

By: Representative Henley

To: Education

HOUSE BILL NO. 86

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.



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

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

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

(a) The board is directed to identify all functions of the department that contribute to or comprise a part of the state system of educational accountability and to establish and maintain within the department the necessary organizational structure, 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;



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

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

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

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

37-3-49. (1) The State Department of Education shall 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



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

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

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

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

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



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.



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

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

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

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

(h) To deliver in proper time to the assistant superintendents, principals, teachers and board members such forms, records and other supplies which will be needed during the 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



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

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

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

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

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



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

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

SECTION 7. This act shall take effect and be in force from and after July 1, 2019.

