

By: Representatives Henley, Hopkins

To: Education

HOUSE BILL NO. 935

1 AN ACT TO AUTHORIZE THE SCHOOL BOARD OF A LOCAL SCHOOL  
 2 DISTRICT TO ADOPT THE CURRICULUM TO BE TAUGHT IN THE SCHOOLS IN  
 3 THAT DISTRICT; TO REQUIRE A SCHOOL DISTRICT'S CURRICULUM TO BE  
 4 APPROVED ANNUALLY BY THE STATE DEPARTMENT OF EDUCATION IN ORDER TO  
 5 ENSURE COMPLIANCE WITH STATE REQUIREMENTS AND ASSESSMENT  
 6 STANDARDS; TO AMEND SECTION 37-13-9, MISSISSIPPI CODE OF 1972, TO  
 7 REQUIRE THE CURRICULUM COMMITTEE APPOINTED BY THE STATE BOARD OF  
 8 EDUCATION TO RECOMMEND CHANGES THAT SHOULD BE MADE TO THE STATE  
 9 CURRICULUM GUIDELINES; TO AMEND SECTIONS 37-1-3, 37-3-49 AND  
 10 37-9-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
 11 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) The school board of a local school district,  
 14 in its discretion, may develop and establish the curriculum of  
 15 instruction to be taught in the public schools within that  
 16 district. The school district's curriculum must include, at a  
 17 minimum, instruction in all courses or subject areas mandated by  
 18 state law or required by the State Board of Education pursuant to  
 19 state law, as well as those courses comprising the core  
 20 curriculum, as defined by the State Board of Education. A  
 21 curriculum developed by a school district must be aligned with the



22 state assessment standards and may not be less stringent than the  
23 curriculum guidelines established by the State Board of Education.

24 (2) Each school district developing a curriculum under this  
25 section shall submit the curriculum adopted for the schools in  
26 that district to the State Department of Education for approval on  
27 an annual basis to ensure that the curriculum is in compliance  
28 with the requirements of subsection (1) of this section. Upon the  
29 request of a school district, the department shall provide  
30 guidance to the district in the development of the curriculum.  
31 If, in the determination of the department, a curriculum being  
32 reviewed does not meet the requirements of this section, the  
33 department must return the curriculum to the district along with  
34 recommended changes necessary to rectify the curriculum's  
35 deficiencies. The State Board of Education shall adopt rules and  
36 regulations governing the annual submission of the curriculum by  
37 the local school districts.

38 **SECTION 2.** Section 37-13-9, Mississippi Code of 1972, is  
39 amended as follows:

40 37-13-9. The State Board of Education is hereby authorized  
41 to appoint a curriculum committee, composed of professional and  
42 lay members, not to exceed seven (7) in number, to make a  
43 continuous study of the curriculum of the public schools and to  
44 make recommendations to the State Board of Education from time to  
45 time as to changes which should be made in the curriculum \* \* \*  
46 guidelines prescribed in the Mississippi Curriculum Frameworks.



47 The members \* \* \* of such committee shall be appointed and serve  
48 for a term of two (2) years and until their successors are  
49 appointed. Each member of said committee shall receive a per  
50 diem \* \* \* in the amount authorized under Section 25-3-69 for each  
51 day actually spent attending the meetings of the committee and, in  
52 addition, each member shall be reimbursed for actual travel  
53 expenses at the rate \* \* \* authorized under Section 25-3-41 for  
54 each mile traveled in the member's privately owned motor vehicle  
55 in attending the meetings of the committee. However, the total  
56 amount paid to any member of the committee for per diem shall not  
57 exceed the sum of One Hundred Fifty Dollars (\$150.00) in any one  
58 (1) year. The per diem and travel expenses provided for herein  
59 shall be paid out of such appropriation as may be made for such  
60 purpose by the Legislature.

61 **SECTION 3.** Section 37-1-3, Mississippi Code of 1972, is  
62 amended as follows:

63 37-1-3. (1) The State Board of Education shall adopt rules  
64 and regulations and set standards and policies for the  
65 organization, operation, management, planning, budgeting and  
66 programs of the State Department of Education.

67 (a) The board is directed to identify all functions of  
68 the department that contribute to or comprise a part of the state  
69 system of educational accountability and to establish and maintain  
70 within the department the necessary organizational structure,  
71 policies and procedures for effectively coordinating such



72 functions. Such policies and procedures shall clearly fix and  
73 delineate responsibilities for various aspects of the system and  
74 for overall coordination of the total system and its effective  
75 management.

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

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

82 (d) The board shall establish and maintain a central  
83 budget policy.

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

87 (f) The board, with recommendations from the  
88 superintendent, shall design and maintain a five-year plan and  
89 program for educational improvement that shall set forth  
90 objectives for system performance and development and be the basis  
91 for budget requests and legislative initiatives.

92 (2) (a) The State Board of Education shall adopt and  
93 maintain a curriculum and a course of study to be used in the  
94 public school districts that do not elect to develop their own  
95 curriculum of instruction. The State Board of Education shall  
96 ensure that the state curriculum and any curriculum adopted by a



97 local school district is designed to prepare the state's children  
98 and youth to be productive, informed, creative citizens, workers  
99 and leaders \* \* \*. If the school board of a school district  
100 elects to develop the curriculum of instruction to be taught in  
101 the schools within that district, the curriculum and course of  
102 study adopted by the State Board of Education under this paragraph  
103 may be used as a guide by the local school board. The State Board  
104 of Education shall regulate all matters arising in the practical  
105 administration of the school system not otherwise provided for.

106 (b) \* \* \* The State Board of Education shall develop  
107 personal living and finances objectives that focus on money  
108 management skills for individuals and families for appropriate,  
109 existing courses at the secondary level. The objectives must  
110 require the teaching of those skills necessary to handle personal  
111 business and finances and must include instruction in the  
112 following:

- 113 (i) Opening a bank account and assessing the  
114 quality of a bank's services;
- 115 (ii) Balancing a checkbook;
- 116 (iii) Managing debt, including retail and credit  
117 card debt;
- 118 (iv) Completing a loan application;
- 119 (v) The implications of an inheritance;
- 120 (vi) The basics of personal insurance policies;
- 121 (vii) Consumer rights and responsibilities;



- 122 (viii) Dealing with salesmen and merchants;  
123 (ix) Computing state and federal income taxes;  
124 (x) Local tax assessments;  
125 (xi) Computing interest rates by various  
126 mechanisms;  
127 (xii) Understanding simple contracts; and  
128 (xiii) Contesting an incorrect billing statement.

129 (3) The State Board of Education shall have authority to  
130 expend any available federal funds, or any other funds expressly  
131 designated, to pay training, educational expenses, salary  
132 incentives and salary supplements to licensed teachers employed in  
133 local school districts or schools administered by the State Board  
134 of Education. Such incentive payments shall not be considered  
135 part of a school district's local supplement as defined in Section  
136 37-151-5(o), nor shall the incentives be considered part of the  
137 local supplement paid to an individual teacher for the purposes of  
138 Section 37-19-7(1). MAEP funds or any other state funds shall not  
139 be used to provide such incentives unless specifically authorized  
140 by law.

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

143 **SECTION 4.** Section 37-3-49, Mississippi Code of 1972, is  
144 amended as follows:

145 37-3-49. (1) The State Department of Education shall  
146 provide an instructional program and establish guidelines and



147 procedures for managing such program in the public schools within  
148 the school districts throughout the state as part of the State  
149 Program of Educational Accountability and Assessment of  
150 Performance as prescribed in Section 37-3-46. Public school  
151 districts may: (a) elect to adopt the instructional program and  
152 management system provided by the State Department of  
153 Education \* \* \*; or (b) elect to adopt an instructional program  
154 and management system which meets or exceeds criteria established  
155 by the State Department of Education for such. This provision  
156 shall begin with the courses taught in Grades K-8 which contain  
157 skills tested through the Mississippi Basic Skills Assessment  
158 Program and shall proceed through all secondary school courses  
159 mandated for graduation and all secondary school courses in the  
160 Mississippi end-of-course testing program. Other state core  
161 objectives must be included in the district's instructional  
162 program as they are provided by the State Department of Education  
163 along with instructional practices, resources, evaluation items  
164 and management procedures. Districts are encouraged to \* \* \*  
165 adopt this program or a program that is no less stringent than  
166 this program and accompanying procedures to all other  
167 instructional areas. The department shall provide that such  
168 program and guidelines, or a program and guidelines developed by a  
169 local school district which incorporates the core objectives from  
170 the curriculum structure, are enforced through the  
171 performance-based accreditation system. It is the intent of the



172 Legislature that every effort be made to protect the instructional  
173 time in the classroom and reduce the amount of paperwork which  
174 must be completed by teachers. The State Department of Education  
175 shall take steps to insure that school districts properly use  
176 staff development time to work on the districts' instructional  
177 management plans.

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

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

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

190 (c) The set of objectives provided by the State  
191 Department of Education must be accompanied by suggested  
192 instructional practices and resources that would help teachers  
193 organize instruction so as to promote student learning of the  
194 objectives. Objectives added by the school district must also be  
195 accompanied by suggested instructional practices and resources  
196 that would help teachers organize instruction. The instructional





197 practices and resources that are identified are to be used as  
198 suggestions and not as requirements that teachers must follow.  
199 The goal of the program is to have students to achieve the desired  
200 objective and not to limit teachers in the way they teach.

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

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

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

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

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



222           **SECTION 5.** Section 37-9-14, Mississippi Code of 1972, is  
223 amended as follows:

224           37-9-14. (1) It shall be the duty of the superintendent of  
225 schools to administer the schools within his district and to  
226 implement the decisions of the school board.

227           (2) In addition to all other powers, authority and duties  
228 imposed or granted by law, the superintendent of schools shall  
229 have the following powers, authority and duties:

230           (a) To enter into contracts in the manner provided by  
231 law with each assistant superintendent, principal and teacher of  
232 the public schools under his supervision, after such assistant  
233 superintendent, principal and teachers have been selected and  
234 approved in the manner provided by law.

235           (b) To enforce in the public schools of the school  
236 district the courses of study comprising the curriculum adopted by  
237 the school board for the schools within the district, or if the  
238 district has not adopted a curriculum, the courses of study  
239 provided by law or the rules and regulations of the State Board of  
240 Education, and to comply with the law with reference to the use  
241 and distribution of free textbooks.

242           (c) To administer oaths in all cases to persons  
243 testifying before him relative to disputes relating to the schools  
244 submitted to him for determination, and to take testimony in such  
245 cases as provided by law.



246 (d) To examine the monthly and annual reports submitted  
247 to him by principals and teachers for the purpose of determining  
248 and verifying the accuracy thereof.

249 (e) To preserve all reports of superintendents,  
250 principals, teachers and other school officers, and to deliver to  
251 his successor or clerk of the board of supervisors all money,  
252 property, books, effects and papers.

253 (f) To prepare and keep in his office a map or maps  
254 showing the territory embraced in his school district, to furnish  
255 the county assessor with a copy of such map or maps, and to revise  
256 and correct same from time to time as changes in or alterations of  
257 school districts may necessitate.

258 (g) To keep an accurate record of the names of all of  
259 the members of the school board showing the districts for which  
260 each was elected or appointed, the post office address of each,  
261 and the date of the expiration of his term of office. All  
262 official correspondence shall be addressed to the school board,  
263 and notice to such members shall be regarded as notice to the  
264 residents of the district, and it shall be the duty of the members  
265 to notify such residents.

266 (h) To deliver in proper time to the assistant  
267 superintendents, principals, teachers and board members such  
268 forms, records and other supplies which will be needed during the  
269 school year as provided by law or any applicable rules and



270 regulations, and to give to such individuals such information with  
271 regard to their duties as may be required.

272 (i) To make to the school board reports for each  
273 scholastic month in such form as the school board may require.

274 (j) To distribute promptly all reports, letters, forms,  
275 circulars and instructions which he may receive for the use of  
276 school officials.

277 (k) To keep on file and preserve in his office all  
278 appropriate information concerning the affairs of the school  
279 district.

280 (l) To visit the schools of his school district in his  
281 discretion, and to require the assistant superintendents,  
282 principals and teachers thereof to perform their duties as  
283 prescribed by law.

284 (m) To observe such instructions and regulations as the  
285 school board and other public officials may prescribe, and to make  
286 special reports to these officers whenever required.

287 (n) To keep his office open for the transaction of  
288 business upon the days and during the hours to be designated by  
289 the school board.

290 (o) To make such reports as are required by the State  
291 Board of Education.

292 (p) To make an enumeration of educable children in his  
293 school district as prescribed by law.



294 (q) To keep in his office and carefully preserve the  
295 public school record provided, to enter therein the proceedings of  
296 the school board and his decision upon cases and his other  
297 official acts, to record therein the data required from the  
298 monthly and term reports of principals and teachers, and from the  
299 summaries of records thus kept.

300 (r) To delegate student disciplinary matters to  
301 appropriate school personnel.

302 (s) To make assignments to the various schools in the  
303 district of all noninstructional and nonlicensed employees and all  
304 licensed employees, as provided in Sections 37-9-15 and 37-9-17,  
305 and to make reassignments of such employees from time to time;  
306 however, a reassignment of a licensed employee may only be to an  
307 area in which the employee has a valid license issued by the State  
308 Department of Education. Upon request from any employee  
309 transferred, such assignment shall be subject to review by the  
310 school board.

311 (t) To employ substitutes for licensed employees,  
312 regardless of whether or not such substitute holds the proper  
313 license, subject to such reasonable rules and regulations as may  
314 be adopted by the State Board of Education.

315 (u) To comply in a timely manner with the compulsory  
316 education reporting requirements prescribed in Section  
317 37-13-91(6).



318 (v) To perform such other duties as may be required of  
319 him by law.

320 (w) To notify, in writing, the parent, guardian or  
321 custodian, the youth court and local law enforcement of any  
322 expulsion of a student for criminal activity as defined in Section  
323 37-11-29.

324 (x) To notify the youth court and local law enforcement  
325 agencies, by affidavit, of the occurrence of any crime committed  
326 by a student or students upon school property or during any  
327 school-related activity, regardless of location and the identity  
328 of the student or students committing the crime.

329 (y) To employ and dismiss noninstructional and  
330 nonlicensed employees as provided by law.

331 (z) To temporarily employ licensed and nonlicensed  
332 employees to fill vacancies which may occur from time to time  
333 without prior approval of the board of trustees, provided that the  
334 board of trustees is notified of such employment and the action is  
335 ratified by the board at the next regular meeting of the board. A  
336 school district may pay a licensed employee based on the same  
337 salary schedule as other contracted licensed employees in the  
338 district until school board action, at which time a licensed  
339 employee approved by the school board enters a contract. If the  
340 board, within thirty (30) days of the date of employment of such  
341 employee under this subsection, takes action to disapprove of the  
342 employment by the superintendent, then the employment shall be



343 immediately terminated without further compensation, notice or  
344 other employment rights with the district. The terminated  
345 employee shall be paid such salary and fringe benefits that such  
346 employee would otherwise be entitled to from the date of  
347 employment to the date of termination for days actually worked.

348 (3) All funds to the credit of a school district shall be  
349 paid out on pay certificates issued by the superintendent upon  
350 order of the school board of the school district properly entered  
351 upon the minutes thereof, and all such orders shall be supported  
352 by properly itemized invoices from the vendors covering the  
353 materials and supplies purchased. All such orders and the  
354 itemized invoices supporting same shall be filed as a public  
355 record in the office of the superintendent for a period of five  
356 (5) years. The superintendent shall be liable upon his official  
357 bond for the amount of any pay certificate issued in violation of  
358 the provisions of this section. The school board shall have the  
359 power and authority to direct and cause warrants to be issued  
360 against such district funds for the purpose of refunding any  
361 amount of taxes erroneously or illegally paid into such fund when  
362 such refund has been approved in the manner provided by law.

363 (4) The superintendent of schools shall be special  
364 accounting officer and treasurer with respect to any and all  
365 district school funds for his school district. He or his designee  
366 shall issue all warrants without the necessity of registration  
367 thereof by the chancery clerk. Transactions with the depositories



368 and with the various tax collecting agencies which involve school  
369 funds for such school district shall be with the superintendent of  
370 schools, or his designee.

371 (5) The superintendent of schools will have no  
372 responsibility with regard to agricultural high school and junior  
373 college funds.

374 All agricultural high school and junior college funds shall  
375 be handled and expended in the manner provided for in Sections  
376 37-29-31 through 37-29-39.

377 (6) It shall be the duty of the superintendent of schools to  
378 keep and preserve the minutes of the proceedings of the school  
379 board.

380 (7) The superintendent of schools shall maintain as a record  
381 in his office a book or a computer printout in which he shall  
382 enter all demands, claims and accounts paid from any funds of the  
383 school district. The record shall be in a form to be prescribed  
384 by the State Auditor. All demands, claims and accounts filed  
385 shall be preserved by the superintendent of schools as a public  
386 record for a period of five (5) years. All claims found by the  
387 school board to be illegal shall be rejected or disallowed. To  
388 the extent allowed by board policy, all claims which are found to  
389 be legal and proper may be paid and then ratified by the school  
390 board at the next regularly scheduled board meeting, as paid by  
391 the superintendent of schools. All claims as to which a  
392 continuance is requested by the claimant and those found to be





393 defective but which may be perfected by amendment shall be  
394 continued. The superintendent of schools shall issue a pay  
395 certificate against any legal and proper fund of the school  
396 district in favor of the claimant in payment of claims. The  
397 provisions of this section, however, shall not be applicable to  
398 the payment of salaries and applicable benefits, travel advances,  
399 amounts due private contractors or other obligations where the  
400 amount thereof has been previously approved by a contract or by an  
401 order of the school board entered upon its minutes, or paid by  
402 board policy, or by inclusion in the current fiscal year budget,  
403 and all such amounts may be paid by the superintendent of schools  
404 by pay certificates issued by him against the legal and proper  
405 fund without allowance of a specific claim therefor as provided in  
406 this section, provided that the payment thereof is otherwise in  
407 conformity with law.

408       **SECTION 6.** Section 1 of this act shall be codified as a new  
409 section in Chapter 13, Title 37, Mississippi Code of 1972.

410       **SECTION 7.** This act shall take effect and be in force from  
411 and after July 1, 2018.

