-483, to any charter school,  
2907 to any group of persons, to any association, club or corporation,  
2908 or to any county, municipality or other political subdivision, to  
2909 be used as a charter school facility, to be used as a civic,  
2910 community, recreational or youth center, or to be used by any  
2911 county or district fair association in connection with its  
2912 activities, or to be used for church purposes, or to be used as a  
2913 library or other public building, or to be used as a factory or  
2914 otherwise in connection with an industrial enterprise, or to be  
2915 used as part of a development activity to stimulate economic  
2916 development activities within the district, or to enhance property  
2917 values within the district, or to be used for any similar or  
2918 related purpose or activity.



2919           **SECTION 52.** Section 37-9-1, Mississippi Code of 1972, is  
2920 amended as follows:

2921           37-9-1. (1) For the purposes of this chapter, the terms  
2922 "superintendent" and "principal" shall have such meaning as are  
2923 ascribed to them under the provisions of Section 37-19-1. The  
2924 term "licensed employee" shall mean any other employee of a public  
2925 school district required to hold a valid license by the Commission  
2926 on Teacher and Administrator Education, Certification and  
2927 Licensure and Development. The term "non-instructional employee"  
2928 shall include all employees of school districts other than  
2929 superintendents, principals and licensed employees.

2930           (2) Unless a statute in this chapter specifically is made  
2931 applicable to charter schools, the provisions of this chapter only  
2932 apply to public school districts, the employees of public school  
2933 districts and the public schools that are within those school  
2934 districts.

2935           **SECTION 53.** Section 37-9-103, Mississippi Code of 1972, is  
2936 amended as follows:

2937           37-9-103. (1) As used in Sections 37-9-101 through  
2938 37-9-113, the word "employee" shall include:

2939           (a) Any teacher, principal, superintendent or other  
2940 professional personnel employed by the local school district for a  
2941 continuous period of two (2) years with that district and required  
2942 to have a valid license issued by the State Department of  
2943 Education as a prerequisite of employment; or



2944 (b) Any teacher, principal, superintendent or other  
2945 professional personnel who has completed a continuous period of  
2946 two (2) years of employment in a Mississippi public school  
2947 district and one (1) full year of employment with the school  
2948 district of current employment, and who is required to have a  
2949 valid license issued by the State Department of Education as a  
2950 prerequisite of employment.

2951 (2) (a) The Education Employment Procedures Law shall not  
2952 apply to any category of employee as defined in this section  
2953 employed in any school district after the Governor declares a  
2954 state of emergency under the provisions of Section 37-17-6(11).  
2955 The Education Employment Procedures Law shall not be applicable in  
2956 any school district for the full period of time that those  
2957 conditions, as defined in Section 37-17-6(11), exist.

2958 (b) The Education Employment Procedures Law shall not  
2959 apply to any category of teacher, administrator or other employee  
2960 \* \* \* employed to work in any charter school \* \* \*.

2961 (3) For purposes of Sections 37-9-101 through 37-9-113, the  
2962 term "days" means calendar days.

2963 **SECTION 54.** Section 37-11-1, Mississippi Code of 1972, is  
2964 amended as follows:

2965 37-11-1. (1) Subject to the provisions of subsection (2) of  
2966 this section, after a pupil has been assigned to a particular  
2967 public school in a school district, the principal, or anyone else  
2968 vested with the authority of assigning pupils to classes,



2969 knowingly shall not place such pupil in a class where the pupil's  
2970 presence would serve to adversely affect, hinder, or retard the  
2971 academic development of the other pupils in the class.

2972 (2) (a) A parent or guardian of twins or higher order  
2973 multiples, as defined in paragraph (d) of this subsection, may  
2974 request that the children be placed in the same classroom or in  
2975 separate classrooms if the children are in the same grade level at  
2976 the same school in the school district. The school may recommend  
2977 classroom placement and provide professional education advice to  
2978 the parent or guardian to assist the parent or guardian in making  
2979 the best decision for the children's education. A school must  
2980 provide the placement requested by the children's parent or  
2981 guardian unless: (i) the parent or guardian has requested that  
2982 the children, who are different sexes, be placed in the same  
2983 classroom and the students in the school have been assigned to  
2984 different classrooms according to sex, as authorized under Section  
2985 37-11-3; or (ii) the school board of the school district makes a  
2986 classroom placement determination following the school principal's  
2987 request according to this subsection.

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



2993 commences, no later than fourteen (14) calendar days after the  
2994 children's first day of attendance in the school.

2995 (c) At the end of the initial grading period during  
2996 which children have been in the same classroom or separate  
2997 classrooms pursuant to their parent or guardian's request under  
2998 this subsection, if the principal, in consultation with the  
2999 children's classroom teacher or teachers, determines that the  
3000 requested classroom placement is disruptive to the school, the  
3001 principal may request that the school board determine the  
3002 children's classroom placement.

3003 (d) For purposes of this section, the term "higher  
3004 order multiples" means triplets, quadruplets, quintuplets or more.

3005 **SECTION 55.** Section 37-11-17, Mississippi Code of 1972, is  
3006 amended as follows:

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



3017 physical examination, deemed advisable to determine whether he has  
3018 any infectious or communicable disease.

3019 (2) The State Board of Education may develop a program to  
3020 accomplish the identification of public school district students  
3021 with abnormal spinal curvature. No state funds shall be expended  
3022 for the purposes of implementing this subsection. Such program  
3023 shall:

3024 (a) Provide that an adequate number of school personnel  
3025 in each district be instructed by qualified medical experts in the  
3026 proper examination of students for abnormal spinal curvatures;

3027 (b) Provide that all public school district students  
3028 who are at least ten (10) years old be screened at least every two  
3029 (2) years but at least in the fourth, sixth, eighth and tenth  
3030 grades or at such other times as may be recommended by medical  
3031 experts on a per case basis;

3032 (c) Provide that students identified as having abnormal  
3033 spinal curvatures or potential for abnormal spinal curvatures be  
3034 referred to the county health officer or to the student's personal  
3035 physician or chiropractor with notice of the evaluation; and

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



3042 that the requirement conflicts with his conscientiously held  
3043 religious beliefs.

3044       **SECTION 56.** Section 37-11-25, Mississippi Code of 1972, is  
3045 brought forward as follows:

3046       37-11-25. If any public school official of this state or of  
3047 any county or municipality or school district thereof, or any  
3048 superintendent, principal, or teacher in the public schools, or  
3049 any trustee of a school district shall be interested, either  
3050 directly or indirectly, in the proceeds or profits of the sale or  
3051 rental of any book, furniture, equipment or other property to be  
3052 used in any public schools of this state such person shall be  
3053 guilty of a misdemeanor and, upon conviction, he shall be fined  
3054 not less than Two Hundred Dollars (\$200.00) nor more than Five  
3055 Hundred Dollars (\$500.00). However, nothing in this section shall  
3056 be construed to apply to the receipt of royalties on books or  
3057 other publications used in the public schools.

3058       **SECTION 57.** Section 37-11-57, Mississippi Code of 1972, is  
3059 amended as follows:

3060       37-11-57. (1) Except in the case of excessive force or  
3061 cruel and unusual punishment, a public school teacher, assistant  
3062 teacher, principal, or an assistant principal acting within the  
3063 course and scope of his employment shall not be liable for any  
3064 action carried out in conformity with state or federal law or  
3065 rules or regulations of the State Board of Education or the local  
3066 school board or governing board of a charter school regarding the





3067 control, discipline, suspension and expulsion of students. The  
3068 local school board shall provide any necessary legal defense to a  
3069 teacher, assistant teacher, principal, or assistant principal in  
3070 the school district who was acting within the course and scope of  
3071 his employment in any action which may be filed against such  
3072 school personnel. A school district or charter school, as the  
3073 case may be, shall be entitled to reimbursement for legal fees and  
3074 expenses from its employee if a court finds that the act of the  
3075 employee was outside the course and scope of his employment, or  
3076 that the employee was acting with criminal intent. Any action by  
3077 a school district or charter school against its employee and any  
3078 action by the employee against the school district or charter  
3079 school for necessary legal fees and expenses shall be tried to the  
3080 court in the same suit brought against the school employee.

3081 (2) Corporal punishment administered in a reasonable manner,  
3082 or any reasonable action to maintain control and discipline of  
3083 students taken by a public school teacher, assistant teacher,  
3084 principal or assistant principal acting within the scope of his  
3085 employment or function and in accordance with any state or federal  
3086 laws or rules or regulations of the State Board of Education or  
3087 the local school board or governing board of a charter school does  
3088 not constitute negligence or child abuse. No public school  
3089 teacher, assistant teacher, principal or assistant principal so  
3090 acting shall be held liable in a suit for civil damages alleged to  
3091 have been suffered by a student as a result of the administration



3092 of corporal punishment, or the taking of action to maintain  
3093 control and discipline of a student, unless the court determines  
3094 that the teacher, assistant teacher, principal or assistant  
3095 principal acted in bad faith or with malicious purpose or in a  
3096 manner exhibiting a wanton and willful disregard of human rights  
3097 or safety. For the purposes of this subsection, "corporal  
3098 punishment" means the reasonable use of physical force or physical  
3099 contact by a teacher, assistant teacher, principal or assistant  
3100 principal, as may be necessary to maintain discipline, to enforce  
3101 a school rule, for self-protection or for the protection of other  
3102 students from disruptive students.

3103         **SECTION 58.** Section 37-13-21, Mississippi Code of 1972, is  
3104 amended as follows:

3105         37-13-21. The State Board of Health and the various county  
3106 health departments are hereby authorized and empowered to  
3107 establish and provide for health education programs in the public  
3108 \* \* \* school districts of this state and to employ county health  
3109 educators for such purpose. In order to effectuate such programs  
3110 the county superintendents of education of counties in which such  
3111 programs have been established, with the approval of the county  
3112 board of education, and the board of trustees of the municipal  
3113 separate school districts are authorized and empowered, in their  
3114 discretion, to cooperate and join with the said State Board of  
3115 Health and the county health departments in such program. For  
3116 such purposes the said county superintendents of education, with



3117 the approval of the county board of education, are hereby  
3118 authorized and empowered to expend such funds as may be necessary  
3119 from the common school funds of the county, and the board of  
3120 trustees of municipal separate school districts are hereby  
3121 authorized and empowered to expend such funds as may be necessary  
3122 from the maintenance funds of such districts for the purpose of  
3123 defraying the expenses of such cooperative health education  
3124 programs. Those students whose parents or guardians shall make  
3125 written application to the proper authorities on the ground that  
3126 such program is inconsistent with the tenets and practices of the  
3127 known religious organization with which they are affiliated shall  
3128 not be required to participate in the program.

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



3141 Health and county health departments as may be necessary for such  
3142 purpose.

3143         **SECTION 59.** Section 37-13-41, Mississippi Code of 1972, is  
3144 amended as follows:

3145         37-13-41. All principals and/or superintendents of public  
3146 schools \* \* \* in all school districts in Mississippi shall report  
3147 to their county superintendent of education upon forms prepared  
3148 and sent to the county superintendent of education by the director  
3149 of the division of instruction, giving the type and amount of work  
3150 done in each grade of their respective school, with other  
3151 information that may be desired by the director. The county  
3152 superintendents of education shall compile this information on  
3153 forms sent out by the director. This shall be made in duplicate,  
3154 one (1) copy to be sent to the director, and the other filed as  
3155 other public records are filed in the county superintendents'  
3156 offices. This report shall be made to the director by the county  
3157 superintendents of education not later than the first of June each  
3158 year.

3159         **SECTION 60.** Section 37-13-91, Mississippi Code of 1972, is  
3160 amended as follows:

3161         37-13-91. (1) This section shall be referred to as the  
3162 "Mississippi Compulsory School Attendance Law."

3163         (2) The following terms as used in this section are defined  
3164 as follows:



3165 (a) "Parent" means the father or mother to whom a child  
3166 has been born, or the father or mother by whom a child has been  
3167 legally adopted.

3168 (b) "Guardian" means a guardian of the person of a  
3169 child, other than a parent, who is legally appointed by a court of  
3170 competent jurisdiction.

3171 (c) "Custodian" means any person having the present  
3172 care or custody of a child, other than a parent or guardian of the  
3173 child.

3174 (d) "School day" means not less than five (5) and not  
3175 more than eight (8) hours of actual teaching in which both  
3176 teachers and pupils are in regular attendance for scheduled  
3177 schoolwork.

3178 (e) "School" means any public school, including a  
3179 charter school, in this state or any nonpublic school in this  
3180 state which is in session each school year for at least one  
3181 hundred eighty (180) school days, except that the "nonpublic"  
3182 school term shall be the number of days that each school shall  
3183 require for promotion from grade to grade.

3184 (f) "Compulsory-school-age child" means a child who has  
3185 attained or will attain the age of six (6) years on or before  
3186 September 1 of the calendar year and who has not attained the age  
3187 of seventeen (17) years on or before September 1 of the calendar  
3188 year; and shall include any child who has attained or will attain  
3189 the age of five (5) years on or before September 1 and has



3190 enrolled in a full-day public school kindergarten program.  
3191 Provided, however, that the parent or guardian of any child  
3192 enrolled in a full-day public school kindergarten program shall be  
3193 allowed to disenroll the child from the program on a one-time  
3194 basis, and such child shall not be deemed a compulsory-school-age  
3195 child until the child attains the age of six (6) years.

3196 (g) "School attendance officer" means a person employed  
3197 by the State Department of Education pursuant to Section 37-13-89.

3198 (h) "Appropriate school official" means the  
3199 superintendent of the school district, or his designee, or, in the  
3200 case of a nonpublic school, the principal or the headmaster.

3201 (i) "Nonpublic school" means an institution for the  
3202 teaching of children, consisting of a physical plant, whether  
3203 owned or leased, including a home, instructional staff members and  
3204 students, and which is in session each school year. This  
3205 definition shall include, but not be limited to, private, church,  
3206 parochial and home instruction programs.

3207 (3) A parent, guardian or custodian of a  
3208 compulsory-school-age child in this state shall cause the child to  
3209 enroll in and attend a public school or legitimate nonpublic  
3210 school for the period of time that the child is of compulsory  
3211 school age, except under the following circumstances:

3212 (a) When a compulsory-school-age child is physically,  
3213 mentally or emotionally incapable of attending school as



3214 determined by the appropriate school official based upon  
3215 sufficient medical documentation.

3216 (b) When a compulsory-school-age child is enrolled in  
3217 and pursuing a course of special education, remedial education or  
3218 education for handicapped or physically or mentally disadvantaged  
3219 children.

3220 (c) When a compulsory-school-age child is being  
3221 educated in a legitimate home instruction program.

3222 The parent, guardian or custodian of a compulsory-school-age  
3223 child described in this subsection, or the parent, guardian or  
3224 custodian of a compulsory-school-age child attending any charter  
3225 school or nonpublic school, or the appropriate school official for  
3226 any or all children attending a charter school or nonpublic school  
3227 shall complete a "certificate of enrollment" in order to  
3228 facilitate the administration of this section.

3229 The form of the certificate of enrollment shall be prepared  
3230 by the Office of Compulsory School Attendance Enforcement of the  
3231 State Department of Education and shall be designed to obtain the  
3232 following information only:

3233 (i) The name, address, telephone number and date  
3234 of birth of the compulsory-school-age child;

3235 (ii) The name, address and telephone number of the  
3236 parent, guardian or custodian of the compulsory-school-age child;

3237 (iii) A simple description of the type of  
3238 education the compulsory-school-age child is receiving and, if the



3239 child is enrolled in a nonpublic school, the name and address of  
3240 the school; and

3241 (iv) The signature of the parent, guardian or  
3242 custodian of the compulsory-school-age child or, for any or all  
3243 compulsory-school-age child or children attending a charter school  
3244 or nonpublic school, the signature of the appropriate school  
3245 official and the date signed.

3246 The certificate of enrollment shall be returned to the school  
3247 attendance officer where the child resides on or before September  
3248 15 of each year. Any parent, guardian or custodian found by the  
3249 school attendance officer to be in noncompliance with this section  
3250 shall comply, after written notice of the noncompliance by the  
3251 school attendance officer, with this subsection within ten (10)  
3252 days after the notice or be in violation of this section.

3253 However, in the event the child has been enrolled in a public  
3254 school within fifteen (15) calendar days after the first day of  
3255 the school year as required in subsection (6), the parent or  
3256 custodian may, at a later date, enroll the child in a legitimate  
3257 nonpublic school or legitimate home instruction program and send  
3258 the certificate of enrollment to the school attendance officer and  
3259 be in compliance with this subsection.

3260 For the purposes of this subsection, a legitimate nonpublic  
3261 school or legitimate home instruction program shall be those not  
3262 operated or instituted for the purpose of avoiding or  
3263 circumventing the compulsory attendance law.





3264 (4) An "unlawful absence" is an absence during a school day  
3265 by a compulsory-school-age child, which absence is not due to a  
3266 valid excuse for temporary nonattendance. Days missed from school  
3267 due to disciplinary suspension shall not be considered an  
3268 "excused" absence under this section. This subsection shall not  
3269 apply to children enrolled in a nonpublic school.

3270 Each of the following shall constitute a valid excuse for  
3271 temporary nonattendance of a compulsory-school-age child enrolled  
3272 in a noncharter public school, provided satisfactory evidence of  
3273 the excuse is provided to the superintendent of the school  
3274 district, or his designee:

3275 (a) An absence is excused when the absence results from  
3276 the compulsory-school-age child's attendance at an authorized  
3277 school activity with the prior approval of the superintendent of  
3278 the school district, or his designee. These activities may  
3279 include field trips, athletic contests, student conventions,  
3280 musical festivals and any similar activity.

3281 (b) An absence is excused when the absence results from  
3282 illness or injury which prevents the compulsory-school-age child  
3283 from being physically able to attend school.

3284 (c) An absence is excused when isolation of a  
3285 compulsory-school-age child is ordered by the county health  
3286 officer, by the State Board of Health or appropriate school  
3287 official.



3288           (d) An absence is excused when it results from the  
3289 death or serious illness of a member of the immediate family of a  
3290 compulsory-school-age child. The immediate family members of a  
3291 compulsory-school-age child shall include children, spouse,  
3292 grandparents, parents, brothers and sisters, including  
3293 stepbrothers and stepsisters.

3294           (e) An absence is excused when it results from a  
3295 medical or dental appointment of a compulsory-school-age child.

3296           (f) An absence is excused when it results from the  
3297 attendance of a compulsory-school-age child at the proceedings of  
3298 a court or an administrative tribunal if the child is a party to  
3299 the action or under subpoena as a witness.

3300           (g) An absence may be excused if the religion to which  
3301 the compulsory-school-age child or the child's parents adheres,  
3302 requires or suggests the observance of a religious event. The  
3303 approval of the absence is within the discretion of the  
3304 superintendent of the school district, or his designee, but  
3305 approval should be granted unless the religion's observance is of  
3306 such duration as to interfere with the education of the child.

3307           (h) An absence may be excused when it is demonstrated  
3308 to the satisfaction of the superintendent of the school district,  
3309 or his designee, that the purpose of the absence is to take  
3310 advantage of a valid educational opportunity such as travel,  
3311 including vacations or other family travel. Approval of the  
3312 absence must be gained from the superintendent of the school



3313 district, or his designee, before the absence, but the approval  
3314 shall not be unreasonably withheld.

3315 (i) An absence may be excused when it is demonstrated  
3316 to the satisfaction of the superintendent of the school district,  
3317 or his designee, that conditions are sufficient to warrant the  
3318 compulsory-school-age child's nonattendance. However, no absences  
3319 shall be excused by the school district superintendent, or his  
3320 designee, when any student suspensions or expulsions circumvent  
3321 the intent and spirit of the compulsory attendance law.

3322 (5) Any parent, guardian or custodian of a  
3323 compulsory-school-age child subject to this section who refuses or  
3324 willfully fails to perform any of the duties imposed upon him or  
3325 her under this section or who intentionally falsifies any  
3326 information required to be contained in a certificate of  
3327 enrollment, shall be guilty of contributing to the neglect of a  
3328 child and, upon conviction, shall be punished in accordance with  
3329 Section 97-5-39.

3330 Upon prosecution of a parent, guardian or custodian of a  
3331 compulsory-school-age child for violation of this section, the  
3332 presentation of evidence by the prosecutor that shows that the  
3333 child has not been enrolled in school within eighteen (18)  
3334 calendar days after the first day of the school year of the public  
3335 school which the child is eligible to attend, or that the child  
3336 has accumulated twelve (12) unlawful absences during the school  
3337 year at the public school in which the child has been enrolled,



3338 shall establish a prima facie case that the child's parent,  
3339 guardian or custodian is responsible for the absences and has  
3340 refused or willfully failed to perform the duties imposed upon him  
3341 or her under this section. However, no proceedings under this  
3342 section shall be brought against a parent, guardian or custodian  
3343 of a compulsory-school-age child unless the school attendance  
3344 officer has contacted promptly the home of the child and has  
3345 provided written notice to the parent, guardian or custodian of  
3346 the requirement for the child's enrollment or attendance.

3347 (6) If a compulsory-school-age child has not been enrolled  
3348 in a school within fifteen (15) calendar days after the first day  
3349 of the school year of the school which the child is eligible to  
3350 attend or the child has accumulated five (5) unlawful absences  
3351 during the school year of the public school in which the child is  
3352 enrolled, the school district superintendent or his designee shall  
3353 report, within two (2) school days or within five (5) calendar  
3354 days, whichever is less, the absences to the school attendance  
3355 officer. The State Department of Education shall prescribe a  
3356 uniform method for schools to utilize in reporting the unlawful  
3357 absences to the school attendance officer. The superintendent, or  
3358 his designee, also shall report any student suspensions or student  
3359 expulsions to the school attendance officer when they occur.

3360 (7) When a school attendance officer has made all attempts  
3361 to secure enrollment and/or attendance of a compulsory-school-age  
3362 child and is unable to effect the enrollment and/or attendance,



3363 the attendance officer shall file a petition with the youth court  
3364 under Section 43-21-451 or shall file a petition in a court of  
3365 competent jurisdiction as it pertains to parent or child.  
3366 Sheriffs, deputy sheriffs and municipal law enforcement officers  
3367 shall be fully authorized to investigate all cases of  
3368 nonattendance and unlawful absences by compulsory-school-age  
3369 children, and shall be authorized to file a petition with the  
3370 youth court under Section 43-21-451 or file a petition or  
3371 information in the court of competent jurisdiction as it pertains  
3372 to parent or child for violation of this section. The youth court  
3373 shall expedite a hearing to make an appropriate adjudication and a  
3374 disposition to ensure compliance with the Compulsory School  
3375 Attendance Law, and may order the child to enroll or re-enroll in  
3376 school. The superintendent of the school district to which the  
3377 child is ordered may assign, in his discretion, the child to the  
3378 alternative school program of the school established pursuant to  
3379 Section 37-13-92.

3380 (8) The State Board of Education shall adopt rules and  
3381 regulations for the purpose of reprimanding any school  
3382 superintendents who fail to timely report unexcused absences under  
3383 the provisions of this section.

3384 (9) Notwithstanding any provision or implication herein to  
3385 the contrary, it is not the intention of this section to impair  
3386 the primary right and the obligation of the parent or parents, or  
3387 person or persons in loco parentis to a child, to choose the



3388 proper education and training for such child, and nothing in this  
3389 section shall ever be construed to grant, by implication or  
3390 otherwise, to the State of Mississippi, any of its officers,  
3391 agencies or subdivisions any right or authority to control,  
3392 manage, supervise or make any suggestion as to the control,  
3393 management or supervision of any private or parochial school or  
3394 institution for the education or training of children, of any kind  
3395 whatsoever that is not a public school according to the laws of  
3396 this state; and this section shall never be construed so as to  
3397 grant, by implication or otherwise, any right or authority to any  
3398 state agency or other entity to control, manage, supervise,  
3399 provide for or affect the operation, management, program,  
3400 curriculum, admissions policy or discipline of any such school or  
3401 home instruction program.

3402       **SECTION 61.** Section 37-15-1, Mississippi Code of 1972, is  
3403 amended as follows:

3404       37-15-1. The State Board of Education shall prepare and  
3405 provide necessary forms for keeping permanent records and  
3406 cumulative folders for each pupil in the public schools, including  
3407 charter schools, of the state. In the permanent record and  
3408 cumulative folders, the teachers and principals shall keep  
3409 information concerning the pupil's date of birth, as verified by  
3410 the documentation authorized in this section, record of  
3411 attendance, grades and withdrawal from the school, including the  
3412 date of any expulsion from the school \* \* \* and a description of



3413 the student's act or behavior resulting in the expulsion. The  
3414 records also shall contain information pertaining to immunization  
3415 and such other information as the State Board of Education may  
3416 prescribe. The cumulative folder, in addition to that information  
3417 maintained in the permanent records, also shall contain such other  
3418 information as the State Board of Education shall prescribe. It  
3419 shall be the responsibility of the person in charge of each school  
3420 to enforce the requirement for evidence of the age of each pupil  
3421 before enrollment. If the first prescribed evidence is not  
3422 available, the next evidence obtainable in the order set forth  
3423 below shall be accepted:

3424 (a) A certified birth certificate;

3425 (b) A duly attested transcript of a certificate of  
3426 baptism showing the date of birth and place of baptism of the  
3427 child, accompanied by an affidavit sworn to by a parent,  
3428 grandparent or custodian;

3429 (c) An insurance policy on the child's life which has  
3430 been in force for at least two (2) years;

3431 (d) A bona fide contemporary Bible record of the  
3432 child's birth accompanied by an affidavit sworn to by the parent,  
3433 grandparent or custodian;

3434 (e) A passport or certificate of arrival in the United  
3435 States showing the age of the child;



3436 (f) A transcript of record of age shown in the child's  
3437 school record of at least four (4) years prior to application,  
3438 stating date of birth; or

3439 (g) If none of these evidences can be produced, an  
3440 affidavit of age sworn to by a parent, grandparent or custodian.  
3441 Any child enrolling in Kindergarten or Grade 1 shall present the  
3442 required evidence of age upon enrollment. Any child in Grades 2  
3443 through 12 not in compliance at the end of sixty (60) days from  
3444 enrollment shall be suspended until in compliance.

3445 **SECTION 62.** Section 37-15-3, Mississippi Code of 1972, is  
3446 amended as follows:

3447 37-15-3. Such cumulative folders as are provided for in  
3448 Section 37-15-1 shall be kept in the school wherein the pupils are  
3449 in attendance. Both the permanent records and the cumulative  
3450 folders shall be available to school officials, including teachers  
3451 within the school district who have been determined by the school  
3452 district to have legitimate educational interests. In no case,  
3453 however, shall such records be available to the general public.  
3454 Transcripts of courses and grades may be furnished when requested  
3455 by the parent or guardian or eligible pupil as prescribed in the  
3456 Family Educational Rights and Privacy Act of 1974, as amended, 20  
3457 USC Section 1232. Such records shall be kept for each pupil  
3458 throughout his entire public school enrollment period. In the  
3459 event a pupil transfers to a public school, including a charter  
3460 school, then the cumulative folder shall be furnished to the head





3461 of the school to which the pupil transfers; if a pupil transfers  
3462 to a private school, then a copy of the cumulative folder shall be  
3463 furnished to the head of the school to which the pupil transfers.  
3464 The permanent record shall be kept permanently by the school  
3465 district from which the pupil transferred.

3466 At no time may a permanent record of a student be destroyed,  
3467 but cumulative folders may be destroyed by order of the school  
3468 board of the school district in not less than five (5) years after  
3469 the permanent record of the pupil has become inactive and has been  
3470 transferred to the central depository of the district. Provided,  
3471 however, that where a school district makes complete copies of  
3472 inactive permanent records on photographic film, microfilm, or any  
3473 other acceptable form of medium for storage which may be  
3474 reproduced as needed, such permanent records may be destroyed  
3475 after the photographic film or microfilm copy has been stored in  
3476 the central depository of the district.

3477 **SECTION 63.** Section 37-15-6, Mississippi Code of 1972, is  
3478 amended as follows:

3479 37-15-6. For the purpose of providing notice to public and  
3480 private school officials, both within and outside the boundaries  
3481 of the state, of the expulsion of any public school student, the  
3482 State Department of Education may develop a central reporting  
3483 system for maintaining information concerning each expulsion from  
3484 a public school. In establishing and maintaining the reporting  
3485 system, the department may require each school district and



3486 charter school to report, within a certain period of time after an  
3487 expulsion, as established by the department, information such as  
3488 the following:

3489 (a) The name of the student expelled;

3490 (b) The date the student was expelled;

3491 (c) The age of the student at the time of the  
3492 expulsion;

3493 (d) The school from which the student was expelled;

3494 (e) The reason for the expulsion, including a detailed  
3495 description of the student's act or acts;

3496 (f) The duration of the period of expulsion, if not  
3497 indefinite; and

3498 (g) Any other information that the department deems  
3499 necessary for school officials in a public or private school,  
3500 where a student is seeking enrollment, to determine whether or not  
3501 a student should be denied enrollment based upon a previous  
3502 expulsion.

3503 Any information maintained by the department under the  
3504 authority of this section shall be strictly confidential. The  
3505 information shall be available to school officials at a public or  
3506 private school only upon their request and only when a student  
3507 seeks enrollment or admission to that school. In no case shall  
3508 the information be available to the general public.

3509 **SECTION 64.** Section 37-15-9, Mississippi Code of 1972, is  
3510 amended as follows:



3511           37-15-9. (1) Except as provided in subsection (2) and  
3512 subject to the provisions of subsection (3) of this section, no  
3513 child shall be enrolled or admitted to any kindergarten which is a  
3514 part of \* \* \* a public school \* \* \* during any school year unless  
3515 such child will reach his fifth birthday on or before September 1  
3516 of said school year, and no child shall be enrolled or admitted to  
3517 the first grade in any public school \* \* \* during any school year  
3518 unless such child will reach his sixth birthday on or before  
3519 September 1 of said school year. No pupil shall be permanently  
3520 enrolled in a public school in the State of Mississippi who  
3521 formerly was enrolled in another public or private school within  
3522 the state until the cumulative record of the pupil shall have been  
3523 received from the school from which he transferred. Should such  
3524 record have become lost or destroyed, then it shall be the duty of  
3525 the superintendent or principal of the school where the pupil last  
3526 attended school to initiate a new record.

3527           (2) Subject to the provisions of subsection (3) of this  
3528 section, any child who transfers from an out-of-state public or  
3529 private school in which that state's law provides for a  
3530 first-grade or kindergarten enrollment date subsequent to  
3531 September 1, shall be allowed to enroll in the public schools of  
3532 Mississippi, at the same grade level as their prior out-of-state  
3533 enrollment, if:



3534 (a) The parent, legal guardian or custodian of such  
3535 child was a legal resident of the state from which the child is  
3536 transferring;

3537 (b) The out-of-state school from which the child is  
3538 transferring is duly accredited by that state's appropriate  
3539 accrediting authority;

3540 (c) Such child was legally enrolled in a public or  
3541 private school for a minimum of four (4) weeks in the previous  
3542 state; and

3543 (d) The superintendent of schools in the applicable  
3544 Mississippi school district or the principal of a charter school,  
3545 as the case may be, has determined that the child was making  
3546 satisfactory educational progress in the previous state.

3547 (3) When any child applies for admission or enrollment in  
3548 any public school in the state, the parent, guardian or child, in  
3549 the absence of an accompanying parent or guardian, shall indicate  
3550 on the school registration form if the enrolling child has been  
3551 expelled from any public or private school or is currently a party  
3552 to an expulsion proceeding. If it is determined from the child's  
3553 cumulative record or application for admission or enrollment that  
3554 the child has been expelled, the school district or charter school  
3555 may deny the student admission and enrollment until the  
3556 superintendent of the school, or his designee, or principal of the  
3557 charter school, as the case may be, has reviewed the child's  
3558 cumulative record and determined that the child has participated



3559 in successful rehabilitative efforts including, but not limited  
3560 to, progress in an alternative school or similar program. If the  
3561 child is a party to an expulsion proceeding, the child may be  
3562 admitted to a public school pending final disposition of the  
3563 expulsion proceeding. If the expulsion proceeding results in the  
3564 expulsion of the child, the public school may revoke such  
3565 admission to school. If the child was expelled or is a party to  
3566 an expulsion proceeding for an act involving violence, weapons,  
3567 alcohol, illegal drugs or other activity that may result in  
3568 expulsion, the school district or charter school shall not be  
3569 required to grant admission or enrollment to the child before one  
3570 (1) calendar year after the date of the expulsion.

3571 **SECTION 65.** Section 37-16-1, Mississippi Code of 1972, is  
3572 amended as follows:

3573 37-16-1. The primary purpose of the statewide testing  
3574 program is to provide information needed for state-level  
3575 decisions. The program shall be designed to:

3576 (a) Assist in the identification of educational needs  
3577 at the state, district and school levels.

3578 (b) Assess how well districts and schools are meeting  
3579 state goals and minimum performance standards.

3580 (c) Provide information to aid in the development of  
3581 policy issues and concerns.

3582 (d) Provide a basis for comparisons among districts,  
3583 between charter schools throughout the state and nonpublic charter



3584 schools in those school districts in which charter schools are  
3585 located, and between districts, the state and the nation, where  
3586 appropriate.

3587 (e) Produce data which can be used to aid in the  
3588 identification of exceptional educational programs or processes.

3589 **SECTION 66.** Section 37-16-3, Mississippi Code of 1972, is  
3590 amended as follows:

3591 37-16-3. (1) The State Department of Education is directed  
3592 to implement a program of statewide assessment testing which shall  
3593 provide for the improvement of the operation and management of the  
3594 public schools. The statewide program shall be timed, as far as  
3595 possible, so as not to conflict with ongoing district assessment  
3596 programs. As part of the program, the department shall:

3597 (a) Establish, with the approval of the State Board of  
3598 Education, minimum performance standards related to the goals for  
3599 education contained in the state's plan including, but not limited  
3600 to, basic skills in reading, writing and mathematics. The minimum  
3601 performance standards shall be approved by April 1 in each year  
3602 they are established.

3603 (b) Conduct a uniform statewide testing program in  
3604 grades deemed appropriate in the public schools, including charter  
3605 schools. The program may test skill areas, basic skills and high  
3606 school course content.

3607 (c) Monitor the results of the assessment program and,  
3608 at any time the composite student performance of a school or basic



3609 program is found to be below the established minimum standards,  
3610 notify the district superintendent or the governing board of the  
3611 charter school, as the case may be, the school principal and the  
3612 school advisory committee or other existing parent group of the  
3613 situation within thirty (30) days of its determination. The  
3614 department shall further provide technical assistance to \* \* \* a  
3615 school district in the identification of the causes of this  
3616 deficiency and shall recommend courses of action for its  
3617 correction.

3618 (d) Provide technical assistance to the school  
3619 districts, when requested, in the development of student  
3620 performance standards in addition to the established minimum  
3621 statewide standards.

3622 (e) Issue security procedure regulations providing for  
3623 the security and integrity of the tests that are administered  
3624 under the basic skills assessment program.

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



3634 assessment test for his or her grade in a valid test  
3635 administration.

3636 **SECTION 67.** Section 37-17-1, Mississippi Code of 1972, is  
3637 amended as follows:

3638 37-17-1. (1) The power and authority to prescribe standards  
3639 for the accreditation of noncharter public schools, to insure  
3640 compliance with such standards and to establish procedures for the  
3641 accreditation of noncharter public schools is hereby vested in the  
3642 State Board of Education. The board shall, by orders placed upon  
3643 its minutes, adopt all necessary rules and regulations to  
3644 effectuate the purposes of this chapter and shall provide, through  
3645 the State Department of Education, for the necessary personnel for  
3646 the enforcement of standards so established.

3647 (2) A charter school authorized by the Mississippi Charter  
3648 School Authorizer Board must be granted accreditation by the State  
3649 Board of Education based solely on the approval of the school by  
3650 the authorizer. If the authorizer, at any time, revokes a  
3651 school's charter, the State Board of Education shall withdraw the  
3652 accreditation of the charter school immediately.

3653 **SECTION 68.** Section 37-17-6, Mississippi Code of 1972, is  
3654 amended as follows:

3655 **[Effective until the date Laws of 2012, Ch. 525, is**  
3656 **effectuated under Section 5 of the Voting Rights Act of 1965, as**  
3657 **amended and extended, this section will read:]**





3658 37-17-6. (1) The State Board of Education, acting through  
3659 the Commission on School Accreditation, shall establish and  
3660 implement a permanent performance-based accreditation system, and  
3661 all noncharter public elementary and secondary schools shall be  
3662 accredited under this system.

3663 (2) No later than June 30, 1995, the State Board of  
3664 Education, acting through the Commission on School Accreditation,  
3665 shall require school districts to provide school classroom space  
3666 that is air-conditioned as a minimum requirement for  
3667 accreditation.

3668 (3) (a) Beginning with the 1994-1995 school year, the State  
3669 Board of Education, acting through the Commission on School  
3670 Accreditation, shall require that school districts employ  
3671 certified school librarians according to the following formula:

3672	Number of Students	Number of Certified
3673	Per School Library	School Librarians
3674	0 - 499 Students	1/2 Full-time Equivalent
3675		Certified Librarian
3676	500 or More Students	1 Full-time Certified
3677		Librarian

3678 (b) The State Board of Education, however, may increase  
3679 the number of positions beyond the above requirements.

3680 (c) The assignment of certified school librarians to  
3681 the particular schools shall be at the discretion of the local  
3682 school district. No individual shall be employed as a certified



3683 school librarian without appropriate training and certification as  
3684 a school librarian by the State Department of Education.

3685 (d) School librarians in the district shall spend at  
3686 least fifty percent (50%) of direct work time in a school library  
3687 and shall devote no more than one-fourth (1/4) of the workday to  
3688 administrative activities that are library related.

3689 (e) Nothing in this subsection shall prohibit any  
3690 school district from employing more certified school librarians  
3691 than are provided for in this section.

3692 (f) Any additional millage levied to fund school  
3693 librarians required for accreditation under this subsection shall  
3694 be included in the tax increase limitation set forth in Sections  
3695 37-57-105 and 37-57-107 and shall not be deemed a new program for  
3696 purposes of the limitation.

3697 (4) On or before December 31, 2002, the State Board of  
3698 Education shall implement the performance-based accreditation  
3699 system for school districts and for individual noncharter public  
3700 schools which shall include the following:

3701 (a) High expectations for students and high standards  
3702 for all schools, with a focus on the basic curriculum;

3703 (b) Strong accountability for results with appropriate  
3704 local flexibility for local implementation;

3705 (c) A process to implement accountability at both the  
3706 school district level and the school level;



3707 (d) Individual schools shall be held accountable for  
3708 student growth and performance;

3709 (e) Set annual performance standards for each of the  
3710 schools of the state and measure the performance of each school  
3711 against itself through the standard that has been set for it;

3712 (f) A determination of which schools exceed their  
3713 standards and a plan for providing recognition and rewards to  
3714 those schools;

3715 (g) A determination of which schools are failing to  
3716 meet their standards and a determination of the appropriate role  
3717 of the State Board of Education and the State Department of  
3718 Education in providing assistance and initiating possible  
3719 intervention. A failing district is a district that fails to meet  
3720 both the absolute student achievement standards and the rate of  
3721 annual growth expectation standards as set by the State Board of  
3722 Education for two (2) consecutive years. The State Board of  
3723 Education shall establish the level of benchmarks by which  
3724 absolute student achievement and growth expectations shall be  
3725 assessed. In setting the benchmarks for school districts, the  
3726 State Board of Education may also take into account such factors  
3727 as graduation rates, dropout rates, completion rates, the extent  
3728 to which the school or district employs qualified teachers in  
3729 every classroom, and any other factors deemed appropriate by the  
3730 State Board of Education. The State Board of Education, acting  
3731 through the State Department of Education, shall apply a simple



3732 "A," "B," "C," "D" and "F" designation to the current school and  
3733 school district statewide accountability performance  
3734 classification labels beginning with the State Accountability  
3735 Results for the 2011-2012 school year and following, and in the  
3736 school, district and state report cards required under state and  
3737 federal law. Under the new designations, a school or school  
3738 district that has earned a "Star" rating shall be designated an  
3739 "A" school or school district; a school or school district that  
3740 has earned a "High-Performing" rating shall be designated a "B"  
3741 school or school district; a school or school district that has  
3742 earned a "Successful" rating shall be designated a "C" school or  
3743 school district; a school or school district that has earned an  
3744 "Academic Watch" rating shall be designated a "D" school or school  
3745 district; a school or school district that has earned a  
3746 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
3747 be designated an "F" school or school district. Effective with  
3748 the implementation of any new curriculum and assessment standards,  
3749 the State Board of Education, acting through the State Department  
3750 of Education, is further authorized and directed to change the  
3751 school and school district accreditation rating system to a simple  
3752 "A," "B," "C," "D," and "F" designation based on a combination of  
3753 student achievement scores and student growth as measured by the  
3754 statewide testing programs developed by the State Board of  
3755 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
3756 1972. In any statute or regulation containing the former



3757 accreditation designations, the new designations shall be  
3758 applicable;

3759           (h) Development of a comprehensive student assessment  
3760 system to implement these requirements; and

3761           (i) The State Board of Education may, based on a  
3762 written request that contains specific reasons for requesting a  
3763 waiver from the school districts affected by Hurricane Katrina of  
3764 2005, hold harmless school districts from assignment of district  
3765 and school level accountability ratings for the 2005-2006 school  
3766 year. The State Board of Education upon finding an extreme  
3767 hardship in the school district may grant the request. It is the  
3768 intent of the Legislature that all school districts maintain the  
3769 highest possible academic standards and instructional programs in  
3770 all schools as required by law and the State Board of Education.

3771           The State Board of Education may continue to assign school  
3772 district performance levels by using a number classification and  
3773 may assign individual school performance levels by using a number  
3774 classification to be consistent with school district performance  
3775 levels.

3776           (5) Nothing in this section shall be deemed to require a  
3777 nonpublic school that receives no local, state or federal funds  
3778 for support to become accredited by the State Board of Education.

3779           (6) The State Board of Education shall create an  
3780 accreditation audit unit under the Commission on School



3781 Accreditation to determine whether schools are complying with  
3782 accreditation standards.

3783 (7) The State Board of Education shall be specifically  
3784 authorized and empowered to withhold adequate education program  
3785 fund allocations, whichever is applicable, to any public school  
3786 district for failure to timely report student, school personnel  
3787 and fiscal data necessary to meet state and/or federal  
3788 requirements.

3789 (8) Deleted.

3790 (9) The State Board of Education shall establish, for those  
3791 school districts failing to meet accreditation standards, a  
3792 program of development to be complied with in order to receive  
3793 state funds, except as otherwise provided in subsection (14) of  
3794 this section when the Governor has declared a state of emergency  
3795 in a school district or as otherwise provided in Section 206,  
3796 Mississippi Constitution of 1890. The state board, in  
3797 establishing these standards, shall provide for notice to schools  
3798 and sufficient time and aid to enable schools to attempt to meet  
3799 these standards, unless procedures under subsection (14) of this  
3800 section have been invoked.

3801 (10) Beginning July 1, 1998, the State Board of Education  
3802 shall be charged with the implementation of the program of  
3803 development in each applicable school district as follows:



3804 (a) Develop an impairment report for each district  
3805 failing to meet accreditation standards in conjunction with school  
3806 district officials;

3807 (b) Notify any applicable school district failing to  
3808 meet accreditation standards that it is on probation until  
3809 corrective actions are taken or until the deficiencies have been  
3810 removed. The local school district shall develop a corrective  
3811 action plan to improve its deficiencies. For district academic  
3812 deficiencies, the corrective action plan for each such school  
3813 district shall be based upon a complete analysis of the following:  
3814 student test data, student grades, student attendance reports,  
3815 student dropout data, existence and other relevant data. The  
3816 corrective action plan shall describe the specific measures to be  
3817 taken by the particular school district and school to improve:  
3818 (i) instruction; (ii) curriculum; (iii) professional development;  
3819 (iv) personnel and classroom organization; (v) student incentives  
3820 for performance; (vi) process deficiencies; and (vii) reporting to  
3821 the local school board, parents and the community. The corrective  
3822 action plan shall describe the specific individuals responsible  
3823 for implementing each component of the recommendation and how each  
3824 will be evaluated. All corrective action plans shall be provided  
3825 to the State Board of Education as may be required. The decision  
3826 of the State Board of Education establishing the probationary  
3827 period of time shall be final;



3828           (c) Offer, during the probationary period, technical  
3829 assistance to the school district in making corrective actions.  
3830 Beginning July 1, 1998, subject to the availability of funds, the  
3831 State Department of Education shall provide technical and/or  
3832 financial assistance to all such school districts in order to  
3833 implement each measure identified in that district's corrective  
3834 action plan through professional development and on-site  
3835 assistance. Each such school district shall apply for and utilize  
3836 all available federal funding in order to support its corrective  
3837 action plan in addition to state funds made available under this  
3838 paragraph;

3839           (d) Assign department personnel or contract, in its  
3840 discretion, with the institutions of higher learning or other  
3841 appropriate private entities with experience in the academic,  
3842 finance and other operational functions of schools to assist  
3843 school districts;

3844           (e) Provide for publication of public notice at least  
3845 one time during the probationary period, in a newspaper published  
3846 within the jurisdiction of the school district failing to meet  
3847 accreditation standards, or if no newspaper is published therein,  
3848 then in a newspaper having a general circulation therein. The  
3849 publication shall include the following: declaration of school  
3850 system's status as being on probation; all details relating to the  
3851 impairment report; and other information as the State Board of  
3852 Education deems appropriate. Public notices issued under this





3853 section shall be subject to Section 13-3-31 and not contrary to  
3854 other laws regarding newspaper publication.

3855 (11) (a) If the recommendations for corrective action are  
3856 not taken by the local school district or if the deficiencies are  
3857 not removed by the end of the probationary period, the Commission  
3858 on School Accreditation shall conduct a hearing to allow the  
3859 affected school district to present evidence or other reasons why  
3860 its accreditation should not be withdrawn. After its  
3861 consideration of the results of the hearing, the Commission on  
3862 School Accreditation shall be authorized, with the approval of the  
3863 State Board of Education, to withdraw the accreditation of a  
3864 public school district, and issue a request to the Governor that a  
3865 state of emergency be declared in that district.

3866 (b) If the State Board of Education and the Commission  
3867 on School Accreditation determine that an extreme emergency  
3868 situation exists in a school district that jeopardizes the safety,  
3869 security or educational interests of the children enrolled in the  
3870 schools in that district and that emergency situation is believed  
3871 to be related to a serious violation or violations of  
3872 accreditation standards or state or federal law, or when a school  
3873 district meets the State Board of Education's definition of a  
3874 failing school district for two (2) consecutive full school years,  
3875 or if more than fifty percent (50%) of the schools within the  
3876 school district are designated as Schools At-Risk in any one (1)  
3877 year, the State Board of Education may request the Governor to



3878 declare a state of emergency in that school district. For  
3879 purposes of this paragraph, the declarations of a state of  
3880 emergency shall not be limited to those instances when a school  
3881 district's impairments are related to a lack of financial  
3882 resources, but also shall include serious failure to meet minimum  
3883 academic standards, as evidenced by a continued pattern of poor  
3884 student performance.

3885 (c) Whenever the Governor declares a state of emergency  
3886 in a school district in response to a request made under paragraph  
3887 (a) or (b) of this subsection, the State Board of Education may  
3888 take one or more of the following actions:

3889 (i) Declare a state of emergency, under which some  
3890 or all of state funds can be escrowed except as otherwise provided  
3891 in Section 206, Constitution of 1890, until the board determines  
3892 corrective actions are being taken or the deficiencies have been  
3893 removed, or that the needs of students warrant the release of  
3894 funds. The funds may be released from escrow for any program  
3895 which the board determines to have been restored to standard even  
3896 though the state of emergency may not as yet be terminated for the  
3897 district as a whole;

3898 (ii) Override any decision of the local school  
3899 board or superintendent of education, or both, concerning the  
3900 management and operation of the school district, or initiate and  
3901 make decisions concerning the management and operation of the  
3902 school district;



3903                   (iii) Assign an interim conservator, or in its  
3904 discretion, contract with a private entity with experience in the  
3905 academic, finance and other operational functions of schools and  
3906 school districts, who will have those powers and duties prescribed  
3907 in subsection (14) of this section;

3908                   (iv) Grant transfers to students who attend this  
3909 school district so that they may attend other accredited schools  
3910 or districts in a manner that is not in violation of state or  
3911 federal law;

3912                   (v) For states of emergency declared under  
3913 paragraph (a) only, if the accreditation deficiencies are related  
3914 to the fact that the school district is too small, with too few  
3915 resources, to meet the required standards and if another school  
3916 district is willing to accept those students, abolish that  
3917 district and assign that territory to another school district or  
3918 districts. If the school district has proposed a voluntary  
3919 consolidation with another school district or districts, then if  
3920 the State Board of Education finds that it is in the best interest  
3921 of the pupils of the district for the consolidation to proceed,  
3922 the voluntary consolidation shall have priority over any such  
3923 assignment of territory by the State Board of Education;

3924                   (vi) For states of emergency declared under  
3925 paragraph (b) only, reduce local supplements paid to school  
3926 district employees, including, but not limited to, instructional  
3927 personnel, assistant teachers and extracurricular activities



3928 personnel, if the district's impairment is related to a lack of  
3929 financial resources, but only to an extent that will result in the  
3930 salaries being comparable to districts similarly situated, as  
3931 determined by the State Board of Education;

3932 (vii) For states of emergency declared under  
3933 paragraph (b) only, the State Board of Education may take any  
3934 action as prescribed in Section 37-17-13.

3935 (d) At the time that satisfactory corrective action has  
3936 been taken in a school district in which a state of emergency has  
3937 been declared, the State Board of Education may request the  
3938 Governor to declare that the state of emergency no longer exists  
3939 in the district.

3940 (e) There is established a Mississippi Recovery School  
3941 District within the State Department of Education under the  
3942 supervision of a deputy superintendent appointed by the State  
3943 Superintendent of Public Education, who is subject to the approval  
3944 by the State Board of Education. The Mississippi Recovery School  
3945 District shall provide leadership and oversight of all school  
3946 districts that are subject to state conservatorship, as defined in  
3947 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall  
3948 have all the authority granted under these two (2) chapters. The  
3949 Mississippi Department of Education, with the approval of the  
3950 State Board of Education, shall develop policies for the operation  
3951 and management of the Mississippi Recovery School District. The  
3952 deputy state superintendent is responsible for the Mississippi



3953 Recovery School District and shall be authorized to oversee the  
3954 administration of the Mississippi Recovery School District,  
3955 oversee conservators assigned by the State Board of Education to a  
3956 local school district, hear appeals from school districts under  
3957 conservatorship that would normally be filed by students, parents  
3958 or employees and heard by a local school board, which hearings on  
3959 appeal shall be conducted in a prompt and timely manner in the  
3960 school district from which the appeal originated in order to  
3961 ensure the ability of appellants, other parties and witnesses to  
3962 appeal without undue burden of travel costs or loss of time from  
3963 work, and perform other related duties as assigned by the State  
3964 Superintendent of Public Education. The deputy state  
3965 superintendent is responsible for the Mississippi Recovery School  
3966 District and shall determine, based on rigorous professional  
3967 qualifications set by the State Board of Education, the  
3968 appropriate individuals to be engaged to be conservators and  
3969 financial advisors, if applicable, of all school districts subject  
3970 to state conservatorship. After State Board of Education  
3971 approval, these individuals shall be deemed independent  
3972 contractors.

3973 (12) Upon the declaration of a state of emergency in a  
3974 school district under subsection (11) of this section, the  
3975 Commission on School Accreditation shall be responsible for public  
3976 notice at least once a week for at least three (3) consecutive  
3977 weeks in a newspaper published within the jurisdiction of the



3978 school district failing to meet accreditation standards, or if no  
3979 newspaper is published therein, then in a newspaper having a  
3980 general circulation therein. The size of the notice shall be no  
3981 smaller than one-fourth (1/4) of a standard newspaper page and  
3982 shall be printed in bold print. If a conservator has been  
3983 appointed for the school district, the notice shall begin as  
3984 follows: "By authority of Section 37-17-6, Mississippi Code of  
3985 1972, as amended, adopted by the Mississippi Legislature during  
3986 the 1991 Regular Session, this school district (name of school  
3987 district) is hereby placed under the jurisdiction of the State  
3988 Department of Education acting through its appointed conservator  
3989 (name of conservator)."

3990 The notice also shall include, in the discretion of the State  
3991 Board of Education, any or all details relating to the school  
3992 district's emergency status, including the declaration of a state  
3993 of emergency in the school district and a description of the  
3994 district's impairment deficiencies, conditions of any  
3995 conservatorship and corrective actions recommended and being  
3996 taken. Public notices issued under this section shall be subject  
3997 to Section 13-3-31 and not contrary to other laws regarding  
3998 newspaper publication.

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



4003 to the corrective action taken in the school district that  
4004 resulted in the termination of the state of emergency.

4005 (13) The State Board of Education or the Commission on  
4006 School Accreditation shall have the authority to require school  
4007 districts to produce the necessary reports, correspondence,  
4008 financial statements, and any other documents and information  
4009 necessary to fulfill the requirements of this section.

4010 Nothing in this section shall be construed to grant any  
4011 individual, corporation, board or conservator the authority to  
4012 levy taxes except in accordance with presently existing statutory  
4013 provisions.

4014 (14) (a) Whenever the Governor declares a state of  
4015 emergency in a school district in response to a request made under  
4016 subsection (11) of this section, the State Board of Education, in  
4017 its discretion, may assign an interim conservator to the school  
4018 district, or in its discretion, may contract with an appropriate  
4019 private entity with experience in the academic, finance and other  
4020 operational functions of schools and school districts, who will be  
4021 responsible for the administration, management and operation of  
4022 the school district, including, but not limited to, the following  
4023 activities:

4024 (i) Approving or disapproving all financial  
4025 obligations of the district, including, but not limited to, the  
4026 employment, termination, nonrenewal and reassignment of all  
4027 licensed and nonlicensed personnel, contractual agreements and



4028 purchase orders, and approving or disapproving all claim dockets  
4029 and the issuance of checks; in approving or disapproving  
4030 employment contracts of superintendents, assistant superintendents  
4031 or principals, the interim conservator shall not be required to  
4032 comply with the time limitations prescribed in Sections 37-9-15  
4033 and 37-9-105;

4034 (ii) Supervising the day-to-day activities of the  
4035 district's staff, including reassigning the duties and  
4036 responsibilities of personnel in a manner which, in the  
4037 determination of the conservator, will best suit the needs of the  
4038 district;

4039 (iii) Reviewing the district's total financial  
4040 obligations and operations and making recommendations to the  
4041 district for cost savings, including, but not limited to,  
4042 reassigning the duties and responsibilities of staff;

4043 (iv) Attending all meetings of the district's  
4044 school board and administrative staff;

4045 (v) Approving or disapproving all athletic, band  
4046 and other extracurricular activities and any matters related to  
4047 those activities;

4048 (vi) Maintaining a detailed account of  
4049 recommendations made to the district and actions taken in response  
4050 to those recommendations;

4051 (vii) Reporting periodically to the State Board of  
4052 Education on the progress or lack of progress being made in the





4053 district to improve the district's impairments during the state of  
4054 emergency; and

4055 (viii) Appointing a parent advisory committee,  
4056 comprised of parents of students in the school district that may  
4057 make recommendations to the conservator concerning the  
4058 administration, management and operation of the school district.

4059 Except when, in the determination of the State Board of  
4060 Education, the school district's impairment is related to a lack  
4061 of financial resources, the cost of the salary of the conservator  
4062 and any other actual and necessary costs related to the  
4063 conservatorship paid by the State Department of Education shall be  
4064 reimbursed by the local school district from funds other than  
4065 adequate education program funds. The department shall submit an  
4066 itemized statement to the superintendent of the local school  
4067 district for reimbursement purposes, and any unpaid balance may be  
4068 withheld from the district's adequate education program funds.

4069 At the time that the Governor, in accordance with the request  
4070 of the State Board of Education, declares that the state of  
4071 emergency no longer exists in a school district, the powers and  
4072 responsibilities of the interim conservator assigned to the  
4073 district shall cease.

4074 (b) In order to provide loans to school districts under  
4075 a state of emergency that have impairments related to a lack of  
4076 financial resources, the School District Emergency Assistance Fund  
4077 is created as a special fund in the State Treasury into which



4078 monies may be transferred or appropriated by the Legislature from  
4079 any available public education funds.

4080         The State Board of Education may loan monies from the School  
4081 District Emergency Assistance Fund to a school district that is  
4082 under a state of emergency in those amounts, as determined by the  
4083 board, that are necessary to correct the district's impairments  
4084 related to a lack of financial resources. The loans shall be  
4085 evidenced by an agreement between the school district and the  
4086 State Board of Education and shall be repayable in principal,  
4087 without necessity of interest, to the State General Fund or the  
4088 Education Enhancement Fund, depending on the source of funding for  
4089 the loan, by the school district from any allowable funds that are  
4090 available. The total amount loaned to the district shall be due  
4091 and payable within five (5) years after the impairments related to  
4092 a lack of financial resources are corrected. If a school district  
4093 fails to make payments on the loan in accordance with the terms of  
4094 the agreement between the district and the State Board of  
4095 Education, the State Department of Education, in accordance with  
4096 rules and regulations established by the State Board of Education,  
4097 may withhold that district's adequate education program funds in  
4098 an amount and manner that will effectuate repayment consistent  
4099 with the terms of the agreement; the funds withheld by the  
4100 department shall be deposited into the State General Fund or the  
4101 Education Enhancement Fund, as the case may be.



4102           The State Board of Education shall develop a protocol that  
4103 will outline the performance standards and requisite time line  
4104 deemed necessary for extreme emergency measures. If the State  
4105 Board of Education determines that an extreme emergency exists,  
4106 simultaneous with the powers exercised in this subsection, it  
4107 shall take immediate action against all parties responsible for  
4108 the affected school districts having been determined to be in an  
4109 extreme emergency. The action shall include, but not be limited  
4110 to, initiating civil actions to recover funds and criminal actions  
4111 to account for criminal activity. Any funds recovered by the  
4112 State Auditor or the State Board of Education from the surety  
4113 bonds of school officials or from any civil action brought under  
4114 this subsection shall be applied toward the repayment of any loan  
4115 made to a school district hereunder.

4116           (15) If a majority of the membership of the school board of  
4117 any school district resigns from office, the State Board of  
4118 Education shall be authorized to assign an interim conservator,  
4119 who shall be responsible for the administration, management and  
4120 operation of the school district until the time as new board  
4121 members are selected or the Governor declares a state of emergency  
4122 in that school district under subsection (11), whichever occurs  
4123 first. In that case, the State Board of Education, acting through  
4124 the interim conservator, shall have all powers which were held by  
4125 the previously existing school board, and may take any action as



4126 prescribed in Section 37-17-13 and/or one or more of the actions  
4127 authorized in this section.

4128           (16) (a) If the Governor declares a state of emergency in a  
4129 school district, the State Board of Education may take all such  
4130 action pertaining to that school district as is authorized under  
4131 subsection (11) or (14) of Section 37-17-6, including the  
4132 appointment of an interim conservator. The State Board of  
4133 Education shall also have the authority to issue a written request  
4134 with documentation to the Governor asking that the office of the  
4135 superintendent of the school district be subject to recall. If  
4136 the Governor declares that the office of the superintendent of the  
4137 school district is subject to recall, the local school board or  
4138 the county election commission, as the case may be, shall take the  
4139 following action:

4140                       (i) If the office of superintendent is an elected  
4141 office, in those years in which there is no general election, the  
4142 name shall be submitted by the State Board of Education to the  
4143 county election commission, and the county election commission  
4144 shall submit the question at a special election to the voters  
4145 eligible to vote for the office of superintendent within the  
4146 county, and the special election shall be held within sixty (60)  
4147 days from notification by the State Board of Education. The  
4148 ballot shall read substantially as follows:

4149           "Shall County Superintendent of Education \_\_\_\_\_ (here the  
4150 name of the superintendent shall be inserted) of the \_\_\_\_\_



4151 (here the title of the school district shall be inserted) be  
4152 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4153 If a majority of those voting on the question votes against  
4154 retaining the superintendent in office, a vacancy shall exist  
4155 which shall be filled in the manner provided by law; otherwise,  
4156 the superintendent shall remain in office for the term of that  
4157 office, and at the expiration of the term shall be eligible for  
4158 qualification and election to another term or terms.

4159 (ii) If the office of superintendent is an  
4160 appointive office, the name of the superintendent shall be  
4161 submitted by the president of the local school board at the next  
4162 regular meeting of the school board for retention in office or  
4163 dismissal from office. If a majority of the school board voting  
4164 on the question vote against retaining the superintendent in  
4165 office, a vacancy shall exist which shall be filled as provided by  
4166 law, otherwise the superintendent shall remain in office for the  
4167 duration of his employment contract.

4168 (b) The State Board of Education may issue a written  
4169 request with documentation to the Governor asking that the  
4170 membership of the school board of the school district shall be  
4171 subject to recall. Whenever the Governor declares that the  
4172 membership of the school board is subject to recall, the county  
4173 election commission or the local governing authorities, as the  
4174 case may be, shall take the following action:



4175 (i) If the members of the local school board are  
4176 elected to office, in those years in which the specific member's  
4177 office is not up for election, the name of the school board member  
4178 shall be submitted by the State Board of Education to the county  
4179 election commission, and the county election commission at a  
4180 special election shall submit the question to the voters eligible  
4181 to vote for the particular member's office within the county or  
4182 school district, as the case may be, and the special election  
4183 shall be held within sixty (60) days from notification by the  
4184 State Board of Education. The ballot shall read substantially as  
4185 follows:

4186 "Members of the \_\_\_\_\_ (here the title of the school  
4187 district shall be inserted) School Board who are not up for  
4188 election this year are subject to recall because of the school  
4189 district's failure to meet critical accountability standards as  
4190 defined in the letter of notification to the Governor from the  
4191 State Board of Education. Shall the member of the school board  
4192 representing this area, \_\_\_\_\_ (here the name of the school  
4193 board member holding the office shall be inserted), be retained in  
4194 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4195 If a majority of those voting on the question vote against  
4196 retaining the member of the school board in office, a vacancy in  
4197 that board member's office shall exist, which shall be filled in  
4198 the manner provided by law; otherwise, the school board member  
4199 shall remain in office for the term of that office, and at the



4200 expiration of the term of office, the member shall be eligible for  
4201 qualification and election to another term or terms of office.  
4202 However, if a majority of the school board members are recalled in  
4203 the special election, the Governor shall authorize the board of  
4204 supervisors of the county in which the school district is situated  
4205 to appoint members to fill the offices of the members recalled.  
4206 The board of supervisors shall make those appointments in the  
4207 manner provided by law for filling vacancies on the school board,  
4208 and the appointed members shall serve until the office is filled  
4209 at the next regular special election or general election.

4210           (ii) If the local school board is an appointed  
4211 school board, the name of all school board members shall be  
4212 submitted as a collective board by the president of the municipal  
4213 or county governing authority, as the case may be, at the next  
4214 regular meeting of the governing authority for retention in office  
4215 or dismissal from office. If a majority of the governing  
4216 authority voting on the question vote against retaining the board  
4217 in office, a vacancy shall exist in each school board member's  
4218 office, which shall be filled as provided by law; otherwise, the  
4219 members of the appointed school board shall remain in office for  
4220 the duration of their term of appointment, and those members may  
4221 be reappointed.

4222           (iii) If the local school board is comprised of  
4223 both elected and appointed members, the elected members shall be  
4224 subject to recall in the manner provided in subparagraph (i) of



4225 this subsection, and the appointed members shall be subject to  
4226 recall in the manner provided in subparagraph (ii).

4227 (17) Beginning with the school district audits conducted for  
4228 the 1997-1998 fiscal year, the State Board of Education, acting  
4229 through the Commission on School Accreditation, shall require each  
4230 school district to comply with standards established by the State  
4231 Department of Audit for the verification of fixed assets and the  
4232 auditing of fixed assets records as a minimum requirement for  
4233 accreditation.

4234 (18) Before December 1, 1999, the State Board of Education  
4235 shall recommend a program to the Education Committees of the House  
4236 of Representatives and the Senate for identifying and rewarding  
4237 public schools that improve or are high performing. The program  
4238 shall be described by the board in a written report, which shall  
4239 include criteria and a process through which improving schools and  
4240 high-performing schools will be identified and rewarded.

4241 The State Superintendent of Public Education and the State  
4242 Board of Education also shall develop a comprehensive  
4243 accountability plan to ensure that local school boards,  
4244 superintendents, principals and teachers are held accountable for  
4245 student achievement. A written report on the accountability plan  
4246 shall be submitted to the Education Committees of both houses of  
4247 the Legislature before December 1, 1999, with any necessary  
4248 legislative recommendations.





4249 (19) Before January 1, 2008, the State Board of Education  
4250 shall evaluate and submit a recommendation to the Education  
4251 Committees of the House of Representatives and the Senate on  
4252 inclusion of graduation rate and dropout rate in the school level  
4253 accountability system.

4254 (20) If a local school district is determined as failing and  
4255 placed into conservatorship for reasons authorized by the  
4256 provisions of this section, the conservator appointed to the  
4257 district shall, within forty-five (45) days after being appointed,  
4258 present a detailed and structured corrective action plan to move  
4259 the local school district out of conservatorship status to the  
4260 local school board and local superintendent of education if they  
4261 have not been removed by the conservator, or if the board and  
4262 superintendent have been removed, to the local governing authority  
4263 of the municipality or county in which the school district under  
4264 conservatorship is located. A copy of the conservator's  
4265 corrective action plan shall also be filed with the State Board of  
4266 Education.

4267 **[Effective from and after the date Laws of 2012, Ch. 525, is**  
4268 **effectuated under Section 5 of the Voting Rights Act of 1965, as**  
4269 **amended and extended, this section will read:]**

4270 37-17-6. (1) The State Board of Education, acting through  
4271 the Commission on School Accreditation, shall establish and  
4272 implement a permanent performance-based accreditation system, and



4273 all noncharter public elementary and secondary schools shall be  
4274 accredited under this system.

4275 (2) No later than June 30, 1995, the State Board of  
4276 Education, acting through the Commission on School Accreditation,  
4277 shall require school districts to provide school classroom space  
4278 that is air-conditioned as a minimum requirement for  
4279 accreditation.

4280 (3) (a) Beginning with the 1994-1995 school year, the State  
4281 Board of Education, acting through the Commission on School  
4282 Accreditation, shall require that school districts employ  
4283 certified school librarians according to the following formula:

4284	Number of Students	Number of Certified
4285	Per School Library	School Librarians
4286	0 - 499 Students	1/2 Full-time Equivalent
4287		Certified Librarian
4288	500 or More Students	1 Full-time Certified
4289		Librarian

4290 (b) The State Board of Education, however, may increase  
4291 the number of positions beyond the above requirements.

4292 (c) The assignment of certified school librarians to  
4293 the particular schools shall be at the discretion of the local  
4294 school district. No individual shall be employed as a certified  
4295 school librarian without appropriate training and certification as  
4296 a school librarian by the State Department of Education.



4297 (d) School librarians in the district shall spend at  
4298 least fifty percent (50%) of direct work time in a school library  
4299 and shall devote no more than one-fourth (1/4) of the workday to  
4300 administrative activities that are library related.

4301 (e) Nothing in this subsection shall prohibit any  
4302 school district from employing more certified school librarians  
4303 than are provided for in this section.

4304 (f) Any additional millage levied to fund school  
4305 librarians required for accreditation under this subsection shall  
4306 be included in the tax increase limitation set forth in Sections  
4307 37-57-105 and 37-57-107 and shall not be deemed a new program for  
4308 purposes of the limitation.

4309 (4) On or before December 31, 2002, the State Board of  
4310 Education shall implement the performance-based accreditation  
4311 system for school districts and for individual noncharter public  
4312 schools which shall include the following:

4313 (a) High expectations for students and high standards  
4314 for all schools, with a focus on the basic curriculum;

4315 (b) Strong accountability for results with appropriate  
4316 local flexibility for local implementation;

4317 (c) A process to implement accountability at both the  
4318 school district level and the school level;

4319 (d) Individual schools shall be held accountable for  
4320 student growth and performance;



4321           (e) Set annual performance standards for each of the  
4322 schools of the state and measure the performance of each school  
4323 against itself through the standard that has been set for it;

4324           (f) A determination of which schools exceed their  
4325 standards and a plan for providing recognition and rewards to  
4326 those schools;

4327           (g) A determination of which schools are failing to  
4328 meet their standards and a determination of the appropriate role  
4329 of the State Board of Education and the State Department of  
4330 Education in providing assistance and initiating possible  
4331 intervention. A failing district is a district that fails to meet  
4332 both the absolute student achievement standards and the rate of  
4333 annual growth expectation standards as set by the State Board of  
4334 Education for two (2) consecutive years. The State Board of  
4335 Education shall establish the level of benchmarks by which  
4336 absolute student achievement and growth expectations shall be  
4337 assessed. In setting the benchmarks for school districts, the  
4338 State Board of Education may also take into account such factors  
4339 as graduation rates, dropout rates, completion rates, the extent  
4340 to which the school or district employs qualified teachers in  
4341 every classroom, and any other factors deemed appropriate by the  
4342 State Board of Education. The State Board of Education, acting  
4343 through the State Department of Education, shall apply a simple  
4344 "A," "B," "C," "D" and "F" designation to the current school and  
4345 school district statewide accountability performance



4346 classification labels beginning with the State Accountability  
4347 Results for the 2011-2012 school year and following, and in the  
4348 school, district and state report cards required under state and  
4349 federal law. Under the new designations, a school or school  
4350 district that has earned a "Star" rating shall be designated an  
4351 "A" school or school district; a school or school district that  
4352 has earned a "High-Performing" rating shall be designated a "B"  
4353 school or school district; a school or school district that has  
4354 earned a "Successful" rating shall be designated a "C" school or  
4355 school district; a school or school district that has earned an  
4356 "Academic Watch" rating shall be designated a "D" school or school  
4357 district; a school or school district that has earned a  
4358 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
4359 be designated an "F" school or school district. Effective with  
4360 the implementation of any new curriculum and assessment standards,  
4361 the State Board of Education, acting through the State Department  
4362 of Education, is further authorized and directed to change the  
4363 school and school district accreditation rating system to a simple  
4364 "A," "B," "C," "D," and "F" designation based on a combination of  
4365 student achievement scores and student growth as measured by the  
4366 statewide testing programs developed by the State Board of  
4367 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
4368 1972. In any statute or regulation containing the former  
4369 accreditation designations, the new designations shall be  
4370 applicable;



4371 (h) Development of a comprehensive student assessment  
4372 system to implement these requirements; and

4373 (i) The State Board of Education may, based on a  
4374 written request that contains specific reasons for requesting a  
4375 waiver from the school districts affected by Hurricane Katrina of  
4376 2005, hold harmless school districts from assignment of district  
4377 and school level accountability ratings for the 2005-2006 school  
4378 year. The State Board of Education upon finding an extreme  
4379 hardship in the school district may grant the request. It is the  
4380 intent of the Legislature that all school districts maintain the  
4381 highest possible academic standards and instructional programs in  
4382 all schools as required by law and the State Board of Education.

4383 The State Board of Education may continue to assign school  
4384 district performance levels by using a number classification and  
4385 may assign individual school performance levels by using a number  
4386 classification to be consistent with school district performance  
4387 levels.

4388 (5) Nothing in this section shall be deemed to require a  
4389 nonpublic school that receives no local, state or federal funds  
4390 for support to become accredited by the State Board of Education.

4391 (6) The State Board of Education shall create an  
4392 accreditation audit unit under the Commission on School  
4393 Accreditation to determine whether schools are complying with  
4394 accreditation standards.



4395           (7) The State Board of Education shall be specifically  
4396 authorized and empowered to withhold adequate education program  
4397 fund allocations, whichever is applicable, to any public school  
4398 district for failure to timely report student, school personnel  
4399 and fiscal data necessary to meet state and/or federal  
4400 requirements.

4401           (8) Deleted.

4402           (9) The State Board of Education shall establish, for those  
4403 school districts failing to meet accreditation standards, a  
4404 program of development to be complied with in order to receive  
4405 state funds, except as otherwise provided in subsection (14) of  
4406 this section when the Governor has declared a state of emergency  
4407 in a school district or as otherwise provided in Section 206,  
4408 Mississippi Constitution of 1890. The state board, in  
4409 establishing these standards, shall provide for notice to schools  
4410 and sufficient time and aid to enable schools to attempt to meet  
4411 these standards, unless procedures under subsection (14) of this  
4412 section have been invoked.

4413           (10) Beginning July 1, 1998, the State Board of Education  
4414 shall be charged with the implementation of the program of  
4415 development in each applicable school district as follows:

4416                   (a) Develop an impairment report for each district  
4417 failing to meet accreditation standards in conjunction with school  
4418 district officials;



4419 (b) Notify any applicable school district failing to  
4420 meet accreditation standards that it is on probation until  
4421 corrective actions are taken or until the deficiencies have been  
4422 removed. The local school district shall develop a corrective  
4423 action plan to improve its deficiencies. For district academic  
4424 deficiencies, the corrective action plan for each such school  
4425 district shall be based upon a complete analysis of the following:  
4426 student test data, student grades, student attendance reports,  
4427 student dropout data, existence and other relevant data. The  
4428 corrective action plan shall describe the specific measures to be  
4429 taken by the particular school district and school to improve:  
4430 (i) instruction; (ii) curriculum; (iii) professional development;  
4431 (iv) personnel and classroom organization; (v) student incentives  
4432 for performance; (vi) process deficiencies; and (vii) reporting to  
4433 the local school board, parents and the community. The corrective  
4434 action plan shall describe the specific individuals responsible  
4435 for implementing each component of the recommendation and how each  
4436 will be evaluated. All corrective action plans shall be provided  
4437 to the State Board of Education as may be required. The decision  
4438 of the State Board of Education establishing the probationary  
4439 period of time shall be final;

4440 (c) Offer, during the probationary period, technical  
4441 assistance to the school district in making corrective actions.  
4442 Beginning July 1, 1998, subject to the availability of funds, the  
4443 State Department of Education shall provide technical and/or





4444 financial assistance to all such school districts in order to  
4445 implement each measure identified in that district's corrective  
4446 action plan through professional development and on-site  
4447 assistance. Each such school district shall apply for and utilize  
4448 all available federal funding in order to support its corrective  
4449 action plan in addition to state funds made available under this  
4450 paragraph;

4451 (d) Assign department personnel or contract, in its  
4452 discretion, with the institutions of higher learning or other  
4453 appropriate private entities with experience in the academic,  
4454 finance and other operational functions of schools to assist  
4455 school districts;

4456 (e) Provide for publication of public notice at least  
4457 one time during the probationary period, in a newspaper published  
4458 within the jurisdiction of the school district failing to meet  
4459 accreditation standards, or if no newspaper is published therein,  
4460 then in a newspaper having a general circulation therein. The  
4461 publication shall include the following: declaration of school  
4462 system's status as being on probation; all details relating to the  
4463 impairment report; and other information as the State Board of  
4464 Education deems appropriate. Public notices issued under this  
4465 section shall be subject to Section 13-3-31 and not contrary to  
4466 other laws regarding newspaper publication.

4467 (11) (a) If the recommendations for corrective action are  
4468 not taken by the local school district or if the deficiencies are



4469 not removed by the end of the probationary period, the Commission  
4470 on School Accreditation shall conduct a hearing to allow the  
4471 affected school district to present evidence or other reasons why  
4472 its accreditation should not be withdrawn. Additionally, if the  
4473 local school district violates accreditation standards that have  
4474 been determined by the policies and procedures of the State Board  
4475 of Education to be a basis for withdrawal of school district's  
4476 accreditation without a probationary period, the Commission on  
4477 School Accreditation shall conduct a hearing to allow the affected  
4478 school district to present evidence or other reasons why its  
4479 accreditation should not be withdrawn. After its consideration of  
4480 the results of the hearing, the Commission on School Accreditation  
4481 shall be authorized, with the approval of the State Board of  
4482 Education, to withdraw the accreditation of a public school  
4483 district, and issue a request to the Governor that a state of  
4484 emergency be declared in that district.

4485 (b) If the State Board of Education and the Commission  
4486 on School Accreditation determine that an extreme emergency  
4487 situation exists in a school district that jeopardizes the safety,  
4488 security or educational interests of the children enrolled in the  
4489 schools in that district and that emergency situation is believed  
4490 to be related to a serious violation or violations of  
4491 accreditation standards or state or federal law, or when a school  
4492 district meets the State Board of Education's definition of a  
4493 failing school district for two (2) consecutive full school years,



4494 or if more than fifty percent (50%) of the schools within the  
4495 school district are designated as Schools At-Risk in any one (1)  
4496 year, the State Board of Education may request the Governor to  
4497 declare a state of emergency in that school district. For  
4498 purposes of this paragraph, the declarations of a state of  
4499 emergency shall not be limited to those instances when a school  
4500 district's impairments are related to a lack of financial  
4501 resources, but also shall include serious failure to meet minimum  
4502 academic standards, as evidenced by a continued pattern of poor  
4503 student performance.

4504 (c) Whenever the Governor declares a state of emergency  
4505 in a school district in response to a request made under paragraph  
4506 (a) or (b) of this subsection, the State Board of Education may  
4507 take one or more of the following actions:

4508 (i) Declare a state of emergency, under which some  
4509 or all of state funds can be escrowed except as otherwise provided  
4510 in Section 206, Constitution of 1890, until the board determines  
4511 corrective actions are being taken or the deficiencies have been  
4512 removed, or that the needs of students warrant the release of  
4513 funds. The funds may be released from escrow for any program  
4514 which the board determines to have been restored to standard even  
4515 though the state of emergency may not as yet be terminated for the  
4516 district as a whole;

4517 (ii) Override any decision of the local school  
4518 board or superintendent of education, or both, concerning the



4519 management and operation of the school district, or initiate and  
4520 make decisions concerning the management and operation of the  
4521 school district;

4522 (iii) Assign an interim conservator, or in its  
4523 discretion, contract with a private entity with experience in the  
4524 academic, finance and other operational functions of schools and  
4525 school districts, who will have those powers and duties prescribed  
4526 in subsection (14) of this section;

4527 (iv) Grant transfers to students who attend this  
4528 school district so that they may attend other accredited schools  
4529 or districts in a manner that is not in violation of state or  
4530 federal law;

4531 (v) For states of emergency declared under  
4532 paragraph (a) only, if the accreditation deficiencies are related  
4533 to the fact that the school district is too small, with too few  
4534 resources, to meet the required standards and if another school  
4535 district is willing to accept those students, abolish that  
4536 district and assign that territory to another school district or  
4537 districts. If the school district has proposed a voluntary  
4538 consolidation with another school district or districts, then if  
4539 the State Board of Education finds that it is in the best interest  
4540 of the pupils of the district for the consolidation to proceed,  
4541 the voluntary consolidation shall have priority over any such  
4542 assignment of territory by the State Board of Education;



4543 (vi) For states of emergency declared under  
4544 paragraph (b) only, reduce local supplements paid to school  
4545 district employees, including, but not limited to, instructional  
4546 personnel, assistant teachers and extracurricular activities  
4547 personnel, if the district's impairment is related to a lack of  
4548 financial resources, but only to an extent that will result in the  
4549 salaries being comparable to districts similarly situated, as  
4550 determined by the State Board of Education;

4551 (vii) For states of emergency declared under  
4552 paragraph (b) only, the State Board of Education may take any  
4553 action as prescribed in Section 37-17-13.

4554 (d) At the time that satisfactory corrective action has  
4555 been taken in a school district in which a state of emergency has  
4556 been declared, the State Board of Education may request the  
4557 Governor to declare that the state of emergency no longer exists  
4558 in the district.

4559 (e) The parent or legal guardian of a school-age child  
4560 who is enrolled in a school district whose accreditation has been  
4561 withdrawn by the Commission on School Accreditation and without  
4562 approval of that school district may file a petition in writing to  
4563 a school district accredited by the Commission on School  
4564 Accreditation for a legal transfer. The school district  
4565 accredited by the Commission on School Accreditation may grant the  
4566 transfer according to the procedures of Section 37-15-31(1)(b).  
4567 In the event the accreditation of the student's home district is



4568 restored after a transfer has been approved, the student may  
4569 continue to attend the transferee school district. The per-pupil  
4570 amount of the adequate education program allotment, including the  
4571 collective "add-on program" costs for the student's home school  
4572 district shall be transferred monthly to the school district  
4573 accredited by the Commission on School Accreditation that has  
4574 granted the transfer of the school-age child.

4575 (f) Upon the declaration of a state of emergency for  
4576 any school district in which the Governor has previously declared  
4577 a state of emergency, the State Board of Education may either (i)  
4578 establish a conservatorship or (ii) abolish the school district  
4579 and administratively consolidate the school district with one or  
4580 more existing school districts or (iii) reduce the size of the  
4581 district and administratively consolidate parts of the district,  
4582 as determined by the State Board of Education; provided, however,  
4583 that no school district which is not under conservatorship shall  
4584 be required to accept additional territory over the objection of  
4585 the district.

4586 (g) There is established a Mississippi Recovery School  
4587 District within the State Department of Education under the  
4588 supervision of a deputy superintendent appointed by the State  
4589 Superintendent of Public Education, who is subject to the approval  
4590 by the State Board of Education. The Mississippi Recovery School  
4591 District shall provide leadership and oversight of all school  
4592 districts that are subject to state conservatorship, as defined in



4593 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall  
4594 have all the authority granted under these two (2) chapters. The  
4595 Mississippi Department of Education, with the approval of the  
4596 State Board of Education, shall develop policies for the operation  
4597 and management of the Mississippi Recovery School District. The  
4598 deputy state superintendent is responsible for the Mississippi  
4599 Recovery School District and shall be authorized to oversee the  
4600 administration of the Mississippi Recovery School District,  
4601 oversee conservators assigned by the State Board of Education to a  
4602 local school district, hear appeals from school districts under  
4603 conservatorship that would normally be filed by students, parents  
4604 or employees and heard by a local school board, which hearings on  
4605 appeal shall be conducted in a prompt and timely manner in the  
4606 school district from which the appeal originated in order to  
4607 ensure the ability of appellants, other parties and witnesses to  
4608 appeal without undue burden of travel costs or loss of time from  
4609 work, and perform other related duties as assigned by the State  
4610 Superintendent of Public Education. The deputy state  
4611 superintendent is responsible for the Mississippi Recovery School  
4612 District and shall determine, based on rigorous professional  
4613 qualifications set by the State Board of Education, the  
4614 appropriate individuals to be engaged to be conservators and  
4615 financial advisors, if applicable, of all school districts subject  
4616 to state conservatorship. After State Board of Education



4617 approval, these individuals shall be deemed independent  
4618 contractors.

4619 (12) Upon the declaration of a state of emergency in a  
4620 school district under subsection (11) of this section, the  
4621 Commission on School Accreditation shall be responsible for public  
4622 notice at least once a week for at least three (3) consecutive  
4623 weeks in a newspaper published within the jurisdiction of the  
4624 school district failing to meet accreditation standards, or if no  
4625 newspaper is published therein, then in a newspaper having a  
4626 general circulation therein. The size of the notice shall be no  
4627 smaller than one-fourth (1/4) of a standard newspaper page and  
4628 shall be printed in bold print. If a conservator has been  
4629 appointed for the school district, the notice shall begin as  
4630 follows: "By authority of Section 37-17-6, Mississippi Code of  
4631 1972, as amended, adopted by the Mississippi Legislature during  
4632 the 1991 Regular Session, this school district (name of school  
4633 district) is hereby placed under the jurisdiction of the State  
4634 Department of Education acting through its appointed conservator  
4635 (name of conservator)."

4636 The notice also shall include, in the discretion of the State  
4637 Board of Education, any or all details relating to the school  
4638 district's emergency status, including the declaration of a state  
4639 of emergency in the school district and a description of the  
4640 district's impairment deficiencies, conditions of any  
4641 conservatorship and corrective actions recommended and being





4642 taken. Public notices issued under this section shall be subject  
4643 to Section 13-3-31 and not contrary to other laws regarding  
4644 newspaper publication.

4645 Upon termination of the state of emergency in a school  
4646 district, the Commission on School Accreditation shall cause  
4647 notice to be published in the school district in the same manner  
4648 provided in this section, to include any or all details relating  
4649 to the corrective action taken in the school district that  
4650 resulted in the termination of the state of emergency.

4651 (13) The State Board of Education or the Commission on  
4652 School Accreditation shall have the authority to require school  
4653 districts to produce the necessary reports, correspondence,  
4654 financial statements, and any other documents and information  
4655 necessary to fulfill the requirements of this section.

4656 Nothing in this section shall be construed to grant any  
4657 individual, corporation, board or conservator the authority to  
4658 levy taxes except in accordance with presently existing statutory  
4659 provisions.

4660 (14) (a) Whenever the Governor declares a state of  
4661 emergency in a school district in response to a request made under  
4662 subsection (11) of this section, the State Board of Education, in  
4663 its discretion, may assign an interim conservator to the school  
4664 district, or in its discretion, may contract with an appropriate  
4665 private entity with experience in the academic, finance and other  
4666 operational functions of schools and school districts, who will be



4667 responsible for the administration, management and operation of  
4668 the school district, including, but not limited to, the following  
4669 activities:

4670 (i) Approving or disapproving all financial  
4671 obligations of the district, including, but not limited to, the  
4672 employment, termination, nonrenewal and reassignment of all  
4673 licensed and nonlicensed personnel, contractual agreements and  
4674 purchase orders, and approving or disapproving all claim dockets  
4675 and the issuance of checks; in approving or disapproving  
4676 employment contracts of superintendents, assistant superintendents  
4677 or principals, the interim conservator shall not be required to  
4678 comply with the time limitations prescribed in Sections 37-9-15  
4679 and 37-9-105;

4680 (ii) Supervising the day-to-day activities of the  
4681 district's staff, including reassigning the duties and  
4682 responsibilities of personnel in a manner which, in the  
4683 determination of the conservator, will best suit the needs of the  
4684 district;

4685 (iii) Reviewing the district's total financial  
4686 obligations and operations and making recommendations to the  
4687 district for cost savings, including, but not limited to,  
4688 reassigning the duties and responsibilities of staff;

4689 (iv) Attending all meetings of the district's  
4690 school board and administrative staff;



4691 (v) Approving or disapproving all athletic, band  
4692 and other extracurricular activities and any matters related to  
4693 those activities;

4694 (vi) Maintaining a detailed account of  
4695 recommendations made to the district and actions taken in response  
4696 to those recommendations;

4697 (vii) Reporting periodically to the State Board of  
4698 Education on the progress or lack of progress being made in the  
4699 district to improve the district's impairments during the state of  
4700 emergency; and

4701 (viii) Appointing a parent advisory committee,  
4702 comprised of parents of students in the school district that may  
4703 make recommendations to the conservator concerning the  
4704 administration, management and operation of the school district.

4705 Except when, in the determination of the State Board of  
4706 Education, the school district's impairment is related to a lack  
4707 of financial resources, the cost of the salary of the conservator  
4708 and any other actual and necessary costs related to the  
4709 conservatorship paid by the State Department of Education shall be  
4710 reimbursed by the local school district from funds other than  
4711 adequate education program funds. The department shall submit an  
4712 itemized statement to the superintendent of the local school  
4713 district for reimbursement purposes, and any unpaid balance may be  
4714 withheld from the district's adequate education program funds.



4715           At the time that the Governor, in accordance with the request  
4716 of the State Board of Education, declares that the state of  
4717 emergency no longer exists in a school district, the powers and  
4718 responsibilities of the interim conservator assigned to the  
4719 district shall cease.

4720           (b) In order to provide loans to school districts under  
4721 a state of emergency or under conservatorship that have  
4722 impairments related to a lack of financial resources, the School  
4723 District Emergency Assistance Fund is created as a special fund in  
4724 the State Treasury into which monies may be transferred or  
4725 appropriated by the Legislature from any available public  
4726 education funds. Funds in the School District Emergency  
4727 Assistance Fund up to a maximum balance of Three Million Dollars  
4728 (\$3,000,000.00) annually shall not lapse but shall be available  
4729 for expenditure in subsequent years subject to approval of the  
4730 State Board of Education. Any amount in the fund in excess of  
4731 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
4732 year shall lapse into the State General Fund or the Education  
4733 Enhancement Fund, depending on the source of the fund.

4734           The State Board of Education may loan monies from the School  
4735 District Emergency Assistance Fund to a school district that is  
4736 under a state of emergency or under conservatorship, in those  
4737 amounts, as determined by the board, that are necessary to correct  
4738 the district's impairments related to a lack of financial  
4739 resources. The loans shall be evidenced by an agreement between



4740 the school district and the State Board of Education and shall be  
4741 repayable in principal, without necessity of interest, to the  
4742 School District Emergency Assistance Fund \* \* \* by the school  
4743 district from any allowable funds that are available. The total  
4744 amount loaned to the district shall be due and payable within five  
4745 (5) years after the impairments related to a lack of financial  
4746 resources are corrected. If a school district fails to make  
4747 payments on the loan in accordance with the terms of the agreement  
4748 between the district and the State Board of Education, the State  
4749 Department of Education, in accordance with rules and regulations  
4750 established by the State Board of Education, may withhold that  
4751 district's adequate education program funds in an amount and  
4752 manner that will effectuate repayment consistent with the terms of  
4753 the agreement; the funds withheld by the department shall be  
4754 deposited into the School District Emergency Assistance Fund.

4755       The State Board of Education shall develop a protocol that  
4756 will outline the performance standards and requisite time line  
4757 deemed necessary for extreme emergency measures. If the State  
4758 Board of Education determines that an extreme emergency exists,  
4759 simultaneous with the powers exercised in this subsection, it  
4760 shall take immediate action against all parties responsible for  
4761 the affected school districts having been determined to be in an  
4762 extreme emergency. The action shall include, but not be limited  
4763 to, initiating civil actions to recover funds and criminal actions  
4764 to account for criminal activity. Any funds recovered by the



4765 State Auditor or the State Board of Education from the surety  
4766 bonds of school officials or from any civil action brought under  
4767 this subsection shall be applied toward the repayment of any loan  
4768 made to a school district hereunder.

4769 (15) If a majority of the membership of the school board of  
4770 any school district resigns from office, the State Board of  
4771 Education shall be authorized to assign an interim conservator,  
4772 who shall be responsible for the administration, management and  
4773 operation of the school district until the time as new board  
4774 members are selected or the Governor declares a state of emergency  
4775 in that school district under subsection (11), whichever occurs  
4776 first. In that case, the State Board of Education, acting through  
4777 the interim conservator, shall have all powers which were held by  
4778 the previously existing school board, and may take any action as  
4779 prescribed in Section 37-17-13 and/or one or more of the actions  
4780 authorized in this section.

4781 (16) (a) If the Governor declares a state of emergency in a  
4782 school district, the State Board of Education may take all such  
4783 action pertaining to that school district as is authorized under  
4784 subsection (11) or (14) of Section 37-17-6, including the  
4785 appointment of an interim conservator. The State Board of  
4786 Education shall also have the authority to issue a written request  
4787 with documentation to the Governor asking that the office of the  
4788 superintendent of the school district be subject to recall. If  
4789 the Governor declares that the office of the superintendent of the



4790 school district is subject to recall, the local school board or  
4791 the county election commission, as the case may be, shall take the  
4792 following action:

4793 (i) If the office of superintendent is an elected  
4794 office, in those years in which there is no general election, the  
4795 name shall be submitted by the State Board of Education to the  
4796 county election commission, and the county election commission  
4797 shall submit the question at a special election to the voters  
4798 eligible to vote for the office of superintendent within the  
4799 county, and the special election shall be held within sixty (60)  
4800 days from notification by the State Board of Education. The  
4801 ballot shall read substantially as follows:

4802 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
4803 name of the superintendent shall be inserted) of the \_\_\_\_\_  
4804 (here the title of the school district shall be inserted) be  
4805 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4806 If a majority of those voting on the question votes against  
4807 retaining the superintendent in office, a vacancy shall exist  
4808 which shall be filled in the manner provided by law; otherwise,  
4809 the superintendent shall remain in office for the term of that  
4810 office, and at the expiration of the term shall be eligible for  
4811 qualification and election to another term or terms.

4812 (ii) If the office of superintendent is an  
4813 appointive office, the name of the superintendent shall be  
4814 submitted by the president of the local school board at the next



4815 regular meeting of the school board for retention in office or  
4816 dismissal from office. If a majority of the school board voting  
4817 on the question vote against retaining the superintendent in  
4818 office, a vacancy shall exist which shall be filled as provided by  
4819 law, otherwise the superintendent shall remain in office for the  
4820 duration of his employment contract.

4821 (b) The State Board of Education may issue a written  
4822 request with documentation to the Governor asking that the  
4823 membership of the school board of the school district shall be  
4824 subject to recall. Whenever the Governor declares that the  
4825 membership of the school board is subject to recall, the county  
4826 election commission or the local governing authorities, as the  
4827 case may be, shall take the following action:

4828 (i) If the members of the local school board are  
4829 elected to office, in those years in which the specific member's  
4830 office is not up for election, the name of the school board member  
4831 shall be submitted by the State Board of Education to the county  
4832 election commission, and the county election commission at a  
4833 special election shall submit the question to the voters eligible  
4834 to vote for the particular member's office within the county or  
4835 school district, as the case may be, and the special election  
4836 shall be held within sixty (60) days from notification by the  
4837 State Board of Education. The ballot shall read substantially as  
4838 follows:





4839 "Members of the \_\_\_\_\_ (here the title of the school  
4840 district shall be inserted) School Board who are not up for  
4841 election this year are subject to recall because of the school  
4842 district's failure to meet critical accountability standards as  
4843 defined in the letter of notification to the Governor from the  
4844 State Board of Education. Shall the member of the school board  
4845 representing this area, \_\_\_\_\_ (here the name of the school  
4846 board member holding the office shall be inserted), be retained in  
4847 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4848 If a majority of those voting on the question vote against  
4849 retaining the member of the school board in office, a vacancy in  
4850 that board member's office shall exist, which shall be filled in  
4851 the manner provided by law; otherwise, the school board member  
4852 shall remain in office for the term of that office, and at the  
4853 expiration of the term of office, the member shall be eligible for  
4854 qualification and election to another term or terms of office.  
4855 However, if a majority of the school board members are recalled in  
4856 the special election, the Governor shall authorize the board of  
4857 supervisors of the county in which the school district is situated  
4858 to appoint members to fill the offices of the members recalled.  
4859 The board of supervisors shall make those appointments in the  
4860 manner provided by law for filling vacancies on the school board,  
4861 and the appointed members shall serve until the office is filled  
4862 at the next regular special election or general election.



4863                   (ii) If the local school board is an appointed  
4864 school board, the name of all school board members shall be  
4865 submitted as a collective board by the president of the municipal  
4866 or county governing authority, as the case may be, at the next  
4867 regular meeting of the governing authority for retention in office  
4868 or dismissal from office. If a majority of the governing  
4869 authority voting on the question vote against retaining the board  
4870 in office, a vacancy shall exist in each school board member's  
4871 office, which shall be filled as provided by law; otherwise, the  
4872 members of the appointed school board shall remain in office for  
4873 the duration of their term of appointment, and those members may  
4874 be reappointed.

4875                   (iii) If the local school board is comprised of  
4876 both elected and appointed members, the elected members shall be  
4877 subject to recall in the manner provided in subparagraph (i) of  
4878 this subsection, and the appointed members shall be subject to  
4879 recall in the manner provided in subparagraph (ii).

4880           (17) Beginning with the school district audits conducted for  
4881 the 1997-1998 fiscal year, the State Board of Education, acting  
4882 through the Commission on School Accreditation, shall require each  
4883 school district to comply with standards established by the State  
4884 Department of Audit for the verification of fixed assets and the  
4885 auditing of fixed assets records as a minimum requirement for  
4886 accreditation.



4887           (18) Before December 1, 1999, the State Board of Education  
4888 shall recommend a program to the Education Committees of the House  
4889 of Representatives and the Senate for identifying and rewarding  
4890 public schools that improve or are high performing. The program  
4891 shall be described by the board in a written report, which shall  
4892 include criteria and a process through which improving schools and  
4893 high-performing schools will be identified and rewarded.

4894           The State Superintendent of Public Education and the State  
4895 Board of Education also shall develop a comprehensive  
4896 accountability plan to ensure that local school boards,  
4897 superintendents, principals and teachers are held accountable for  
4898 student achievement. A written report on the accountability plan  
4899 shall be submitted to the Education Committees of both houses of  
4900 the Legislature before December 1, 1999, with any necessary  
4901 legislative recommendations.

4902           (19) Before January 1, 2008, the State Board of Education  
4903 shall evaluate and submit a recommendation to the Education  
4904 Committees of the House of Representatives and the Senate on  
4905 inclusion of graduation rate and dropout rate in the school level  
4906 accountability system.

4907           (20) If a local school district is determined as failing and  
4908 placed into conservatorship for reasons authorized by the  
4909 provisions of this section, the conservator appointed to the  
4910 district shall, within forty-five (45) days after being appointed,  
4911 present a detailed and structured corrective action plan to move



4912 the local school district out of conservatorship status to the  
4913 local school board and local superintendent of education if they  
4914 have not been removed by the conservator, or if the board and  
4915 superintendent have been removed, to the local governing authority  
4916 of the municipality or county in which the school district under  
4917 conservatorship is located. A copy of the conservator's  
4918 corrective action plan shall also be filed with the State Board of  
4919 Education.

4920         **SECTION 69.** Section 37-18-1, Mississippi Code of 1972, is  
4921 amended as follows:

4922         37-18-1. (1) The State Board of Education shall establish,  
4923 design and implement a Superior-Performing Schools Program and an  
4924 Exemplary Schools Program for identifying and rewarding public  
4925 schools, including charter schools, that improve. The State Board  
4926 of Education shall develop rules and regulations for the program,  
4927 establish criteria and establish a process through which  
4928 Superior-Performing and Exemplary Schools will be identified and  
4929 rewarded. Upon full implementation of the statewide testing  
4930 program, Superior-Performing, Exemplary or School At-Risk  
4931 designation shall be made by the State Board of Education in  
4932 accordance with the following:

4933             (a) A growth expectation will be established by testing  
4934 students annually and, using a psychometrically approved formula,  
4935 by tracking their progress. This growth expectation will result  
4936 in a composite score each year for each school.



4937 (b) A determination will be made as to the percentage  
4938 of students proficient in each school. This measurement will  
4939 define what a student must know in order to be deemed proficient  
4940 at each grade level and will clearly show how well a student is  
4941 performing. The definition of proficiency shall be developed for  
4942 each grade, based on a demonstrated range of performance in  
4943 relation to content as reflected in the Mississippi Curriculum  
4944 Frameworks. This range of performance must be established through  
4945 a formal procedure including educators, parents, community leaders  
4946 and other stakeholders.

4947 (c) A school has the following two (2) methods for  
4948 designation as either a Superior-Performing or an Exemplary  
4949 School, to be determined on an annual basis:

4950 (i) A school exceeds its growth expectation by a  
4951 percentage established by the State Board of Education; or

4952 (ii) A school achieves the grade level proficiency  
4953 standard established by the State Board of Education.

4954 Any school designated as a School At-Risk which exceeds its  
4955 growth expectation by a percentage established by the State Board  
4956 of Education shall no longer be considered a School At-Risk and  
4957 shall be eligible for monetary awards under this section.

4958 (2) Superior-Performing and Exemplary Schools may apply to  
4959 the State Board of Education for monetary incentives to be used  
4960 for selected school needs, as identified by a vote of all licensed  
4961 and instructional personnel employed at the school. These



4962 incentive funds may be used for specific school needs, including,  
4963 but not limited to:

4964 (a) Funding for professional development activities.  
4965 Staff participating in such activities will report to the school  
4966 and school district or, in the case of a charter school, the  
4967 governing board of the school about the benefits and lessons  
4968 learned from such training;

4969 (b) Technology needs;

4970 (c) Sabbaticals for teachers or administrators, or  
4971 both, to pursue additional professional development or educational  
4972 enrichment;

4973 (d) Paid professional leave;

4974 (e) Training for parents, including, but not limited  
4975 to, the following:

4976 (i) Curriculum;

4977 (ii) Chapter 1;

4978 (iii) Special need students;

4979 (iv) Student rights and responsibility;

4980 (v) School and community relations;

4981 (vi) Effective parenting.

4982 All funds awarded under this subsection shall be subject to  
4983 specific appropriation therefor by the Legislature.

4984 (3) The State Board of Education shall provide special  
4985 recognition to all schools receiving Superior-Performing or  
4986 Exemplary designation and, in the case of noncharter public



4987 schools, their school districts. Examples of such recognition  
4988 include, but are not limited to: public announcements and events;  
4989 special recognition of student progress and effort; certificates  
4990 of recognition and plaques for teachers, principals,  
4991 superintendents, support and classified personnel and parents; and  
4992 media announcements utilizing the services of Mississippi  
4993 Educational Television.

4994 **SECTION 70.** Section 37-21-3, Mississippi Code of 1972, is  
4995 amended as follows:

4996 37-21-3. (1) No person shall act in the capacity of  
4997 teacher, assistant teacher or teacher's aide in any federal or  
4998 state funded program of early childhood education or "Headstart,"  
4999 or perform any of the functions, duties or powers of the same,  
5000 unless that person shall be qualified in the following manner:

5001 (a) A head teacher or any other employee or consultant  
5002 receiving a salary or fee equivalent to that of a head teacher,  
5003 shall possess a college degree or its equivalent.

5004 (b) A teacher shall possess a full junior college or  
5005 two (2) years of college education or its equivalent.

5006 (c) An assistant teacher shall possess a high school  
5007 diploma or its equivalent.

5008 (d) A teacher's aide shall possess an eighth-grade  
5009 education or its equivalent.

5010 (2) Persons employed as a teacher, assistant teacher or in  
5011 any other capacity in a prekindergarten or early childhood



5012 education program in a charter school authorized by the  
5013 Mississippi Charter School Authorizer Board are exempt from the  
5014 requirements of this section.

5015         **SECTION 71.** Section 37-41-1, Mississippi Code of 1972, is  
5016 amended as follows:

5017         37-41-1. The State Board of Education is authorized,  
5018 empowered and directed to promulgate rules and regulations  
5019 relating to the transportation of students enrolled in the public  
5020 school districts, including rules and regulations for:

5021                 (a) Setting standards for public school district bus  
5022 routes;

5023                 (b) Setting standards for public school district buses;

5024                 (c) Setting standards for public school district bus  
5025 drivers;

5026                 (d) Formulating procedure for selecting public school  
5027 district bus drivers;

5028                 (e) Formulating courses of training for public school  
5029 district bus drivers and mechanics, and assist in administering  
5030 and financing such courses;

5031                 (f) Providing operation procedure for public school  
5032 district buses to insure safety of pupils;

5033                 (g) Formulating specifications for use in purchasing  
5034 public school district buses; getting bids on public school  
5035 district buses; equipment and supplies; and fixing prices based





5036 upon said bids which school districts may not exceed in purchasing  
5037 said equipment;

5038 (h) Formulating specifications for use by school  
5039 districts in purchasing used school buses; and

5040 (i) Providing a system of records and reports for the  
5041 purpose of carrying out the provisions of Sections 37-41-1 through  
5042 37-41-51, and providing the superintendent of schools with a  
5043 sufficient supply of report forms.

5044 All rules and regulations adopted and promulgated by the  
5045 State Board of Education relating to school district bus drivers  
5046 shall also be applicable to drivers of privately owned buses  
5047 transporting public school district children.

5048 All rules and regulations adopted and promulgated by the  
5049 State Board of Education pursuant to the authority conferred by  
5050 this section shall be spread at large upon the minutes of the  
5051 State Board of Education and copies thereof shall be furnished to  
5052 all school boards not less than thirty (30) days prior to the  
5053 effective date of such rules and regulations.

5054 The provisions of this chapter are applicable to school  
5055 districts and the transportation of students enrolled in public  
5056 school districts. Charter schools authorized by the Mississippi  
5057 Charter School Authorizer Board are exempt from the provisions of  
5058 this chapter

5059 **SECTION 72.** Section 37-41-3, Mississippi Code of 1972, is  
5060 amended as follows:



5061           37-41-3. Pupils of legal school age, which shall include  
5062 kindergarten pupils, and in actual attendance in the public  
5063 schools who live a distance of one (1) mile or more by the nearest  
5064 traveled road from the school to which they are assigned by the  
5065 school district in which they are enrolled shall be entitled to  
5066 transportation within the meaning of this chapter. Nothing  
5067 contained in this section shall be construed to bar any child from  
5068 such transportation where he or she lives less than one (1) mile  
5069 and is on the regular route of travel of a school bus and space is  
5070 available in such bus for such transportation. No state funds  
5071 shall be paid for the transportation of children living within one  
5072 (1) mile of the school, except as otherwise provided in this  
5073 chapter, and such children shall not be included in transportation  
5074 reports. In the development of route plans, economy shall be a  
5075 prime consideration. There shall be no duplication of routes  
5076 except in circumstances where it is totally unavoidable. The  
5077 State Department of Education shall have authority to investigate  
5078 school bus routing when there is reason to believe the provisions  
5079 of this statute are being violated. The State Board of Education  
5080 shall have authority to withhold transportation funds when school  
5081 districts fail to correct unnecessary route duplication. Provided  
5082 further, that all school districts are hereby authorized to lease  
5083 or contract with any public or private individual, partnership,  
5084 corporation, association, agency or other organization for the



5085 implementation of transportation of pupils as provided for in this  
5086 section.

5087         The school boards may provide transportation to such crippled  
5088 and physically handicapped children as may be designated by such  
5089 boards, when the failure to do so would result in undue hardship,  
5090 even though the children are not otherwise entitled to  
5091 transportation under the provisions of this chapter. The State  
5092 Department of Education shall require all school districts during  
5093 the 1993-1994 school year to equip school buses with properly  
5094 designed seat belts to protect such physically handicapped  
5095 children, and school districts are authorized to expend funds  
5096 therefor from nonminimum program or other sources.

5097         Where space is available, students attending junior colleges  
5098 shall be allowed transportation on established routes in  
5099 district-owned buses. However, no additional funds shall be  
5100 allocated or expended for such purposes, and such persons shall  
5101 not be included in transportation reports.

5102         Children enrolled in special or alternative programs approved  
5103 by school boards may be provided transportation even though such  
5104 children are not otherwise entitled to transportation under the  
5105 provisions of this chapter. No additional funds shall be  
5106 allocated or expended for such purpose, and such children shall  
5107 not be included in transportation reports.

5108         **SECTION 73.** Section 37-41-23, Mississippi Code of 1972, is  
5109 amended as follows:



5110           37-41-23. The State Board of Education shall prescribe  
5111 keeping and preservation of all records and the making of all  
5112 reports and the description thereof as the board may deem  
5113 necessary for the efficient operation of the school district  
5114 transportation system of this state. It shall be unlawful for any  
5115 pay certificate to be issued to any school district carrier or bus  
5116 driver until all such reports required by the regulations of the  
5117 State Board of Education shall have been filed in accordance with  
5118 said regulations. Any person making a false list, report, or  
5119 record required by the aforesaid rules and regulations of the  
5120 State Board of Education shall be subject to the penalties  
5121 provided by Section 37-41-25.

5122           **SECTION 74.** Section 37-41-25, Mississippi Code of 1972, is  
5123 brought forward as follows:

5124           37-41-25. Any superintendent of schools, member of the  
5125 school board, superintendent, principal or carrier, or bus driver,  
5126 who shall knowingly make any false report, list or record, or who  
5127 shall knowingly make use of any false report, list or record  
5128 concerning the number of school children being transported or  
5129 entitled to be transported in any county or school district shall  
5130 be guilty of a misdemeanor and upon conviction shall be punished  
5131 by imprisonment in the county jail for a period not to exceed  
5132 sixty (60) days, or by a fine of not less than One Hundred Dollars  
5133 (\$100.00) nor more than Three Hundred Dollars (\$300.00), or by  
5134 both such fine and imprisonment, in the discretion of the court.



5135 In addition, any such person shall be civilly liable for all  
5136 amounts of public funds which are illegally, unlawfully or  
5137 wrongfully expended or paid out by virtue of or pursuant to such  
5138 false report, list or record, and upon conviction or adjudication  
5139 of civil liability hereunder such person shall forfeit his license  
5140 to teach for a period of three (3) years, if such person is the  
5141 holder of such a license. Any suit to recover such funds  
5142 illegally, unlawfully, or wrongfully expended or paid out may be  
5143 brought in the name of the State of Mississippi by the Attorney  
5144 General or the proper district attorney or county attorney. In  
5145 the event such suit be brought against a person who is under bond,  
5146 the sureties upon such bond shall likewise be liable for such  
5147 amount illegally, unlawfully or wrongfully expended or paid out.

5148 **SECTION 75.** Section 37-41-31, Mississippi Code of 1972, is  
5149 amended as follows:

5150 37-41-31. In each case where pupils are transported to and  
5151 from the public schools in the school districts of this state in  
5152 privately owned vehicles, the contract for such transportation  
5153 shall be let to the lowest responsible bidder who is able to  
5154 furnish a solvent bond for the faithful performance of his  
5155 contract. This shall be done after each route over which such  
5156 pupils are to be transported has been laid out and established as  
5157 provided in this chapter. Such contracts shall be awarded upon  
5158 receipt of sealed bids or proposals after the time and place of  
5159 letting such contracts and the manner of bidding have been duly



5160 advertised in some newspaper published in the county in accordance  
5161 with the procedures provided in Section 31-7-13(c). If no  
5162 newspaper is published in the county, then the advertisement shall  
5163 be made by publication for the required time in some newspaper  
5164 having a general circulation therein, and, in addition, by posting  
5165 a copy thereof for that time in at least three (3) public places  
5166 in the county, one (1) of which shall be at the county courthouse  
5167 in each judicial district of the county. The awarding of all such  
5168 contracts shall, however, in all respects be subject to the  
5169 provisions of Section 37-41-29.

5170 Private contracts for the transportation of exceptional  
5171 children, as defined in Section 37-23-3, may be negotiated by the  
5172 local school board without the necessity of the advertising for or  
5173 taking of bids. The same may apply under extraordinary  
5174 circumstances where regular transportation is considered to be  
5175 impractical. The local school board may negotiate and contract  
5176 for the transportation described in this paragraph so long as the  
5177 local school board complies with the school transportation  
5178 regulations promulgated by the State Board of Education.

5179 Contracts shall be made for four (4) years, at the discretion  
5180 of the local school board. Any and all bids may be rejected. At  
5181 the expiration of any transportation contract, if the school board  
5182 believes a route should remain substantially as established and  
5183 finds that the carrier thereon has rendered efficient and  
5184 satisfactory services it may extend the contract for not more than



5185 four (4) years, subject, however, to the provisions of Section  
5186 37-41-29.

5187         **SECTION 76.** Section 37-41-43, Mississippi Code of 1972, is  
5188 amended as follows:

5189         37-41-43. All publicly owned school district buses which are  
5190 hereafter acquired, and all publicly owned school district buses  
5191 which shall hereafter be repainted, whether presently owned or  
5192 hereafter acquired, and all publicly owned school district buses  
5193 which do not have the name of the county or school district owning  
5194 same painted thereon, whether such buses be owned by the county or  
5195 a school district, shall have painted on both sides thereof the  
5196 name of the county or school district owning same. Such words  
5197 shall be painted on each such bus in letters at least five (5)  
5198 inches in height and in a color which is in contrast with the  
5199 color of the vehicle.

5200         **SECTION 77.** Section 37-41-45, Mississippi Code of 1972, is  
5201 amended as follows:

5202         37-41-45. It shall be a misdemeanor for any person to use a  
5203 publicly owned school district bus for any purpose other than one  
5204 in connection with the school, and upon conviction thereof such  
5205 person shall be fined not less than Fifty Dollars (\$50.00). When  
5206 any publicly owned school district bus is being operated on the  
5207 public roads or highways at a time other than the usual and  
5208 customary time for the transportation of children to and from the  
5209 public schools, members of the Highway Safety Patrol, sheriffs,



5210 constables and other peace officers shall have the power and  
5211 authority to stop such bus for the purpose of ascertaining whether  
5212 the trip then being made is authorized by law. If it be found  
5213 that such trip is unauthorized, such highway patrolman, sheriff,  
5214 constable or other peace or police officer shall forthwith report  
5215 the same to the school board owning such bus and to the State  
5216 Department of Education.

5217         **SECTION 78.** Section 37-41-49, Mississippi Code of 1972, is  
5218 amended as follows:

5219         37-41-49. In case of any violation by a school district bus  
5220 driver or carrier of the safety regulations established by the  
5221 State Board of Education, such violation shall be deemed a  
5222 misdemeanor and such offender may be punished as provided in  
5223 Section 37-41-47.

5224         **SECTION 79.** Section 37-41-53, Mississippi Code of 1972, is  
5225 amended as follows:

5226         37-41-53. (1) Each school board, person, firm or  
5227 corporation transporting public school district children on the  
5228 public roads, streets and highways of the state with motor  
5229 vehicles shall have the motor vehicles inspected according to the  
5230 laws of the state. Each motor vehicle shall be inspected by a  
5231 competent mechanic to be safe for transporting pupils on the  
5232 roads, streets and highways of the state before it is released for  
5233 such purpose. If such motor vehicle is found to be unsafe for  
5234 transporting pupils, then it shall be properly repaired or





5235 adjusted as necessary before being used to transport pupils. The  
5236 provisions of this subsection shall not apply to vehicles owned by  
5237 individuals and under private contract to the school district and  
5238 used exclusively for transporting members of their immediate  
5239 families.

5240 (2) The State Department of Education may inspect, at its  
5241 discretion, any school bus used for transporting school district  
5242 pupils to and from the public schools or for activity purposes to  
5243 determine the safety of such motor vehicle for operation on the  
5244 roads, streets and highways of this state. In the event a vehicle  
5245 is inspected and is found to be unsafe for transporting pupils, a  
5246 report shall be filed with the appropriate school district  
5247 official indicating its deficiencies with recommendations for  
5248 correcting such deficiencies.

5249 (3) If it is determined that any school district buses are  
5250 in such defective condition as to constitute an emergency safety  
5251 hazard, those buses may be condemned and removed from service and  
5252 shall not be returned to service until adequate repairs are  
5253 completed and such buses are reinspected by the State Department  
5254 of Education. Any school district official who approves the  
5255 operation of any school bus that has been removed from service  
5256 under the conditions listed above, prior to being reinspected by  
5257 the State Department of Education, shall be guilty of a  
5258 misdemeanor and upon conviction shall be punished by imprisonment  
5259 in the county jail for a period not to exceed sixty (60) days, or



5260 a fine of not less than Five Hundred Dollars (\$500.00) nor more  
5261 than One Thousand Dollars (\$1,000.00), or by both such fine and  
5262 imprisonment, in the discretion of the court.

5263         **SECTION 80.** Section 37-41-57, Mississippi Code of 1972, is  
5264 brought forward as follows:

5265         37-41-57. The State Board of Education shall adopt and  
5266 enforce regulations not inconsistent with the traffic laws and  
5267 regulations of this state to govern the design and operation of  
5268 all school buses used for the transportation of school children  
5269 when owned and operated by any school board or privately owned and  
5270 operated under contract with any school board in this state. Such  
5271 regulations shall by reference be made a part of any such contract  
5272 with a school board. Every school board, its officers and  
5273 employees, and every person employed under contract by a school  
5274 board shall be subject to said regulations.

5275         Any officer or employee of any school board who violates any  
5276 of said regulations or fails to include the obligation to comply  
5277 with said regulations in any contract executed by them on behalf  
5278 of a school board shall be guilty of misconduct and subject to  
5279 removal from office or employment. Any person operating a school  
5280 bus under a contract with a school board who fails to comply with  
5281 any of said regulations shall be guilty of breach of contract and  
5282 such contract shall be cancelled after notice and hearing by the  
5283 responsible officers of such school board.



5284           **SECTION 81.** Section 37-43-1, Mississippi Code of 1972, is  
5285 amended as follows:

5286           37-43-1. (1) This chapter is intended to furnish a plan for  
5287 the adoption, purchase, distribution, care and use of free  
5288 textbooks to be loaned to the pupils in all elementary and high  
5289 schools, other than charter schools, of Mississippi.

5290           (2) The books herein provided by the State Board of  
5291 Education, which shall be the State Textbook Procurement  
5292 Commission, shall be distributed and loaned free of cost to the  
5293 children of the free public \* \* \* school districts of the state  
5294 and of all other schools located in the state, which maintain  
5295 educational standards equivalent to the standards established by  
5296 the State Department of Education for the state schools as  
5297 outlined in the Approval Requirements of the State Board of  
5298 Education for Nonpublic Schools.

5299           (3) Teachers shall permit all pupils in all grades of any  
5300 public school in any school district to carry to their homes for  
5301 home study, the free textbooks loaned to them, and any other  
5302 regular textbooks whether they be free textbooks or not.

5303           (4) For the purposes of this chapter, the term "board" shall  
5304 mean the State Board of Education.

5305           (5) "Textbook" shall be defined as any medium or manual of  
5306 instruction which contains a systematic presentation of the  
5307 principles of a subject and which constitutes a major  
5308 instructional vehicle for that subject.



5309           (6) In addition to the authority granted in this chapter,  
5310 local school boards shall make available to the parents or legal  
5311 guardians of any children of school age who reside in the school  
5312 district administered by the school board, upon request, any  
5313 textbooks on the state surplus inventory list. The parent or  
5314 legal guardian is responsible for the return of the textbook(s) to  
5315 the local school district upon completion of the textbook(s) use.  
5316 Failure to return the textbook(s) to the school district will  
5317 result in the parents or legal guardians being responsible for  
5318 compensating the school district for the fair market value of the  
5319 textbook(s).

5320           **SECTION 82.** Section 37-43-39, Mississippi Code of 1972, is  
5321 brought forward as follows:

5322           37-43-39. No teacher in any of the schools of the state, and  
5323 no county or municipal superintendent of schools, and no person  
5324 officially connected with the government of or direction of any  
5325 school shall, during the term of his office as said superintendent  
5326 or during the time of his or her employment as teacher, act as  
5327 agent or attorney for any textbook publishing company selling  
5328 textbooks in this state. If, after election as county or  
5329 municipal superintendent or employment as teacher, any person  
5330 filling such position accepts the agency or attorneyship of any  
5331 textbook publishing company, the acceptance of such agency or  
5332 attorneyship shall work a forfeiture of the office or position as



5333 teacher held at the time of the acceptance of such agency or  
5334 attorneyship.

5335           **SECTION 83.** Section 37-45-23, Mississippi Code of 1972, is  
5336 amended as follows:

5337           37-45-23. Subject to the provisions of any applicable  
5338 statute, the commission shall formulate policies and approve or  
5339 disapprove plans for the location and construction of all  
5340 necessary elementary and secondary noncharter public school  
5341 buildings.

5342           **SECTION 84.** Section 37-47-9, Mississippi Code of 1972, is  
5343 amended as follows:

5344           37-47-9. It is found and determined that the state should  
5345 make an annual grant of Twenty-four Dollars (\$24.00) for each  
5346 child in average daily attendance in the public schools of the  
5347 various school districts of this state during each school year,  
5348 and that such monies should be applied for the purpose of  
5349 establishing and maintaining adequate physical facilities for the  
5350 public school \* \* \* district and/or the payment of existing debt  
5351 therefor.

5352           The grant to which \* \* \* each public school is entitled under  
5353 the provisions of this section shall be credited to the school  
5354 district of which such school is part. If any change is made in  
5355 the operation or boundaries of any such school district, equitable  
5356 reallocations shall be made by the commission of all balances to  
5357 the credit of such school district, and all debits charged against



5358 the districts affected by the change in the boundaries or system  
5359 of operation. The obligation of the state to make remittance of  
5360 the sums appropriated or otherwise provided to make the annual  
5361 grants provided by this section shall be subordinate to the pledge  
5362 made to secure the state school bonds authorized under this  
5363 chapter and the sinking fund created for their retirement. The  
5364 grants shall be computed annually as soon as practicable after the  
5365 end of the school year, and shall be based on the average daily  
5366 attendance for such school year in all of the public schools  
5367 operated by each school district as determined by the State  
5368 Department of Education.

5369         **SECTION 85.** Section 37-143-11, Mississippi Code of 1972, is  
5370 amended as follows:

5371         37-143-11. (1) It is the intention of the Legislature to  
5372 attract and retain qualified teachers by awarding incentive loans  
5373 to persons declaring an intention to serve in the teaching field  
5374 and who actually render service to the state while possessing an  
5375 appropriate teaching license.

5376         (2) There is established the "William F. Winter Teacher  
5377 Scholar Loan Program."

5378         (3) To the extent of appropriations available, students who  
5379 are enrolled in any baccalaureate degree-granting institution of  
5380 higher learning in the State of Mississippi accredited by the  
5381 Southern Association of Colleges and Schools and approved by the  
5382 Mississippi Commission on College Accreditation, or any accredited



5383 nonprofit community or junior college, and who have expressed in  
5384 writing a present intention to teach in Mississippi, shall be  
5385 eligible for student loans to be applied to the costs of their  
5386 college education. Persons who have been admitted to a teacher  
5387 education program or a nontraditional teacher internship licensure  
5388 program authorized under Section 37-3-2(6)(b), as approved by the  
5389 State Board of Education, shall also qualify for loans at approved  
5390 institutions. The Board of Trustees of State Institutions of  
5391 Higher Learning shall provide that teacher education majors and  
5392 noneducation majors shall have equal access to scholarship/loans  
5393 under authority of this section.

5394 (4) A freshman establishing initial eligibility shall be  
5395 eligible for a maximum of four (4) annual loans and a senior shall  
5396 be eligible for one (1) annual loan.

5397 (5) The maximum annual loan shall be set by the Board of  
5398 Trustees of State Institutions of Higher Learning at an amount not  
5399 to exceed the cost of attendance at any baccalaureate  
5400 degree-granting institution of higher learning in the State of  
5401 Mississippi. However, it is the intent of the Legislature that  
5402 the maximum annual loan amounts under the William F. Winter  
5403 Teacher Scholar Loan Program shall not be of such amounts that  
5404 would compete with the Critical Needs Teacher Scholarship Program.

5405 (6) The loans of persons who actually render service as  
5406 licensed teachers or nontraditional teacher interns authorized  
5407 under Section 37-3-2(6)(b) in a public school, including a charter



5408 school, in Mississippi for a major portion of the school day for  
5409 at least seventy-eight (78) school days during each of eight (8)  
5410 school semesters of the ten (10) immediately after obtaining a  
5411 baccalaureate degree, shall be converted to interest-free  
5412 scholarships. Conversion shall be based on two (2) semesters of  
5413 service for each year a loan was received, and the Board of  
5414 Trustees of State Institutions of Higher Learning shall not  
5415 authorize the conversion of loans into interest-free scholarships  
5416 at any other ratio, except as follows: Participants in the  
5417 William F. Winter Teacher Scholar Loan Program may have their  
5418 loans converted into interest-free scholarships at the same ratio  
5419 as under the Critical Needs Teacher Scholarship Program if they  
5420 render service as a licensed teacher or nontraditional teacher  
5421 intern authorized under Section 37-3-2(6)(b) in a public school  
5422 district in a geographical area of the state where there is a  
5423 critical shortage of teachers, as designated by the State Board of  
5424 Education, or in a charter school located in such a school  
5425 district.

5426 (7) Persons failing to complete an appropriate program of  
5427 study shall immediately become liable to the Board of Trustees of  
5428 State Institutions of Higher Learning for the sum of all  
5429 outstanding loans, except in the case of a deferral of debt for  
5430 cause by the board, after which period of deferral, study may be  
5431 resumed. Persons failing to meet teaching requirements in any  
5432 required semester shall immediately be in breach of contract and





5433 become liable to the board for the amount of the corresponding  
5434 loan received, with interest accruing at the current Stafford Loan  
5435 rate at the time the breach occurs, except in the case of a  
5436 deferral of debt for cause by the board, after which period of  
5437 deferral, teaching duties required hereunder will be resumed. If  
5438 the claim for payment of such loan is placed in the hands of an  
5439 attorney for collection after default, then the obligor shall be  
5440 liable for an additional amount equal to a reasonable attorney's  
5441 fee.

5442 (8) A loan made pursuant to this section shall not be  
5443 voidable by reason of the age of the borrower at the time of  
5444 receiving the loan.

5445 (9) Failure to repay any loan and interest that becomes due  
5446 shall be cause for the revocation of a person's teaching license  
5447 by the State Department of Education.

5448 (10) All monies repaid to the Board of Trustees of State  
5449 Institutions of Higher Learning hereunder shall be added to the  
5450 appropriations made for purposes of this section, and those  
5451 appropriations shall not lapse.

5452 (11) The Board of Trustees of State Institutions of Higher  
5453 Learning with the concurrence of the State Board of Education  
5454 shall jointly promulgate regulations necessary for the proper  
5455 administration of this section.

5456 (12) If insufficient funds are available for requested loans  
5457 to a qualified student during any fiscal year, the Board of



5458 Trustees of State Institutions of Higher Learning shall make pro  
5459 rata reductions in the loans made to qualifying applicants.  
5460 Priority consideration shall be given to persons receiving  
5461 previous loans and participating in the program.

5462 (13) The Board of Trustees of State Institutions of Higher  
5463 Learning shall make an annual report to the Legislature. Each  
5464 report shall contain a complete enumeration of the board's  
5465 activities, loans or scholarships granted, names of persons to  
5466 whom granted and the institutions attended by those receiving the  
5467 same, names of persons to whom loans or scholarships were granted  
5468 who were not education majors, the teaching location of applicants  
5469 who have received their education and become licensed teachers  
5470 within this state as a result of the loans and/or scholarships.  
5471 The board shall make a full report and account of receipts and  
5472 expenditures for salaries and expenses incurred under the  
5473 provisions of this section. The board shall, upon its records and  
5474 any published reports, distinguish between those recipients who  
5475 have breached their contracts but with the board's permission who  
5476 have paid their financial obligations in full, and those  
5477 recipients who have breached their contracts and remain  
5478 financially indebted to the state.

5479 **SECTION 86.** Section 37-143-12, Mississippi Code of 1972, is  
5480 amended as follows:

5481 37-143-12. **Speech-Language Pathologists Loan Forgiveness**

5482 **Program.** (1) There is established a Speech-Language Pathologists



5483 Loan Forgiveness Program. It is the intent of the Legislature  
5484 that persons declaring an intention to work in an accredited  
5485 public school (K-12), including a charter school, located in the  
5486 State of Mississippi as a speech-language pathologist shall be  
5487 eligible for a loan for the purpose of acquiring a master's level  
5488 education in such profession. The Board of Trustees of State  
5489 Institutions of Higher Learning shall enter into contracts with  
5490 applicants, providing that such loans may be discharged by working  
5491 as a master's level speech-language pathologist in an accredited  
5492 public school (K-12), including a charter school, located in the  
5493 State of Mississippi, for a period of time after graduation equal  
5494 to the period of study provided under the loan. Such contracts  
5495 shall provide that for each year of service, the appropriate  
5496 portion of the outstanding balance of principal and interest of  
5497 such loan shall be converted to interest-free scholarships and  
5498 discharged.

5499 (2) The Board of Trustees of State Institutions of Higher  
5500 Learning, with the concurrence of the State Board of Education,  
5501 shall jointly establish rules and regulations as it deems  
5502 necessary and proper to carry out the purposes and intent of this  
5503 section.

5504 The provisions of this section shall be subject to specific  
5505 appropriation therefor by the Legislature.

5506 **SECTION 87.** Section 37-151-5, Mississippi Code of 1972, is  
5507 amended as follows:



5508 37-151-5. As used in Sections 37-151-5 and 37-151-7:

5509 (a) "Adequate program" or "adequate education program"  
5510 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
5511 program to establish adequate current operation funding levels  
5512 necessary for the programs of such school district to meet at  
5513 least a successful Level III rating of the accreditation system as  
5514 established by the State Board of Education using current  
5515 statistically relevant state assessment data.

5516 (b) "Educational programs or elements of programs not  
5517 included in the adequate education program calculations, but which  
5518 may be included in appropriations and transfers to school  
5519 districts" shall mean:

5520 (i) "Capital outlay" shall mean those funds used  
5521 for the constructing, improving, equipping, renovating or major  
5522 repairing of school buildings or other school facilities, or the  
5523 cost of acquisition of land whereon to construct or establish such  
5524 school facilities.

5525 (ii) "Pilot programs" shall mean programs of a  
5526 pilot or experimental nature usually designed for special purposes  
5527 and for a specified period of time other than those included in  
5528 the adequate education program.

5529 (iii) "Adult education" shall mean public  
5530 education dealing primarily with students above eighteen (18)  
5531 years of age not enrolled as full-time public school students and



5532 not classified as students of technical schools, colleges or  
5533 universities of the state.

5534 (iv) "Food service programs" shall mean those  
5535 programs dealing directly with the nutritional welfare of the  
5536 student, such as the school lunch and school breakfast programs.

5537 (c) "Base student" shall mean that student  
5538 classification that represents the most economically educated  
5539 pupil in a school system meeting the definition of successful, as  
5540 determined by the State Board of Education.

5541 (d) "Base student cost" shall mean the funding level  
5542 necessary for providing an adequate education program for one (1)  
5543 base student, subject to any minimum amounts prescribed in Section  
5544 37-151-7(1).

5545 (e) "Add-on program costs" shall mean those items which  
5546 are included in the adequate education program appropriations and  
5547 are outside of the program calculations:

5548 (i) "Transportation" shall mean transportation to  
5549 and from public schools for the students of Mississippi's public  
5550 schools provided for under law and funded from state funds.

5551 (ii) "Vocational or technical education program"  
5552 shall mean a secondary vocational or technical program approved by  
5553 the State Department of Education and provided for from state  
5554 funds.

5555 (iii) "Special education program" shall mean a  
5556 program for exceptional children as defined and authorized by



5557 Sections 37-23-1 through 37-23-9, and approved by the State  
5558 Department of Education and provided from state funds.

5559 (iv) "Gifted education program" shall mean those  
5560 programs for the instruction of intellectually or academically  
5561 gifted children as defined and provided for in Section 37-23-175  
5562 et seq.

5563 (v) "Alternative school program" shall mean those  
5564 programs for certain compulsory-school-age students as defined and  
5565 provided for in Sections 37-13-92 and 37-19-22.

5566 (vi) "Extended school year programs" shall mean  
5567 those programs authorized by law which extend beyond the normal  
5568 school year.

5569 (vii) "University-based programs" shall mean those  
5570 university-based programs for handicapped children as defined and  
5571 provided for in Section 37-23-131 et seq.

5572 (viii) "Bus driver training" programs shall mean  
5573 those driver training programs as provided for in Section 37-41-1.

5574 (f) "Teacher" shall include any employee of a local  
5575 school who is required by law to obtain a teacher's license from  
5576 the State Board of Education and who is assigned to an  
5577 instructional area of work as defined by the State Department of  
5578 Education.

5579 (g) "Principal" shall mean the head of an attendance  
5580 center or division thereof.



5581           (h) "Superintendent" shall mean the head of a school  
5582 district.

5583           (i) "School district" shall mean any type of school  
5584 district in the State of Mississippi, and shall include  
5585 agricultural high schools.

5586           (j) "Minimum school term" shall mean a term of at least  
5587 one hundred eighty (180) days of school in which both teachers and  
5588 pupils are in regular attendance for scheduled classroom  
5589 instruction for not less than sixty percent (60%) of the normal  
5590 school day. It is the intent of the Legislature that any tax  
5591 levies generated to produce additional local funds required by any  
5592 school district to operate school terms in excess of one hundred  
5593 seventy-five (175) days shall not be construed to constitute a new  
5594 program for the purposes of exemption from the limitation on tax  
5595 revenues as allowed under Sections 27-39-321 and 37-57-107 for new  
5596 programs mandated by the Legislature.

5597           (k) The term "transportation density" shall mean the  
5598 number of transported children in average daily attendance per  
5599 square mile of area served in a school district, as determined by  
5600 the State Department of Education.

5601           (l) The term "transported children" shall mean children  
5602 being transported to school who live within legal limits for  
5603 transportation and who are otherwise qualified for being  
5604 transported to school at public expense as fixed by Mississippi  
5605 state law.



5606 (m) The term "year of teaching experience" shall mean  
5607 nine (9) months of actual teaching in the public or private  
5608 schools. In no case shall more than one (1) year of teaching  
5609 experience be given for all services in one (1) calendar or school  
5610 year. In determining a teacher's experience, no deduction shall  
5611 be made because of the temporary absence of the teacher because of  
5612 illness or other good cause, and the teacher shall be given credit  
5613 therefor. Beginning with the 2003-2004 school year, the State  
5614 Board of Education shall fix a number of days, not to exceed  
5615 forty-five (45) consecutive school days, during which a teacher  
5616 may not be under contract of employment during any school year and  
5617 still be considered to have been in full-time employment for a  
5618 regular scholastic term. If a teacher exceeds the number of days  
5619 established by the State Board of Education that a teacher may not  
5620 be under contract but may still be employed, that teacher shall  
5621 not be credited with a year of teaching experience. In  
5622 determining the experience of school librarians, each complete  
5623 year of continuous, full-time employment as a professional  
5624 librarian in a public library in this or some other state shall be  
5625 considered a year of teaching experience. If a full-time school  
5626 administrator returns to actual teaching in the public schools,  
5627 the term "year of teaching experience" shall include the period of  
5628 time he or she served as a school administrator. In determining  
5629 the salaries of teachers who have experience in any branch of the  
5630 military, the term "year of teaching experience" shall include





5631 each complete year of actual classroom instruction while serving  
5632 in the military. In determining the experience of speech-language  
5633 pathologists and audiologists, each complete year of continuous  
5634 full-time post master's degree employment in an educational  
5635 setting in this or some other state shall be considered a year of  
5636 teaching experience. Provided, however, that school districts are  
5637 authorized, in their discretion, to negotiate the salary levels  
5638 applicable to certificated employees employed after July 1, 2009,  
5639 who are receiving retirement benefits from the retirement system  
5640 of another state, and the annual experience increment provided in  
5641 Section 37-19-7 shall not be applicable to any such retired  
5642 certificated employee.

5643 (n) The term "average daily attendance" shall be the  
5644 figure which results when the total aggregate attendance during  
5645 the period or months counted is divided by the number of days  
5646 during the period or months counted upon which both teachers and  
5647 pupils are in regular attendance for scheduled classroom  
5648 instruction less the average daily attendance for self-contained  
5649 special education classes and, prior to full implementation of the  
5650 adequate education program the department shall deduct the average  
5651 daily attendance for the alternative school program provided for  
5652 in Section 37-19-22.

5653 (o) The term "local supplement" shall mean the amount  
5654 paid to an individual teacher over and above the adequate  
5655 education program salary schedule for regular teaching duties.



5656 (p) The term "aggregate amount of support from ad  
5657 valorem taxation" shall mean the amounts produced by the  
5658 district's total tax levies for operations.

5659 (q) The term "adequate education program funds" shall  
5660 mean all funds, both state and local, constituting the  
5661 requirements for meeting the cost of the adequate program as  
5662 provided for in Section 37-151-7.

5663 (r) "Department" shall mean the State Department of  
5664 Education.

5665 (s) "Commission" shall mean the Mississippi Commission  
5666 on School Accreditation created under Section 37-17-3.

5667 (t) The term "successful school district" shall mean a  
5668 Level III school district as designated by the State Board of  
5669 Education using current statistically relevant state assessment  
5670 data.

5671 (u) "Dual enrollment-dual credit programs" shall mean  
5672 programs for potential or recent high school student dropouts to  
5673 dually enroll in their home high school and a local community  
5674 college in a dual credit program consisting of high school  
5675 completion coursework and a credential, certificate or degree  
5676 program at the community college, as provided in Section  
5677 37-15-38(19).

5678 (v) "Charter school" means a public school that is  
5679 established and operating under the terms of a charter contract



5680 between the school's governing board and the Mississippi Charter  
5681 School Authorizer Board.

5682         **SECTION 88.** Section 37-151-7, Mississippi Code of 1972, is  
5683 amended as follows:

5684         37-151-7. The annual allocation to each school district for  
5685 the operation of the adequate education program shall be  
5686 determined as follows:

5687         (1) **Computation of the basic amount to be included for**  
5688 **current operation in the adequate education program.** The  
5689 following procedure shall be followed in determining the annual  
5690 allocation to each school district:

5691         (a) **Determination of average daily attendance.**  
5692 Effective with fiscal year 2011, the State Department of Education  
5693 shall determine the percentage change from the prior year of each  
5694 year of each school district's average of months two (2) and three  
5695 (3) average daily attendance (ADA) for the three (3) immediately  
5696 preceding school years of the year for which funds are being  
5697 appropriated. For any school district that experiences a positive  
5698 growth in the average of months two (2) and three (3) ADA each  
5699 year of the three (3) years, the average percentage growth over  
5700 the three-year period shall be multiplied times the school  
5701 district's average of months two (2) and three (3) ADA for the  
5702 year immediately preceding the year for which MAEP funds are being  
5703 appropriated. The resulting amount shall be added to the school  
5704 district's average of months two (2) and three (3) ADA for the



5705 year immediately preceding the year for which MAEP funds are being  
5706 appropriated to arrive at the ADA to be used in determining a  
5707 school district's MAEP allocation. Otherwise, months two (2) and  
5708 three (3) ADA for the year immediately preceding the year for  
5709 which MAEP funds are being appropriated will be used in  
5710 determining a school district's MAEP allocation. In any fiscal  
5711 year prior to 2010 in which the MAEP formula is not fully funded,  
5712 for those districts that do not demonstrate a three-year positive  
5713 growth in months two (2) and three (3) ADA, months one (1) through  
5714 nine (9) ADA of the second preceding year for which funds are  
5715 being appropriated or months two (2) and three (3) ADA of the  
5716 preceding year for which funds are being appropriated, whichever  
5717 is greater, shall be used to calculate the district's MAEP  
5718 allocation. The district's average daily attendance shall be  
5719 computed and currently maintained in accordance with regulations  
5720 promulgated by the State Board of Education. The district's  
5721 average daily attendance shall include any student enrolled in a  
5722 Dual Enrollment-Dual Credit Program as defined and provided in  
5723 Section 37-15-38(19). The State Department of Education shall  
5724 make payments for Dual Enrollment-Dual Credit Programs to the home  
5725 school in which the student is enrolled, in accordance with  
5726 regulations promulgated by the State Board of Education. The  
5727 community college providing services to students in a Dual  
5728 Enrollment-Dual Credit Program shall require payment from the home  
5729 school district for services provided to such students at a rate



5730 of one hundred percent (100%) of ADA. All MAEP/state funding  
5731 shall cease upon completion of high school graduation  
5732 requirements.

5733           (b) **Determination of base student cost.** Effective with  
5734 fiscal year 2011 and every fourth fiscal year thereafter, the  
5735 State Board of Education, on or before August 1, with adjusted  
5736 estimate no later than January 2, shall submit to the Legislative  
5737 Budget Office and the Governor a proposed base student cost  
5738 adequate to provide the following cost components of educating a  
5739 pupil in a successful school district: (i) Instructional Cost;  
5740 (ii) Administrative Cost; (iii) Operation and Maintenance of  
5741 Plant; and (iv) Ancillary Support Cost. For purposes of these  
5742 calculations, the Department of Education shall utilize financial  
5743 data from the second preceding year of the year for which funds  
5744 are being appropriated.

5745           For the instructional cost component, the Department of  
5746 Education shall select districts that have been identified as  
5747 instructionally successful and have a ratio of a number of  
5748 teachers per one thousand (1,000) students that is between one (1)  
5749 standard deviation above the mean and two (2) standard deviations  
5750 below the mean of the statewide average of teachers per one  
5751 thousand (1,000) students. The instructional cost component shall  
5752 be calculated by dividing the latest available months one (1)  
5753 through nine (9) ADA into the instructional expenditures of these  
5754 selected districts. For the purpose of this calculation, the



5755 Department of Education shall use the following funds, functions  
5756 and objects:

5757 Fund 1120 Functions 1110-1199 Objects 100-999, Functions  
5758 1210, 1220, 2150-2159 Objects 210 and 215;

5759 Fund 1130 All Functions, Object Code 210 and 215;

5760 Fund 2001 Functions 1110-1199 Objects 100-999;

5761 Fund 2070 Functions 1110-1199 Objects 100-999;

5762 Fund 2420 Functions 1110-1199 Objects 100-999;

5763 Fund 2711 All Functions, Object Code 210 and 215.

5764 Prior to the calculation of the instructional cost component,  
5765 there shall be subtracted from the above expenditures any revenue  
5766 received for Chickasaw Cession payments, Master Teacher  
5767 Certification payments and the district's portion of state revenue  
5768 received from the MAEP at-risk allocation.

5769 For the administrative cost component, the Department of  
5770 Education shall select districts that have been identified as  
5771 instructionally successful and have a ratio of an administrative  
5772 staff to nonadministrative staff between one (1) standard  
5773 deviation above the mean and two (2) standard deviations below the  
5774 mean of the statewide average administrative staff to  
5775 nonadministrative staff. The administrative cost component shall  
5776 be calculated by dividing the latest available months one (1)  
5777 through nine (9) ADA of the selected districts into the  
5778 administrative expenditures of these selected districts. For the



5779 purpose of this calculation, the Department of Education shall use  
5780 the following funds, functions and objects:

5781 Fund 1120 Functions 2300-2599, Functions 2800-2899,  
5782 Objects 100-999;

5783 Fund 2711 Functions 2300-2599, Functions 2800-2899,  
5784 Objects 100-999.

5785 For the plant and maintenance cost component, the Department  
5786 of Education shall select districts that have been identified as  
5787 instructionally successful and have a ratio of plant and  
5788 maintenance expenditures per one hundred thousand (100,000) square  
5789 feet of building space and a ratio of maintenance workers per one  
5790 hundred thousand (100,000) square feet of building space that are  
5791 both between one (1) standard deviation above the mean and two (2)  
5792 standard deviations below the mean of the statewide average. The  
5793 plant and maintenance cost component shall be calculated by  
5794 dividing the latest available months one (1) through nine (9) ADA  
5795 of the selected districts into the plant and maintenance  
5796 expenditures of these selected districts. For the purpose of this  
5797 calculation, the Department of Education shall use the following  
5798 funds, functions and objects:

5799 Fund 1120 Functions 2600-2699, Objects 100-699  
5800 and Objects 800-999;

5801 Fund 2711 Functions 2600-2699, Objects 100-699  
5802 and Objects 800-999;

5803 Fund 2430 Functions 2600-2699, Objects 100-699



5804 and Objects 800-999.

5805 For the ancillary support cost component, the Department of  
5806 Education shall select districts that have been identified as  
5807 instructionally successful and have a ratio of a number of  
5808 librarians, media specialists, guidance counselors and  
5809 psychologists per one thousand (1,000) students that is between  
5810 one (1) standard deviation above the mean and two (2) standard  
5811 deviations below the mean of the statewide average of librarians,  
5812 media specialists, guidance counselors and psychologists per one  
5813 thousand (1,000) students. The ancillary cost component shall be  
5814 calculated by dividing the latest available months one (1) through  
5815 nine (9) ADA into the ancillary expenditures instructional  
5816 expenditures of these selected districts. For the purpose of this  
5817 calculation, the Department of Education shall use the following  
5818 funds, functions and objects:

- 5819 Fund 1120 Functions 2110-2129, Objects 100-999;
- 5820 Fund 1120 Functions 2140-2149, Objects 100-999;
- 5821 Fund 1120 Functions 2220-2229, Objects 100-999;
- 5822 Fund 2001 Functions 2100-2129, Objects 100-999;
- 5823 Fund 2001 Functions 2140-2149, Objects 100-999;
- 5824 Fund 2001 Functions 2220-2229, Objects 100-999.

5825 The total base cost for each year shall be the sum of the  
5826 instructional cost component, administrative cost component, plant  
5827 and maintenance cost component and ancillary support cost  
5828 component, and any estimated adjustments for additional state





5829 requirements as determined by the State Board of Education.  
5830 Provided, however, that the base student cost in fiscal year 1998  
5831 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

5832 For each of the fiscal years between the recalculation of the  
5833 base student cost under the provisions of this paragraph (b), the  
5834 base student cost shall be increased by an amount equal to forty  
5835 percent (40%) of the base student cost for the previous fiscal  
5836 year, multiplied by the latest annual rate of inflation for the  
5837 State of Mississippi as determined by the State Economist, plus  
5838 any adjustments for additional state requirements such as, but not  
5839 limited to, teacher pay raises and health insurance premium  
5840 increases.

5841 (c) **Determination of the basic adequate education**  
5842 **program cost.** The basic amount for current operation to be  
5843 included in the Mississippi Adequate Education Program for each  
5844 school district shall be computed as follows:

5845 Multiply the average daily attendance of the district by the  
5846 base student cost as established by the Legislature, which yields  
5847 the total base program cost for each school district.

5848 (d) **Adjustment to the base student cost for at-risk**  
5849 **pupils.** The amount to be included for at-risk pupil programs for  
5850 each school district shall be computed as follows: Multiply the  
5851 base student cost for the appropriate fiscal year as determined  
5852 under paragraph (b) by five percent (5%), and multiply that  
5853 product by the number of pupils participating in the federal free



5854 school lunch program in such school district, which yields the  
5855 total adjustment for at-risk pupil programs for such school  
5856 district.

5857 (e) **Add-on program cost.** The amount to be allocated to  
5858 school districts in addition to the adequate education program  
5859 cost for add-on programs for each school district shall be  
5860 computed as follows:

5861 (i) Transportation cost shall be the amount  
5862 allocated to such school district for the operational support of  
5863 the district transportation system from state funds.

5864 (ii) Vocational or technical education program  
5865 cost shall be the amount allocated to such school district from  
5866 state funds for the operational support of such programs.

5867 (iii) Special education program cost shall be the  
5868 amount allocated to such school district from state funds for the  
5869 operational support of such programs.

5870 (iv) Gifted education program cost shall be the  
5871 amount allocated to such school district from state funds for the  
5872 operational support of such programs.

5873 (v) Alternative school program cost shall be the  
5874 amount allocated to such school district from state funds for the  
5875 operational support of such programs.

5876 (vi) Extended school year programs shall be the  
5877 amount allocated to school districts for those programs authorized  
5878 by law which extend beyond the normal school year.



5879 (vii) University-based programs shall be the  
5880 amount allocated to school districts for those university-based  
5881 programs for handicapped children as defined and provided for in  
5882 Section 37-23-131 et seq., Mississippi Code of 1972.

5883 (viii) Bus driver training programs shall be the  
5884 amount provided for those driver training programs as provided for  
5885 in Section 37-41-1, Mississippi Code of 1972.

5886 The sum of the items listed above (i) transportation, (ii)  
5887 vocational or technical education, (iii) special education, (iv)  
5888 gifted education, (v) alternative school, (vi) extended school  
5889 year, (vii) university-based, and (viii) bus driver training shall  
5890 yield the add-on cost for each school district.

5891 (f) **Total projected adequate education program cost.**

5892 The total Mississippi Adequate Education Program cost shall be the  
5893 sum of the total basic adequate education program cost (paragraph  
5894 (c)), and the adjustment to the base student cost for at-risk  
5895 pupils (paragraph (d)) for each school district. In any year in  
5896 which the MAEP is not fully funded, the Legislature shall direct  
5897 the Department of Education in the K-12 appropriation bill as to  
5898 how to allocate MAEP funds to school districts for that year.

5899 (g) The State Auditor shall annually verify the State  
5900 Board of Education's estimated calculations for the Mississippi  
5901 Adequate Education Program that are submitted each year to the  
5902 Legislative Budget Office on August 1 and the final calculation  
5903 that is submitted on January 2.



5904           (2) **Computation of the required local revenue in support of**  
5905 **the adequate education program.** The amount that each district  
5906 shall provide toward the cost of the adequate education program  
5907 shall be calculated as follows:

5908           (a) The State Department of Education shall certify to  
5909 each school district that twenty-eight (28) mills, less the  
5910 estimated amount of the yield of the School Ad Valorem Tax  
5911 Reduction Fund grants as determined by the State Department of  
5912 Education, is the millage rate required to provide the district  
5913 required local effort for that year, or twenty-seven percent (27%)  
5914 of the basic adequate education program cost for such school  
5915 district as determined under paragraph (c), whichever is a lesser  
5916 amount. In the case of an agricultural high school, the millage  
5917 requirement shall be set at a level which generates an equitable  
5918 amount per pupil to be determined by the State Board of Education.  
5919 The local contribution amount for school districts in which there  
5920 is located one or more charter schools will be calculated using  
5921 the following methodology: using the adequate education program  
5922 twenty-eight (28) mill value, or the twenty-seven percent (27%)  
5923 cap amount (whichever is less) for each school district in which a  
5924 charter school is located, an average per pupil amount will be  
5925 calculated. This average per pupil amount will be multiplied  
5926 times the number of students attending the charter school in that  
5927 school district. The sum becomes the charter school's local  
5928 contribution to the adequate education program.



5929           (b) The State Department of Education shall determine  
5930 the following from the annual assessment information submitted to  
5931 the department by the tax assessors of the various counties: (i)  
5932 the total assessed valuation of nonexempt property for school  
5933 purposes in each school district; (ii) assessed value of exempt  
5934 property owned by homeowners aged sixty-five (65) or older or  
5935 disabled as defined in Section 27-33-67(2), Mississippi Code of  
5936 1972; (iii) the school district's tax loss from exemptions  
5937 provided to applicants under the age of sixty-five (65) and not  
5938 disabled as defined in Section 27-33-67(1), Mississippi Code of  
5939 1972; and (iv) the school district's homestead reimbursement  
5940 revenues.

5941           (c) The amount of the total adequate education program  
5942 funding which shall be contributed by each school district shall  
5943 be the sum of the ad valorem receipts generated by the millage  
5944 required under this subsection plus the following local revenue  
5945 sources for the appropriate fiscal year which are or may be  
5946 available for current expenditure by the school district:

5947           One hundred percent (100%) of Grand Gulf income as prescribed  
5948 in Section 27-35-309.

5949           One hundred percent (100%) of any fees in lieu of taxes as  
5950 prescribed in Section 27-31-104.

5951           **(3) Computation of the required state effort in support of**  
5952 **the adequate education program.**



5953           (a) The required state effort in support of the  
5954 adequate education program shall be determined by subtracting the  
5955 sum of the required local tax effort as set forth in subsection  
5956 (2) (a) of this section and the other local revenue sources as set  
5957 forth in subsection (2) (c) of this section in an amount not to  
5958 exceed twenty-seven percent (27%) of the total projected adequate  
5959 education program cost as set forth in subsection (1) (f) of this  
5960 section from the total projected adequate education program cost  
5961 as set forth in subsection (1) (f) of this section.

5962           (b) Provided, however, that in fiscal year 1998 and in  
5963 the fiscal year in which the adequate education program is fully  
5964 funded by the Legislature, any increase in the said state  
5965 contribution to any district calculated under this section shall  
5966 be not less than eight percent (8%) in excess of the amount  
5967 received by said district from state funds for the fiscal year  
5968 immediately preceding. For purposes of this paragraph (b), state  
5969 funds shall include minimum program funds less the add-on  
5970 programs, State Uniform Millage Assistance Grant Funds, Education  
5971 Enhancement Funds appropriated for Uniform Millage Assistance  
5972 Grants and state textbook allocations, and State General Funds  
5973 allocated for textbooks.

5974           (c) If the school board of any school district shall  
5975 determine that it is not economically feasible or practicable to  
5976 operate any school within the district for the full one hundred  
5977 eighty (180) days required for a school term of a scholastic year



5978 as required in Section 37-13-63, Mississippi Code of 1972, due to  
5979 an enemy attack, a man-made, technological or natural disaster in  
5980 which the Governor has declared a disaster emergency under the  
5981 laws of this state or the President of the United States has  
5982 declared an emergency or major disaster to exist in this state,  
5983 said school board may notify the State Department of Education of  
5984 such disaster and submit a plan for altering the school term. If  
5985 the State Board of Education finds such disaster to be the cause  
5986 of the school not operating for the contemplated school term and  
5987 that such school was in a school district covered by the  
5988 Governor's or President's disaster declaration, it may permit said  
5989 school board to operate the schools in its district for less than  
5990 one hundred eighty (180) days and, in such case, the State  
5991 Department of Education shall not reduce the state contributions  
5992 to the adequate education program allotment for such district,  
5993 because of the failure to operate said schools for one hundred  
5994 eighty (180) days.

5995 (4) The Interim School District Capital Expenditure Fund is  
5996 hereby established in the State Treasury which shall be used to  
5997 distribute any funds specifically appropriated by the Legislature  
5998 to such fund to school districts entitled to increased allocations  
5999 of state funds under the adequate education program funding  
6000 formula prescribed in Sections 37-151-3 through 37-151-7,  
6001 Mississippi Code of 1972, until such time as the said adequate  
6002 education program is fully funded by the Legislature. The



6003 following percentages of the total state cost of increased  
6004 allocations of funds under the adequate education program funding  
6005 formula shall be appropriated by the Legislature into the Interim  
6006 School District Capital Expenditure Fund to be distributed to all  
6007 school districts under the formula: Nine and two-tenths percent  
6008 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
6009 (20%) shall be appropriated in fiscal year 1999, forty percent  
6010 (40%) shall be appropriated in fiscal year 2000, sixty percent  
6011 (60%) shall be appropriated in fiscal year 2001, eighty percent  
6012 (80%) shall be appropriated in fiscal year 2002, and one hundred  
6013 percent (100%) shall be appropriated in fiscal year 2003 into the  
6014 State Adequate Education Program Fund. Until July 1, 2002, such  
6015 money shall be used by school districts for the following  
6016 purposes:

6017           (a) Purchasing, erecting, repairing, equipping,  
6018 remodeling and enlarging school buildings and related facilities,  
6019 including gymnasiums, auditoriums, lunchrooms, vocational training  
6020 buildings, libraries, school barns and garages for transportation  
6021 vehicles, school athletic fields and necessary facilities  
6022 connected therewith, and purchasing land therefor. Any such  
6023 capital improvement project by a school district shall be approved  
6024 by the State Board of Education, and based on an approved  
6025 long-range plan. The State Board of Education shall promulgate  
6026 minimum requirements for the approval of school district capital  
6027 expenditure plans.





6028           (b) Providing necessary water, light, heating,  
6029 air-conditioning, and sewerage facilities for school buildings,  
6030 and purchasing land therefor.

6031           (c) Paying debt service on existing capital improvement  
6032 debt of the district or refinancing outstanding debt of a district  
6033 if such refinancing will result in an interest cost savings to the  
6034 district.

6035           (d) From and after October 1, 1997, through June 30,  
6036 1998, pursuant to a school district capital expenditure plan  
6037 approved by the State Department of Education, a school district  
6038 may pledge such funds until July 1, 2002, plus funds provided for  
6039 in paragraph (e) of this subsection (4) that are not otherwise  
6040 permanently pledged under such paragraph (e) to pay all or a  
6041 portion of the debt service on debt issued by the school district  
6042 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
6043 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
6044 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
6045 issued by boards of supervisors for agricultural high schools  
6046 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
6047 lease-purchase contracts entered into pursuant to Section 31-7-13,  
6048 Mississippi Code of 1972, or to retire or refinance outstanding  
6049 debt of a district, if such pledge is accomplished pursuant to a  
6050 written contract or resolution approved and spread upon the  
6051 minutes of an official meeting of the district's school board or  
6052 board of supervisors. It is the intent of this provision to allow



6053 school districts to irrevocably pledge their Interim School  
6054 District Capital Expenditure Fund allotments as a constant stream  
6055 of revenue to secure a debt issued under the foregoing code  
6056 sections. To allow school districts to make such an irrevocable  
6057 pledge, the state shall take all action necessary to ensure that  
6058 the amount of a district's Interim School District Capital  
6059 Expenditure Fund allotments shall not be reduced below the amount  
6060 certified by the department or the district's total allotment  
6061 under the Interim Capital Expenditure Fund if fully funded, so  
6062 long as such debt remains outstanding.

6063 (e) [Repealed]

6064 (f) [Repealed]

6065 (g) The State Board of Education may authorize the  
6066 school district to expend not more than twenty percent (20%) of  
6067 its annual allotment of such funds or Twenty Thousand Dollars  
6068 (\$20,000.00), whichever is greater, for technology needs of the  
6069 school district, including computers, software,  
6070 telecommunications, cable television, interactive video, film,  
6071 low-power television, satellite communications, microwave  
6072 communications, technology-based equipment installation and  
6073 maintenance, and the training of staff in the use of such  
6074 technology-based instruction. Any such technology expenditure  
6075 shall be reflected in the local district technology plan approved  
6076 by the State Board of Education under Section 37-151-17,  
6077 Mississippi Code of 1972.



6078           (h) To the extent a school district has not utilized  
6079 twenty percent (20%) of its annual allotment for technology  
6080 purposes under paragraph (g), a school district may expend not  
6081 more than twenty percent (20%) of its annual allotment or Twenty  
6082 Thousand Dollars (\$20,000.00), whichever is greater, for  
6083 instructional purposes. The State Board of Education may  
6084 authorize a school district to expend more than said twenty  
6085 percent (20%) of its annual allotment for instructional purposes  
6086 if it determines that such expenditures are needed for  
6087 accreditation purposes.

6088           (i) The State Department of Education or the State  
6089 Board of Education may require that any project commenced under  
6090 this section with an estimated project cost of not less than Five  
6091 Million Dollars (\$5,000,000.00) shall be done only pursuant to  
6092 program management of the process with respect to design and  
6093 construction. Any individuals, partnerships, companies or other  
6094 entities acting as a program manager on behalf of a local school  
6095 district and performing program management services for projects  
6096 covered under this subsection shall be approved by the State  
6097 Department of Education.

6098           Any interest accruing on any unexpended balance in the  
6099 Interim School District Capital Expenditure Fund shall be invested  
6100 by the State Treasurer and placed to the credit of each school  
6101 district participating in such fund in its proportionate share.



6102           The provisions of this subsection (4) shall be cumulative and  
6103 supplemental to any existing funding programs or other authority  
6104 conferred upon school districts or school boards.

6105           (5) The State Department of Education shall make payments to  
6106 charter schools for each student in average daily attendance at  
6107 the charter school equal to the state share of the adequate  
6108 education program payments for each student in average daily  
6109 attendance at the school district in which the public charter  
6110 school is located. In calculating the local contribution for  
6111 purposes of determining the state share of the adequate education  
6112 program payments, the department shall deduct the pro rata local  
6113 contribution of the school district in which the student resides  
6114 as determined in subsection (2) (a) of this section.

6115           **SECTION 89.** Section 37-151-101, Mississippi Code of 1972, is  
6116 amended as follows:

6117           37-151-101. It shall be the duty of the State Department of  
6118 Education to file with the State Treasurer and the State Fiscal  
6119 Officer such data and information as may be required to enable the  
6120 said State Treasurer and State Fiscal Officer to distribute the  
6121 common school funds and adequate education program funds by  
6122 electronic funds transfer to the several school districts and  
6123 charter schools at the time required and provided under the  
6124 provisions of this chapter. Such data and information so filed  
6125 shall show in detail the amount of funds to which each school  
6126 district and charter school is entitled from such common school



6127 fund and adequate education program fund. Such data and  
6128 information so filed may be revised from time to time as  
6129 necessitated by law. At the time provided by law, the State  
6130 Treasurer and the State Fiscal Officer shall distribute to the  
6131 several school districts and charter schools the amounts to which  
6132 they are entitled from the common school fund and the adequate  
6133 education program fund as provided by this chapter. Such  
6134 distribution shall be made by electronic funds transfer to the  
6135 depositories of the several school districts and charter schools  
6136 designated in writing to the State Treasurer based upon the data  
6137 and information supplied by the State Department of Education for  
6138 such distribution. In such instances, the State Treasurer shall  
6139 submit a request for an electronic funds transfer to the State  
6140 Fiscal Officer, which shall set forth the purpose, amount and  
6141 payees, and shall be in such form as may be approved by the State  
6142 Fiscal Officer so as to provide the necessary information as would  
6143 be required for a requisition and issuance of a warrant. A copy  
6144 of the record of said electronic funds transfers shall be  
6145 transmitted by the school district and charter school depositories  
6146 to the Treasurer, who shall file duplicates with the State Fiscal  
6147 Officer. The Treasurer and State Fiscal Officer shall jointly  
6148 promulgate regulations for the utilization of electronic funds  
6149 transfers to school districts and charter schools.

6150       **SECTION 90.** Section 37-151-103, Mississippi Code of 1972, is  
6151 amended as follows:



6152           37-151-103. (1) Funds due each school district and charter  
6153 school under the terms of this chapter from the Adequate Education  
6154 Program Fund shall be paid in the following manner: On the two  
6155 (2) days prior to the last day of each month, or the next business  
6156 date after that date, there shall be paid to each school district  
6157 and charter school, by electronic funds transfer, one-twelfth  
6158 (1/12) of the funds to which the district or charter school is  
6159 entitled from funds appropriated for the Adequate Education  
6160 Program Fund. However, in December those payments shall be made  
6161 on December 15th or the next business day after that date. All  
6162 school districts shall process a single monthly payroll with  
6163 electronic settlement of payroll checks secured through direct  
6164 deposit of net pay for all school district employees. In  
6165 addition, the State Department of Education may pay school  
6166 districts and charter schools from the common school fund and the  
6167 Adequate Education Program Fund on a date earlier than provided  
6168 for by this section if it is determined that it is in the best  
6169 interest of school districts and charter schools to do so.

6170           Provided, however, that if the cash balance in the State  
6171 General Fund is not adequate on the due date to pay the amounts  
6172 due to all school districts and charter schools in the state as  
6173 determined by the State Superintendent of Education, the State  
6174 Fiscal Officer shall not transfer said funds payable to any school  
6175 district or districts or charter schools until money is available  
6176 to pay the amount due to all districts and charter schools.



6177           (2) Notwithstanding any provision of this chapter or any  
6178 other law requiring the number of children in average daily  
6179 attendance or the average daily attendance of transported children  
6180 to be determined on the basis of the preceding year, the State  
6181 Board of Education is hereby authorized and empowered to make  
6182 proper adjustments in allotments in cases where major changes in  
6183 the number of children in average daily attendance or the average  
6184 daily attendance of transported children occurs from one year to  
6185 another as a result of changes or alterations in the boundaries of  
6186 school districts, the sending of children from one county or  
6187 district to another upon a contract basis, the termination or  
6188 discontinuance of a contract for the sending of children from one  
6189 county or district to another, a change in or relocation of  
6190 attendance centers, or for any other reason which would result in  
6191 a major decrease or increase in the number of children in average  
6192 daily attendance or the average daily attendance of transported  
6193 children during the current school year as compared with the  
6194 preceding year.

6195           (3) In the event of an inordinately large number of  
6196 absentees in any school district or charter school as a result of  
6197 epidemic, natural disaster, or any concerted activity discouraging  
6198 school attendance, then in such event school attendance for the  
6199 purposes of determining average daily attendance under the  
6200 adequate education program shall be based upon the average daily



6201 attendance for the preceding school year for such school district  
6202 or charter school.

6203         **SECTION 91.** Section 37-57-107, Mississippi Code of 1972, is  
6204 amended as follows:

6205         37-57-107. (1) Beginning with the tax levy for the 1997  
6206 fiscal year and for each fiscal year thereafter, the aggregate  
6207 receipts from taxes levied for school district purposes pursuant  
6208 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate  
6209 receipts from those sources during any one (1) of the immediately  
6210 preceding three (3) fiscal years, as determined by the school  
6211 board, plus an increase not to exceed seven percent (7%). For the  
6212 purpose of this limitation, the term "aggregate receipts" when  
6213 used in connection with the amount of funds generated in a  
6214 preceding fiscal year shall not include excess receipts required  
6215 by law to be deposited into a special account. However, the term  
6216 "aggregate receipts" includes any receipts required by law to be  
6217 paid to a charter school. The additional revenue from the ad  
6218 valorem tax on any newly constructed properties or any existing  
6219 properties added to the tax rolls or any properties previously  
6220 exempt which were not assessed in the next preceding year may be  
6221 excluded from the seven percent (7%) increase limitation set forth  
6222 herein. Taxes levied for payment of principal of and interest on  
6223 general obligation school bonds issued heretofore or hereafter  
6224 shall be excluded from the seven percent (7%) increase limitation  
6225 set forth herein. Any additional millage levied to fund any new





6226 program mandated by the Legislature shall be excluded from the  
6227 limitation for the first year of the levy and included within such  
6228 limitation in any year thereafter. For the purposes of this  
6229 section, the term "new program" shall include, but shall not be  
6230 limited to, (a) the Early Childhood Education Program required to  
6231 commence with the 1986-1987 school year as provided by Section  
6232 37-21-7 and any additional millage levied and the revenue  
6233 generated therefrom, which is excluded from the limitation for the  
6234 first year of the levy, to support the mandated Early Childhood  
6235 Education Program shall be specified on the minutes of the school  
6236 board and of the governing body making such tax levy; (b) any  
6237 additional millage levied and the revenue generated therefrom  
6238 which shall be excluded from the limitation for the first year of  
6239 the levy, for the purpose of generating additional local  
6240 contribution funds required for the adequate education program for  
6241 the 2003 fiscal year and for each fiscal year thereafter under  
6242 Section 37-151-7(2); and (c) any additional millage levied and the  
6243 revenue generated therefrom which shall be excluded from the  
6244 limitation for the first year of the levy, for the purpose of  
6245 support and maintenance of any agricultural high school which has  
6246 been transferred to the control, operation and maintenance of the  
6247 school board by the board of trustees of the community college  
6248 district under provisions of Section 37-29-272.

6249       (2) The seven percent (7%) increase limitation prescribed in  
6250 this section may be increased an additional amount only when the



6251 school board has determined the need for additional revenues and  
6252 has held an election on the question of raising the limitation  
6253 prescribed in this section. The limitation may be increased only  
6254 if three-fifths (3/5) of those voting in the election shall vote  
6255 for the proposed increase. The resolution, notice and manner of  
6256 holding the election shall be as prescribed by law for the holding  
6257 of elections for the issuance of bonds by the respective school  
6258 boards. Revenues collected for the fiscal year in excess of the  
6259 seven percent (7%) increase limitation pursuant to an election  
6260 shall be included in the tax base for the purpose of determining  
6261 aggregate receipts for which the seven percent (7%) increase  
6262 limitation applies for subsequent fiscal years.

6263       (3) Except as otherwise provided for excess revenues  
6264 generated pursuant to an election, if revenues collected as the  
6265 result of the taxes levied for the fiscal year pursuant to this  
6266 section and Section 37-57-1 exceed the increase limitation, then  
6267 it shall be the mandatory duty of the school board of the school  
6268 district to deposit such excess receipts over and above the  
6269 increase limitation into a special account and credit it to the  
6270 fund for which the levy was made. It will be the further duty of  
6271 such board to hold said funds and invest the same as authorized by  
6272 law. Such excess funds shall be calculated in the budgets for the  
6273 school districts for the purpose for which such levies were made,  
6274 for the succeeding fiscal year. Taxes imposed for the succeeding  
6275 year shall be reduced by the amount of excess funds available.



6276 Under no circumstances shall such excess funds be expended during  
6277 the fiscal year in which such excess funds are collected.

6278 (4) For the purposes of determining ad valorem tax receipts  
6279 for a preceding fiscal year under this section, the term "fiscal  
6280 year" means the fiscal year beginning October 1 and ending  
6281 September 30.

6282 (5) Beginning with the 2013-2014 school year, each school  
6283 district in which a charter school is located shall pay to the  
6284 charter school an amount for each student enrolled in the charter  
6285 school equal to the ad valorem taxes levied per pupil for the  
6286 support of the school district in which the charter school is  
6287 located. The pro rata ad valorem taxes to be transferred to the  
6288 charter school must include all levies for the support of the  
6289 school district under Sections 37-57-1 (local contribution to the  
6290 adequate education program) and 37-57-105 (school district  
6291 operational levy) but may not include any taxes levied for the  
6292 retirement of school district bonded indebtedness or short-term  
6293 notes or any taxes levied for the support of vocational-technical  
6294 education programs. Payments made pursuant to this subsection by  
6295 a school district to a charter school must be made before the  
6296 expiration of three (3) business days after the funds are  
6297 distributed to the school district.

6298 **SECTION 92.** Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7,  
6299 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19,  
6300 37-165-21, 37-165-23, 37-165-25 and 37-165-27, Mississippi Code of



6301 1972, which are the Conversion Charter School Act of 2010, are  
6302 repealed.

6303           **SECTION 93.** Section 37-167-1, Mississippi Code of 1972,  
6304 which establishes the New Start School Program, is repealed.

6305           **SECTION 94.** Sections 1 through 31 of this act shall stand  
6306 repealed from and after July 1, 2020.

6307           **SECTION 95.** This act shall take effect and be in force from  
6308 and after July 1, 2013.

