

By: Representative Wilkes

To: Education

HOUSE BILL NO. 783

1 AN ACT TO AMEND SECTION 37-3-1, MISSISSIPPI CODE OF 1972, TO
2 ABOLISH THE EXISTING STATE DEPARTMENT OF EDUCATION AND TRANSFER
3 THE POWERS AND DUTIES TO THE OFFICE OF THE GOVERNOR; TO PROVIDE
4 THAT THE FORMER STATE DEPARTMENT OF EDUCATION SHALL BE KNOWN AS
5 THE DIVISION OF PUBLIC EDUCATION IN THE OFFICE OF THE GOVERNOR; TO
6 AMEND SECTIONS 37-3-2, 37-3-3, 37-3-4, 37-3-5, 37-3-7, 37-3-9,
7 37-3-11, 37-3-12, 37-3-13, 37-3-25, 37-3-39, 37-3-46, 37-3-49,
8 37-3-51, 37-3-53, 37-3-79, 37-3-81, 37-3-82, 37-3-83, 37-3-85,
9 37-3-87, 37-3-91, 37-3-93, 37-3-95, 37-3-101, 37-3-103, 37-3-105,
10 37-3-107, 37-1-1, 37-1-2, 37-1-3, 37-1-4, 37-1-9, 37-1-11, 37-1-12
11 AND 37-1-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
12 FOR RELATED PURPOSES.

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

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

16 37-3-1. (1) * * * The State Department of Education shall
17 be abolished, and the Division of Public Education shall be
18 created in the Office of the Governor, in lieu thereof, to
19 administer this chapter as the provisions herein relate to public
20 elementary and secondary education in this state, and to perform
21 such other duties as prescribed by law. The Executive Director of
22 the Division of Public Education shall be the State Superintendent
23 of Public Education, who may, subject to the Governor's approval,



24 assign the appropriate divisions any powers and duties as deemed
25 appropriate to carry out the division's lawful functions. The
26 Division of Public Education shall be organized into functional
27 divisions as established by the State Board of Education and
28 approved by the Governor, including any divisions established by
29 law and prescribing the duties of the directors of such divisions.

30 (2) * * * The Division of Public Education created in the
31 Office of the Governor shall be the State Department of Education
32 and shall retain all powers and duties granted by law to the State
33 Department of Education. Wherever the terms "State Department of
34 Education," "Department of Education," or "Mississippi Department
35 of Education," or "department," when referring to the State
36 Department of Education, appear in any law, rule, regulation or
37 contract, the same shall be construed to mean the Division of
38 Public Education in the Office of the Governor.

39 * * *

40 **SECTION 2.** Section 37-3-2, Mississippi Code of 1972, is
41 amended as follows:

42 37-3-2. (1) There is established within the * * * Division
43 of Public Education the Commission on Teacher and Administrator
44 Education, Certification and Licensure and Development. It shall
45 be the purpose and duty of the commission to make recommendations
46 to the State Board of Education regarding standards for the
47 certification and licensure and continuing professional



development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each congressional district: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. All appointments shall be made by the State Board of Education after consultation with the Governor and State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.



72 (3) The State Board of Education when making appointments
73 shall designate a * * * chair. The commission shall meet at least
74 once every two (2) months or more often if needed. Members of the
75 commission shall be compensated at a rate of per diem as
76 authorized by Section 25-3-69 and be reimbursed for actual and
77 necessary expenses as authorized by Section 25-3-41.

78 (4) (a) An appropriate staff member of the * * * Division
79 of Public Education shall be designated and assigned by the State
80 Superintendent of Public Education to serve as executive secretary
81 and coordinator for the commission. No less than two (2) other
82 appropriate staff members of the * * * Division of Public
83 Education shall be designated and assigned by the State
84 Superintendent of Public Education to serve on the staff of the
85 commission.

86 (b) An Office of Educator Misconduct Evaluations shall
87 be established within the * * * Division of Public Education to
88 assist the commission in responding to infractions and violations,
89 and in conducting hearings and enforcing the provisions of
90 subsections (11), (12), (13), (14) and (15) of this section, and
91 violations of the Mississippi Educator Code of Ethics.

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

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



96 (b) Recommend to the State Board of Education and to
97 the Governor each year approval or disapproval of each educator
98 preparation program in the state, subject to a process and
99 schedule determined by the State Board of Education;

100 (c) Establish, subject to the approval of the State
101 Board of Education and the Governor, standards for initial teacher
102 certification and licensure in all fields;

103 (d) Establish, subject to the approval of the State
104 Board of Education and the Governor, standards for the renewal of
105 teacher licenses in all fields;

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

109 (f) Review all existing requirements for certification
110 and licensure;

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

113 (h) Prepare reports from time to time on current
114 practices and issues in the general area of teacher education and
115 certification and licensure;

116 (i) Hold hearings concerning standards for teachers'
117 and administrators' education and certification and licensure with
118 approval of the State Board of Education;

119 (j) Hire expert consultants with approval of the State
120 Board of Education;



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

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

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

(i) An application on a * * * division form;

(ii) An official transcript of completion of a teacher education program approved by the * * * division or a nationally accredited program, subject to the following:

Licensure to teach in Mississippi prekindergarten through



kindergarten classrooms shall require completion of a teacher education program or a Bachelor of Science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a Bachelor of Science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS). Effective July 1, 2016, for initial elementary education



171 licensure, a teacher candidate must earn a passing score on a
172 rigorous test of scientifically research-based reading instruction
173 and intervention and data-based decision-making principles as
174 approved by the State Board of Education;

175 (iii) A copy of test scores evidencing
176 satisfactory completion of nationally administered examinations of
177 achievement, such as the Educational Testing Service's teacher
178 testing examinations;

179 (iv) Any other document required by the State
180 Board of Education; and

181 (v) From and after September 30, 2015, no teacher
182 candidate shall be licensed to teach in Mississippi who did not
183 meet the following criteria for entrance into an approved teacher
184 education program:

185 1. Twenty-one (21) ACT equivalent or achieve
186 the nationally recommended passing score on the Praxis Core
187 Academic Skills for Educators examination; and

188 2. No less than 2.75 GPA on pre-major
189 coursework of the institution's approved teacher education program
190 provided that the accepted cohort of candidates meets or exceeds a
191 3.0 GPA on pre-major coursework.

192 (b) **Standard License - Nontraditional Teaching Route.**
193 From and after September 30, 2015, no teacher candidate shall be
194 licensed to teach in Mississippi under the alternate route who did
195 not meet the following criteria:



(i) Twenty-one (21) ACT equivalent or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators examination; and

(ii) No less than 2.75 GPA on content coursework in the requested area of certification or passing Praxis II scores at or above the national recommended score provided that the accepted cohort of candidates of the institution's teacher education program meets or exceeds a 3.0 GPA on pre-major coursework.

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

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



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

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

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his or her transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the



246 person completes a nontraditional teacher preparation internship
247 program.

248 (iv) During the semester of internship in the
249 school district, the teacher preparation institution shall monitor
250 the performance of the intern teacher. The school district that
251 employs the provisional teacher shall supervise the provisional
252 teacher during the teacher's intern year of employment under a
253 nontraditional provisional license, and shall, in consultation
254 with the teacher intern's mentor at the school district of
255 employment, submit to the commission a comprehensive evaluation of
256 the teacher's performance sixty (60) days * * * before the
257 expiration of the nontraditional provisional license. If the
258 comprehensive evaluation establishes that the provisional teacher
259 intern's performance fails to meet the standards of the approved
260 nontraditional teacher preparation internship program, the
261 individual shall not be approved for a standard license.

262 (v) An individual issued a provisional teaching
263 license under this nontraditional route shall successfully
264 complete, at a minimum, a one-year beginning teacher mentoring and
265 induction program administered by the employing school district
266 with the assistance of the * * * Division of Public Education.

267 (vi) Upon successful completion of the TMI and the
268 internship provisional license period, applicants for a Standard
269 License - Nontraditional Route shall submit to the commission a
270 transcript of successful completion of the twelve (12) semester



hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

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

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

Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency



certification program in effect prior to July 1, 2002, shall remain in effect.

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

(c) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the * * * Division of Public Education, in accordance with rules and regulations established by the State Board of Education, may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his or her employment by the local school board and licensure by the * * * Division of Public Education. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the * * * Division of Public Education.

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in paragraph (a), (b) or (c) of this subsection (6) to be licensed for a period of



not more than three (3) years, except by special approval of the State Board of Education.

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

(f) **Special License - Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in



English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he or she achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the * * * Division of Public Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, * * * with the approval of the Governor, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of



highly qualified, as described in the No Child Left Behind Act,
must be granted a standard five-year license by the * * * Division
of Public Education.

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

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

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

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

(d) **Administrator License - Nontraditional Route.** The
board may establish a nontraditional route for licensing
administrative personnel. Such nontraditional route for



administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

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

(8) **Reciprocity.** (a) The * * * division shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(b) The * * * division shall grant a nonrenewable special license to any individual who possesses a credential which



is less than a standard license or certification from another state. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

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

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the



denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission or its subcommittee shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the committee or its subcommittee. An appeal to the State Board of Education shall be on the record previously made before the commission or its subcommittee unless otherwise provided by rules and regulations adopted by the board. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the committee or its subcommittee. The decision of the State Board of Education shall be final.

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

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

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

(c) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or



471 other drugs having similar effect, at the time of application for
472 a license;

473 (d) Revocation, suspension or surrender of an
474 applicant's certificate or license by another state shall result
475 in immediate denial of licensure until such time that the records
476 predicated the revocation, suspension or surrender in the prior
477 state have been cleared;

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

480 (f) Failing or refusing to furnish reasonable evidence
481 of identification;

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

485 (h) The applicant has been convicted, has pled guilty
486 or entered a plea of nolo contendere to a sex offense as defined
487 by federal or state law. For purposes of this paragraph (h) and
488 paragraph (g) of this subsection, a "guilty plea" includes a plea
489 of guilty, entry of a plea of nolo contendere, or entry of an
490 order granting pretrial or judicial diversion; or

491 (i) Probation or post-release supervision for a felony
492 or sex offense conviction, as defined by federal or state law,
493 shall result in the immediate denial of licensure application
494 until expiration of the probationary or post-release supervision
495 period.



496 (12) The State Board of Education, acting through the
497 commission, may revoke, suspend or refuse to renew any teacher or
498 administrator license for specified periods of time or may place
499 on probation, censure, reprimand a licensee, or take other
500 disciplinary action with regard to any license issued under this
501 chapter for one or more of the following:

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

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

508 (c) Suspension or revocation of a certificate or
509 license by another state shall result in immediate suspension or
510 revocation and shall continue until records in the prior state
511 have been cleared;

512 (d) The license holder has been convicted, has pled
513 guilty or entered a plea of nolo contendere to a felony, as
514 defined by federal or state law. For purposes of this paragraph,
515 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
516 contendere, or entry of an order granting pretrial or judicial
517 diversion;

518 (e) The license holder has been convicted, has pled
519 guilty or entered a plea of nolo contendere to a sex offense, as



defined by federal or state law, shall result in immediate suspension or revocation;

(f) The license holder has received probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, which shall result in immediate suspension or revocation until expiration of the probationary or post-release supervision period;

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

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

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

(j) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24;

(k) The license holder served as superintendent or principal in a school district during the time preceding and/or that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator;

(l) The license holder submitted a false certification to the * * * Division of Public Education that a statewide test



was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System; or

(m) The license holder has failed to comply with the Procedures for Reporting Infractions as promulgated by the commission and approved by the State Board of Education pursuant to subsection (15) of this section.

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

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

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

(14) (a) A person whose license has been revoked or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of revocation or surrender, or after one-half (1/2) of the revoked



or surrendered time has lapsed, whichever is greater. A person whose license has been suspended on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

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



595 revocation. The commission shall immediately notify the
596 superintendent of the school district or school board where the
597 teacher or administrator is employed of any disciplinary action
598 and also notify the teacher or administrator of such revocation or
599 suspension and shall maintain records of action taken. The State
600 Board of Education may reverse or remand with instructions any
601 decision of the commission regarding a petition for reinstatement
602 of a license, and any such decision of the State Board of
603 Education shall be final.

604 (16) An appeal from the action of the State Board of
605 Education in denying an application, revoking or suspending a
606 license or otherwise disciplining any person under the provisions
607 of this section shall be filed in the Chancery Court of the First
608 Judicial District of Hinds County, Mississippi, on the record
609 made, including a verbatim transcript of the testimony at the
610 hearing. The appeal shall be filed within thirty (30) days after
611 notification of the action of the board is mailed or served and
612 the proceedings in chancery court shall be conducted as other
613 matters coming before the court. The appeal shall be perfected
614 upon filing notice of the appeal and by the prepayment of all
615 costs, including the cost of preparation of the record of the
616 proceedings by the State Board of Education, and the filing of a
617 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
618 if the action of the board be affirmed by the chancery court, the



619 applicant or license holder shall pay the costs of the appeal and
620 the action of the chancery court.

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

625 (18) The granting of a license shall not be deemed a
626 property right nor a guarantee of employment in any public school
627 district. A license is a privilege indicating minimal eligibility
628 for teaching in the public school districts of Mississippi. This
629 section shall in no way alter or abridge the authority of local
630 school districts to require greater qualifications or standards of
631 performance as a prerequisite of initial or continued employment
632 in such districts.

633 (19) In addition to the reasons specified in subsections
634 (12) and (13) of this section, the board shall be authorized to
635 suspend the license of any licensee for being out of compliance
636 with an order for support, as defined in Section 93-11-153. The
637 procedure for suspension of a license for being out of compliance
638 with an order for support, and the procedure for the reissuance or
639 reinstatement of a license suspended for that purpose, and the
640 payment of any fees for the reissuance or reinstatement of a
641 license suspended for that purpose, shall be governed by Section
642 93-11-157 or 93-11-163, as the case may be. Actions taken by the
643 board in suspending a license when required by Section 93-11-157



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

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

37-3-3. The office of the * * * Division of Public Education shall be in the City of Jackson, Mississippi. The * * * Bureau of Buildings, Grounds and Real Property of the Department of Finance and Administration shall provide suitable quarters therefor.

The state superintendent of public education shall provide and keep a seal having around the margin thereof the words " * * * Division of Public Education" with the coat of arms of the state in the center. All official acts of the * * * division shall be certified under * * * the seal.

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

37-3-4. (1) There is established within the * * * Division of Public Education, the School Executive Management Institute. The director shall be appointed by the State Board of Education



669 upon recommendation by the State Superintendent of Public
670 Education. The State Superintendent of Public Education, with the
671 approval of the State Board of Education, shall assign sufficient
672 staff members from the * * * Division of Public Education to the
673 institute.

674 (2) It shall be the purpose and duty of the institute to
675 conduct thorough empirical studies and analyses of the school
676 management needs of the local school districts throughout the
677 state, to make recommendations to the State Board of Education
678 regarding standards and programs of training that aid in the
679 development of administrative and management skills of local
680 school administrators, and to conduct such programs related to
681 these purposes as they are implemented under guidelines
682 established by the State Board of Education.

683 (3) The State Board of Education shall develop and implement
684 through the School Executive Management Institute a program for
685 the development of administrative and management skills of local
686 school administrators under which all local school administrators
687 employed by a school district shall be required to participate.
688 Subject to the extent of appropriations available for such
689 purpose, the School Executive Management Institute or the
690 Mississippi School Boards Association shall be required to offer
691 courses at least twice a year on the uses of technology to school
692 district principals, superintendents and other administrative



693 personnel. These courses shall relate to the application of
694 technology to learning, as well as administrative problems.

695 (4) (a) The institute shall have an advisory board composed
696 of ten (10) qualified members appointed by the State Board of
697 Education after consultation with the State Superintendent of
698 Public Education. This advisory board will offer recommendations
699 to the institute on the types of training to be instituted and
700 supported. The membership of the advisory board shall be composed
701 of the following members, two (2) to be appointed from each
702 congressional district: three (3) school administrators; one (1)
703 representative of public community/junior colleges within the
704 state; one (1) representative of a school of education in an
705 institution of higher learning within the state; two (2) local
706 school board members; one (1) classroom teacher; and two (2)
707 laypersons. In making the initial appointments, three (3) members
708 shall be appointed for a term of one (1) year, three (3) members
709 shall be appointed for a term of two (2) years, two (2) members
710 shall be appointed for a term of three (3) years, and two (2)
711 members shall be appointed for a term of four (4) years.
712 Thereafter, all members shall be appointed for a term of four (4)
713 years. The advisory board shall meet when called by the director,
714 but in no event fewer than three (3) times per year. The members
715 of the advisory board shall be compensated at the per diem rate
716 authorized by Section 25-3-69 and reimbursed for actual and
717 necessary expenses as authorized by Section 25-3-41.



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

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

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



742 (c) Additional Required Training. Effective July 1,
743 2009, local school board members and the local superintendent that
744 serve in a district with one or more failing schools as determined
745 by the Mississippi Board of Education accountability system as
746 provided for in Section 37-17-6, or serving in a school district
747 that has a serious financial condition as determined by the State
748 Auditor as provided for in Section 37-9-18, shall annually attend
749 additional training provided by the Mississippi School Boards
750 Association.

751 The Mississippi School Boards Association shall, subject to
752 appropriation, develop and conduct training specific to the local
753 boards' role in improving learning outcomes and effective
754 financial management. Such training shall be known as "Improving
755 Student Outcomes and Academic Success" which shall consist of not
756 less than six (6) hours of training and "Effective Financial
757 Management In Local School Districts" which shall consist of not
758 less than six (6) hours of training. Any local board members and
759 the local superintendent that serve in a school district that
760 meets the criteria for both of the training modules shall annually
761 attend both training sessions for a total of not less than twelve
762 (12) hours of training. At such time the school district is
763 determined to no longer have failing schools; or no longer has a
764 serious financial condition, such board member and the local
765 superintendent shall no longer be required to attend the training
766 as provided herein. The training as required under subsection (c)



shall not replace, but is in addition to, the training required for new school board members and continuing board members as required under Section 37-7-306.

The Mississippi School Boards Association shall issue certificates of completion to those school board members who complete the continuing education course. All costs and expenses for preparing and conducting the basic education course and the continuing education course provided for in this paragraph shall be paid out of any funds which are made available to the Mississippi School Boards Association upon authorization and appropriation by the Legislature to the * * * Division of Public Education.

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

(7) The School Executive Management Institute of the * * * Division of Public Education, or the Mississippi School Boards Association with the oversight of the State Board of Education, at least twice a year, shall prepare and conduct required courses of training for continuing education for the elementary and secondary school principals employed by the school districts of this state, in order for those principals to carry out their duties more



effectively and be exposed to new ideas involving school management. The continuing education course shall be known as the "Continuing Education Course for Principals" and shall consist of at least six (6) hours of training. The content of the continuing education courses and the time and place such courses are to be conducted shall be determined by the School Executive Management Institute or the Mississippi School Boards Association; however, to the extent practicable, such training sessions shall be held within geographical proximity of local districts in order that travel times and costs shall not be prohibitive.

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

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

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

37-3-5. The * * * Division of Public Education is hereby charged with the execution of all laws relating to the



administrative, supervisory and consultative services to the public schools and agricultural high schools of the school districts throughout the State of Mississippi. The * * * Division of Public Education is also authorized to grant property to public school districts and agricultural high schools of the State of Mississippi.

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

SECTION 6. Section 37-3-7, Mississippi Code of 1972, is amended as follows:

37-3-7. (1) It shall be the duty and obligation of the * * * Division of Public Education, in addition to all other duties and responsibilities imposed upon it by law, to make a survey and study relative to the problem of the cost of insuring public school buildings and other school facilities in this state. Such study and survey shall have as its purpose and object the development and ascertainment of the amount of insurance premiums paid by the school districts of this state for fire, extended coverage and other hazard insurance upon public school buildings and other school facilities in this state, the amount of losses paid by insurance companies under and by virtue of such insurance, the ratio of losses with respect to premiums collected, and such



other facts and information with reference to the insurance of public school buildings and other school facilities and the cost thereof as shall be necessary and desirable.

(2) In making such study and survey, the * * * Division of Public Education shall be authorized and empowered to inspect and examine the financial records and accounts of the school districts of this state and of such other local, county and state agencies and instrumentalities as shall be deemed to be proper and desirable. It shall be the duty and obligation of all such school districts to prepare and file with the * * * Division of Public Education such reports relative to insurance premiums paid, losses sustained or incurred, and other pertinent information with reference to the problem of insurance on school buildings and other school facilities as the * * * Division of Public Education shall request.

(3) It shall be the duty and obligation of the State Insurance Commissioner, the State Fire Marshal, all other agencies of the State of Mississippi and the State Rating Bureau to cooperate with and assist the * * * Division of Public Education in the making of the study and survey herein provided for to the end that complete and accurate information shall be developed, and, for such purpose, it shall be the duty and obligation of all such agencies to furnish, upon request of the * * * Division of Public Education, all information, material and statistics



relating to such study and survey as shall be within the keeping and possession of such agency.

(4) The information developed by the * * * Division of Public Education shall be a public record and shall be available for inspection by any interested party at all proper times.

SECTION 7. Section 37-3-9, Mississippi Code of 1972, is amended as follows:

37-3-9. (1) There shall be a State Superintendent of Public Education who shall be appointed by the State Board of Education, subject to the Governor's approval, and with the advice and consent of the Senate, and serve at the * * * Governor's will and pleasure. He or she shall be the Chief Administrative Officer for the * * * Division of Public Education and shall administer the * * * division in accordance with the policies established by the State Board of Education. * * * The salary of the State Superintendent of Education shall be established by the State Board of Education. The State Superintendent of Public Education shall have at least a master's degree in any field and a minimum of five (5) years' experience in administration in the educational field.

(2) The State Superintendent shall give bond in the penalty of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be approved by the Governor, conditioned according to law. The bond, when approved, shall be filed and recorded in the Office of the Secretary of State.



891 **SECTION 8.** Section 37-3-11, Mississippi Code of 1972, is
892 amended as follows:

893 37-3-11. The State Superintendent of Public Education shall
894 perform the duties assigned to him or her by the State Board of
895 Education and the Governor, and he or she shall have the following
896 duties:

897 (a) To serve as secretary for the State Board of
898 Education;

899 (b) To be the chief administrative officer of the * * *
900 Division of Public Education;

901 (c) To recommend to the State Board of Education, for
902 its consideration, rules and regulations for the supervision of
903 the public schools and agricultural high schools of the school
904 districts throughout the state and for the efficient organization
905 and conduct of the same;

906 (d) To collect data and make it available to the state
907 board for determining the proper distribution of the state common
908 school funds;

909 (e) To keep a complete record of all official acts of
910 the State Superintendent and the acts of the State Board of
911 Education;

912 (f) To prepare, have printed and furnish all officers
913 charged with the administration of the laws pertaining to the
914 public schools, such blank forms and books as may be necessary to



915 the proper discharge of their duties, which printing is to be paid
916 for out of funds provided by the Legislature;

917 (g) To have printed in pamphlet form the laws
918 pertaining to the public schools and publish therein forms for
919 conducting school business, the rules and regulations for the
920 government of schools that the State Superintendent or the State
921 Board of Education may recommend, and such other matters as may be
922 deemed worthy of public interest pertaining to the public schools,
923 which printing is to be paid for out of funds provided by the
924 Legislature;

925 (h) To meet all superintendents annually at such time
926 and place as the State Superintendent shall appoint for the
927 purpose of accumulating facts relative to schools, to review the
928 educational progress made in the various sections of the state, to
929 compare views, discuss problems, hear discussions and suggestions
930 relative to examinations and qualifications of teachers, methods
931 of instruction, textbooks, summer schools for teachers, visitation
932 of schools, consolidation of schools, health work in the schools,
933 vocational education and other matters pertaining to the public
934 school system;

935 (i) To advise all superintendents upon all matters
936 involving the welfare of the schools, and at the request of any
937 superintendent, to give an opinion upon a written statement of
938 facts on all questions and controversies arising out of the
939 interpretation and construction of the school laws, in regard to



940 rights, powers and duties of school officers and superintendents,
941 and to keep a record of all such decisions. Before giving any
942 opinion, the superintendent may submit the statement of facts to
943 the Attorney General, and it shall be the duty of the Attorney
944 General forthwith to examine such statement and suggest the proper
945 decision to be made upon such fact;

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

949 (k) On or before January 10 in each year to prepare,
950 under the direction of the State Board of Education, the annual
951 information report of the * * * Division of Public Education as
952 described in Section 37-151-97;

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

956 (m) To perform such other duties as may be prescribed
957 by the State Board of Education and the Governor.

958 **SECTION 9.** Section 37-3-12, Mississippi Code of 1972, is
959 amended as follows:

960 37-3-12. The State Superintendent of Public Education shall
961 be responsible for all planning functions for the * * * division,
962 including collection, analysis and interpretation of all data,
963 information, test results, evaluations and other indicators that
964 are used to formulate policy, identify areas of concern and need



and to serve as a basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

SECTION 10. Section 37-3-13, Mississippi Code of 1972, is amended as follows:

37-3-13. * * * The deputy superintendents * * * and associate * * * divisional directors shall be selected by and hold office subject to the will of the State Superintendent of Public Education subject to the approval of the State Board of Education and the Governor. All other personnel shall be competitively appointed by the State Superintendent and shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. The State Board of Education shall set the salary of the deputy superintendents, associate superintendents and divisional directors, and the members of the teaching staffs and employees of the Mississippi School of the Arts. The State Superintendent, subject to the approval of the State Personnel Board, shall fix the amount of compensation of all other employees of the * * * Division of Public Education. All salaries, compensation or expenses of any of the personnel of the * * * division shall be paid upon the requisition of the State Superintendent of Public Education and warrant issued thereunder



by the State Auditor out of funds appropriated by the Legislature in a lump sum upon the basis of budgetary requirements submitted by the Superintendent of Education or out of funds otherwise made available. The entire expense of administering the * * * division shall never exceed the amount appropriated therefor, plus funds received from other sources other than state appropriations. For a violation of this provision, the superintendent shall be liable, and he or she and the sureties on his or her bond shall be required to restore any such excess.

* * *

SECTION 11. Section 37-3-25, Mississippi Code of 1972, is amended as follows:

37-3-25. (1) The Director of the Division of Vocational and Technical Education of the * * * Division of Public Education who shall be * * * a deputy state superintendent of education shall be appointed by the State Superintendent of Public Education, subject to approval by the Governor. The director's salary shall be set by the State Board of Education subject to the approval of the State Personnel Board. His or her salary, compensation, travel expenses or other expenses shall be provided for out of any funds made available for such purpose by the Legislature, the federal government, or other gifts or grants.

The director shall be responsible to the State Superintendent of Public Education for the proper administration of the programs of vocational and technical education in conformity with the



1015 policies adopted by the State Board of Education and shall be
1016 responsible for appointing any necessary supervisors, assistants,
1017 and employees to assist in carrying out the programs of vocational
1018 and technical education. The director shall have the authority to
1019 employ, compensate, terminate, promote, demote, transfer or
1020 reprimand employees of the division. The salary and compensation
1021 of such employees shall be subject to the rules and regulations
1022 adopted and promulgated by the State Personnel Board as created
1023 under Section 25-9-101 et seq. * * *

1024 (2) The Director of the Division of Vocational and Technical
1025 Education, subject to the approval of the State Board of
1026 Education, shall have charge of and be responsible for vocational
1027 and technical education training in:

- 1028 (a) Agriculture;
- 1029 (b) Occupational and consumer home economics;
- 1030 (c) Consumer and homemaking education;
- 1031 (d) Trades and industry;
- 1032 (e) Distributive education;
- 1033 (f) Secondary adult education;
- 1034 (g) Teacher training and supervision;
- 1035 (h) Business and office;
- 1036 (i) Health;
- 1037 (j) Industrial arts;
- 1038 (k) Guidance services;
- 1039 (l) Technical education;



1040 (m) Cooperative education; and
1041 (n) All other specialized training not requiring a
1042 bachelors degree, with the exception of programs of nursing
1043 education regulated under the provisions of Section 37-129-1.

1044 **SECTION 12.** Section 37-3-39, Mississippi Code of 1972, is
1045 amended as follows:

1046 37-3-39. The State Treasurer is hereby designated and
1047 appointed custodian of all funds made available to the * * *
1048 Division of Public Education other than such funds as may be
1049 appropriated by the Legislature, and he or she is hereby
1050 authorized to receive and to provide for the proper custody of the
1051 same. All such funds shall be disbursed by the treasurer on
1052 warrants drawn therefor by the state auditor on requisitions of
1053 the State Superintendent of Public Education.

1054 **SECTION 13.** Section 37-3-46, Mississippi Code of 1972, is
1055 amended as follows:

1056 37-3-46. (1) The * * * Division of Public Education, in
1057 regard to any school within a school district or any school
1058 district not meeting adequate performance of accreditation
1059 standards, as defined by the State Board of Education, shall,
1060 subject to appropriation:

1061 (a) Provide to local school districts, or specific
1062 schools within those districts, financial, training and other
1063 assistance to implement and maintain a state program of
1064 educational accountability and assessment of performance.



1065 (b) Provide to local school districts, or specific
1066 schools within those districts, technical assistance and training
1067 in the development, implementation and administration of a
1068 personnel appraisal and compensation system for all school
1069 employees.

1070 (c) Provide to local school districts, or specific
1071 schools within those districts, technical assistance in the
1072 development, implementation and administration of programs
1073 designed to keep children in school voluntarily and to prevent
1074 dropouts.

1075 (2) Schools or school districts receiving assistance from
1076 the * * * Division of Public Education as outlined in subsection
1077 (1) of this section shall be required to implement any training,
1078 programs, and any other requirements as specified by the State
1079 Superintendent of Public Education.

1080 **SECTION 14.** Section 37-3-49, Mississippi Code of 1972, is
1081 amended as follows:

1082 37-3-49. (1) The * * * Division of Public Education shall
1083 provide an instructional program and establish guidelines and
1084 procedures for managing such program in the public schools within
1085 the school districts throughout the state as part of the State
1086 Program of Educational Accountability and Assessment of
1087 Performance as prescribed in Section 37-3-46. Public school
1088 districts may (a) elect to adopt the instructional program and
1089 management system provided by the * * * Division of Public



1090 Education, or (b) elect to adopt an instructional program and
1091 management system which meets or exceeds criteria established by
1092 the * * * Division of Public Education for such. This provision
1093 shall begin with the courses taught in Grades K-8 which contain
1094 skills tested through the Mississippi Basic Skills Assessment
1095 Program and shall proceed through all secondary school courses
1096 mandated for graduation and all secondary school courses in the
1097 Mississippi end-of-course testing program. Other state core
1098 objectives must be included in the district's instructional
1099 program as they are provided by the * * * Division of Public
1100 Education along with instructional practices, resources,
1101 evaluation items and management procedures. Districts are
1102 encouraged to adapt this program and accompanying procedures to
1103 all other instructional areas. The * * * division shall provide
1104 that such program and guidelines, or a program and guidelines
1105 developed by a local school district which incorporates the core
1106 objectives from the curriculum structure are enforced through the
1107 performance-based accreditation system. It is the intent of the
1108 Legislature that every effort be made to protect the instructional
1109 time in the classroom and reduce the amount of paperwork which
1110 must be completed by teachers. The * * * Division of Public
1111 Education shall take steps to * * * ensure that school districts
1112 properly use staff development time to work on the districts'
1113 instructional management plans.



1114 (2) The * * * Division of Public Education shall provide
1115 such instructional program and management guidelines which shall
1116 require for every public school district that:

1117 (a) All courses taught in Grades K-8 which contain
1118 skills which are tested through the Mississippi Basic Skills
1119 Assessment Program, all secondary school courses mandated for
1120 graduation, and all courses in the end-of-course testing program
1121 shall include the * * * Division of Public Education's written
1122 list of learning objectives.

1123 (b) The local school board must adopt the objectives
1124 that will form the core curriculum which will be systematically
1125 delivered throughout the district.

1126 (c) The set of objectives provided by the * * *
1127 Division of Public Education must be accompanied by suggested
1128 instructional practices and resources that would help teachers
1129 organize instruction so as to promote student learning of the
1130 objectives. Objectives added by the school district must also be
1131 accompanied by suggested instructional practices and resources
1132 that would help teachers organize instruction. The instructional
1133 practices and resources that are identified are to be used as
1134 suggestions and not as requirements that teachers must follow.
1135 The goal of the program is to have students to achieve the desired
1136 objective and not to limit teachers in the way they teach.

1137 (d) Standards for student performance must be
1138 established for each core objective in the local program and those



1139 standards establish the district's definition of mastery for each
1140 objective.

1141 (e) There shall be an annual review of student
1142 performance in the instructional program against locally
1143 established standards. When weaknesses exist in the local
1144 instructional program, the district shall take action to improve
1145 student performance.

1146 (3) The State Board of Education and the board of trustees
1147 of each school district shall adopt policies to limit and reduce
1148 the number and length of written reports that classroom teachers
1149 are required to prepare.

1150 (4) This section shall not be construed to limit teachers
1151 from using their own professional skills to help students master
1152 instructional objectives, nor shall it be construed as a call for
1153 more detailed or complex lesson plans or any increase in testing
1154 at the local school district level.

1155 (5) Districts meeting the highest levels of accreditation
1156 standards, as defined by the State Board of Education, shall be
1157 exempted from the provisions of subsection (2) of this section.

1158 **SECTION 15.** Section 37-3-51, Mississippi Code of 1972, is
1159 amended as follows:

1160 37-3-51. (1) Upon the conviction of any licensed personnel,
1161 as defined in Section 37-9-1, employed by a public school district
1162 or any person employed by a charter or private elementary or
1163 secondary school in a position that requires licensure in the



1164 public school districts, of any felony, or of a sex offense as
1165 defined in subsection (2) of this section, the district attorney
1166 or other prosecuting attorney shall identify those defendants for
1167 the circuit clerk. Each circuit clerk shall provide the * * *
1168 Division of Public Education with notice of the conviction of any
1169 such personnel of a felony or a sex offense. In addition, if the
1170 convicted person is an employee of a charter school, the circuit
1171 clerk must provide the same notice to the Mississippi Charter
1172 School Authorizer Board.

1173 (2) "Sex offense" shall mean any of the following offenses:

1174 (a) Section 97-3-65, * * * relating to the carnal
1175 knowledge of a child under fourteen (14) years of age;

1176 (b) Section 97-3-95, * * * relating to sexual battery;

1177 (c) Section 97-5-21, * * * relating to seduction of a
1178 child under age eighteen (18);

1179 (d) Section 97-5-23, * * * relating to the touching of
1180 a child for lustful purposes;

1181 (e) Section 97-5-27, * * * relating to the
1182 dissemination of sexually oriented material to children;

1183 (f) Section 97-5-33, * * * relating to the exploitation
1184 of children;

1185 (g) Section 97-5-41, * * * relating to the carnal
1186 knowledge of a stepchild, adopted child, or child of a
1187 cohabitating partner;



1188 (h) Section 97-29-59, * * * relating to unnatural
1189 intercourse; or

1190 (i) Any other offense committed in another jurisdiction
1191 which, if committed in this state, would be deemed to be such a
1192 crime without regard to its designation elsewhere.

1193 (3) In addition, the * * * Division of Public Education is
1194 considered to be the employer of such personnel for purposes of
1195 requesting criminal record background checks.

1196 **SECTION 16.** Section 37-3-53, Mississippi Code of 1972, is
1197 amended as follows:

1198 37-3-53. (1) (a) Each school year, the State Board of
1199 Education, acting through the Office of Educational
1200 Accountability, shall develop a public school reporting system, or
1201 "Mississippi Report Card," on the performance of students and
1202 public schools, including charter schools, at the local, district
1203 and state level. In developing the report card, the Office of
1204 Educational Accountability shall collect school, district and
1205 state level student achievement data in the appropriate grades as
1206 designated by the State Board of Education in all core subjects,
1207 and compare the data with national standards to identify students'
1208 strengths and weaknesses. The Mississippi Report Card shall
1209 provide more than reports to parents on the level at which their
1210 children are performing; the report shall provide clear and
1211 comparable public information on the level at which schools,
1212 school districts and the state public education system are



1213 performing. The Office of Educational Accountability shall
1214 encourage local school districts and the general public to use
1215 Mississippi Report Card information along with local individual
1216 student data to assess the quality of instructional programs and
1217 the performance of schools and to plan and implement programs of
1218 instructional improvement.

1219 (b) Beginning with the 1998-1999 school year, the
1220 Mississippi Report Card shall include information, as compiled by
1221 the Office of Compulsory School Attendance Enforcement, which
1222 demonstrates clearly the absenteeism and dropout rates in each
1223 school district, charter school and the state as a whole and
1224 whether those rates reflect a positive or negative change from the
1225 same information as reported in the previous year's Mississippi
1226 Report Card.

1227 (c) Each local school district shall be required to
1228 develop and publish an annual report as prescribed by the State
1229 Board of Education. By November 1 of each year, as prescribed by
1230 the State Board of Education, the report shall be published in a
1231 newspaper having general circulation in the county and posted on
1232 the school district's website in a printable format. The public
1233 notice shall include information on the report's availability on
1234 the district's website, with the website address, and the
1235 location(s) in the school district where a copy of the report can
1236 be obtained.



(2) The * * * Division of Public Education may benefit from the use of performance data from the Mississippi Report Card in making evaluations under Section 37-19-9.

SECTION 17. Section 37-3-79, Mississippi Code of 1972, is amended as follows:

37-3-79. The * * * Division of Public Education shall employ a Curriculum Coordinator of Music and Art Education who holds certification as a music and/or art teacher. The supervisor's responsibilities shall include the oversight of the elementary music/art programs as well as secondary programs.

SECTION 18. Section 37-3-81, Mississippi Code of 1972, is amended as follows:

37-3-81. The * * * Division of Public Education, using only existing staff and resources, shall establish and maintain a School Safety Center, which shall operate a statewide information clearinghouse that: (a) provides assistance to school districts and communities during school crises; and (b) provides technical assistance, training and current resources to public school officials and parents who need assistance in researching, developing and implementing school safety plans and in maintaining a safe school environment. However, no monies from the Temporary Assistance for Needy Families grant may be used for the School Safety Center.

SECTION 19. Section 37-3-82, Mississippi Code of 1972, is amended as follows:



1262 37-3-82. (1) There is hereby established the Mississippi
1263 Community Oriented Policing Services in Schools (MCOPS) grant
1264 program in the * * * Division of Public Education to provide
1265 funding, pursuant to specific appropriation by the Legislature
1266 therefor, to assist law enforcement agencies in providing
1267 additional School Resource Officers to engage in community
1268 policing in and around primary and secondary schools. The MCOPS
1269 program shall authorize the * * * Division of Public Education to
1270 make grants to increase deployment of law enforcement officers in
1271 order (a) to increase or enhance community policing in this state,
1272 (b) that trained, sworn enforcement officers assigned to schools
1273 play an integral part in the development and/or enhancement of a
1274 comprehensive school safety plan, and (c) that the presence of
1275 these officers shall provide schools with a direct link to local
1276 law enforcement agencies.

1277 (2) The MCOPS program shall meet the following requirements
1278 and standards:

1279 (a) This program shall provide an incentive for law
1280 enforcement agencies to build collaborative partnerships with the
1281 school community and to use community policing efforts to combat
1282 school violence and implement educational programs to improve
1283 student and school safety.

1284 (b) The additional School Resource Officers must devote
1285 at least seventy-five percent (75%) of their time to work in and
1286 around primary and secondary schools, in addition to the time that



1287 School Resource Officers are devoting in the absence of the MCOPS
1288 in Schools grant.

1289 (c) The MCOPS in Schools program shall provide a
1290 maximum state contribution of up to Ten Thousand Dollars
1291 (\$10,000.00) per officer position over the one-year grant period,
1292 to be matched from local funds on a 50/50 matching basis.
1293 Officers paid with MCOPS funds may be employed by the local law
1294 enforcement agency or by the local school district. MCOPS funds
1295 may be used to pay for entry-level salaries and benefits of newly
1296 trained additional School Resource Officers and may be used to pay
1297 the salaries and benefits of School Resource Officers
1298 employed * * * before July 1, 2013. All jurisdictions that apply
1299 must demonstrate that they have primary law enforcement authority
1300 over the school(s) identified in their application and demonstrate
1301 their inability to implement this project without state
1302 assistance. Schools or law enforcement agencies may not reduce
1303 its overall federal, state, locally funded level of sworn officers
1304 (including other School Resource Officers or other sworn officers
1305 assigned to the schools) as a result of applying for or receiving
1306 MCOPS in Schools grant funding. MCOPS in Schools funding may be
1307 used to rehire sworn officers previously employed who have been
1308 laid off for financial reasons unrelated to the availability of
1309 the MCOPS in Schools grant, but must obtain prior written approval
1310 from the * * * Division of Public Education.



1311 (* * *d) School Resource Officers (SROs) may serve in
1312 a variety of roles, including, but not limited to, that of a law
1313 enforcement officer/safety specialist, law-related educator, and
1314 problem-solver/community liaison. These officers may teach
1315 programs such as crime prevention, substance abuse prevention, and
1316 gang resistance as well as monitor and assist troubled students
1317 through mentoring programs. The School Resource Officer(s) may
1318 also identify physical changes in the environment that may reduce
1319 crime in and around the schools, as well as assist in developing
1320 school policies which address criminal activity and school safety.
1321 The application must also include a Memorandum of Understanding
1322 (MOU), signed by the law enforcement executive and the appropriate
1323 school official(s), to document the roles and responsibilities to
1324 be undertaken by the law enforcement agency and the educational
1325 school partner(s) through this collaborative effort. The
1326 application must also include a Narrative Addendum to document
1327 that the School Resource Officer(s) will be assigned to work in
1328 and around primary or secondary schools and provide supporting
1329 documentation in the following areas: problem identification and
1330 justification, community policing strategies to be used by the
1331 officers, quality and level of commitment to the effort, and the
1332 link to community policing.

1333 (* * *e) All agencies receiving awards through the
1334 MCOPS in Schools program are required to send the School Resource
1335 Officer position(s) funded by this grant, to the Mississippi Law



1336 Enforcement Officers' Training Academy where they shall be
1337 required to participate in training through the Advanced Law
1338 Enforcement Rapid Response Training Program at the academy, with
1339 the cost to be defrayed from the MCOPS program. The MCOPS Office
1340 of the * * * Division of Public Education will reimburse grantees
1341 for training, per diem, travel, and lodging costs for attendance
1342 of required participants up to a maximum of One Thousand Two
1343 Hundred Dollars (\$1,200.00) per person attending. Applicants
1344 receiving an MCOPS in Schools grant, will receive additional
1345 training information following notification of the grant award.
1346 The MCOPS in Schools training requirement must be completed * * *
1347 before the end of twelve-month grant funding for officer
1348 positions.

1349 (3) The * * * Division of Public Education shall promulgate
1350 rules and regulations prescribing procedures for the application,
1351 expenditure requirements and the administration of the Mississippi
1352 Community Oriented Policing Services in Schools (MCOPS) program
1353 established in this section * * *.

1354 **SECTION 20.** Section 37-3-83, Mississippi Code of 1972, is
1355 amended as follows:

1356 37-3-83. (1) There is established within the * * * Division
1357 of Public Education, using only existing staff and resources, a
1358 School Safety Grant Program, available to all eligible public
1359 school districts, to assist in financing programs to provide
1360 school safety. However, no monies from the Temporary Assistance



1361 for Needy Families grant may be used for the School Safety Grant
1362 Program.

1363 (2) The school board of each school district, with the
1364 assistance of the * * * Division of Public Education School Safety
1365 Center, shall adopt a comprehensive local school district school
1366 safety plan and shall update the plan on an annual basis.

1367 (3) Subject to the extent of appropriations available, the
1368 School Safety Grant Program shall offer any of the following
1369 specific preventive services, and other additional services
1370 appropriate to the most current school district school safety
1371 plan:

1372 (a) Metal detectors;

1373 (b) Video surveillance cameras, communications
1374 equipment and monitoring equipment for classrooms, school
1375 buildings, school grounds and school buses;

1376 (c) Crisis management/action teams responding to school
1377 violence;

1378 (d) Violence prevention training, conflict resolution
1379 training, and other appropriate training designated by the * * *
1380 Division of Public Education for faculty and staff; and

1381 (e) School safety personnel.

1382 (4) Each local school district of this state may annually
1383 apply for school safety grant funds subject to appropriations by
1384 the Legislature. School safety grants shall include a base grant
1385 amount plus an additional amount per student in average daily



1386 attendance in the school or school district. The base grant
1387 amount and amount per student shall be determined by the State
1388 Board of Education, subject to specific appropriation therefor by
1389 the Legislature. In order to be eligible for such program, each
1390 local school board desiring to participate shall apply to
1391 the * * * Division of Public Education by May 31 before the
1392 beginning of the applicable fiscal year on forms provided by
1393 the * * * division, and shall be required to establish a local
1394 School Safety Task Force to involve members of the community in
1395 the school safety effort. The * * * Division of Public Education
1396 shall determine by July 1 of each succeeding year which local
1397 school districts have submitted approved applications for school
1398 safety grants.

1399 (5) As part of the School Safety Grant Program, the * * *
1400 Division of Public Education may conduct a pilot program to
1401 research the feasibility of using video camera equipment in the
1402 classroom to address the following:

1403 (a) Determine if video cameras in the classroom reduce
1404 student disciplinary problems;

1405 (b) Enable teachers to present clear and convincing
1406 evidence of a student's disruptive behavior to the student, the
1407 principal, the superintendent and the student's parents; and

1408 (c) Enable teachers to review teaching performance and
1409 receive diagnostic feedback for developmental purposes.



1410 (6) Any local school district may use
1411 audio/visual-monitoring equipment in classrooms, hallways,
1412 buildings, grounds and buses for the purpose of monitoring school
1413 disciplinary problems.

1414 (7) As a component of the comprehensive local school
1415 district school safety plan required under subsection (2) of this
1416 section, the school board of a school district may adopt and
1417 implement a policy addressing sexual abuse of children, to be
1418 known as "Erin's Law Awareness." Any policy adopted under this
1419 subsection may include or address, but need not be limited to, the
1420 following:

1421 (a) Methods for increasing teacher, student and
1422 parental awareness of issues regarding sexual abuse of children,
1423 including knowledge of likely warning signs indicating that a
1424 child may be a victim of sexual abuse;

1425 (b) Educational information for parents or guardians,
1426 which may be included in the school handbook, on the warning signs
1427 of a child being abused, along with any needed assistance,
1428 referral or resource information;

1429 (c) Training for school personnel on child sexual
1430 abuse;

1431 (d) Age-appropriate curriculum for students in
1432 prekindergarten through fifth grade;

1433 (e) Actions that a child who is a victim of sexual
1434 abuse should take to obtain assistance and intervention;



1435 (f) Counseling and resources available for students
1436 affected by sexual abuse; and

1437 (g) Emotional and educational support for a child who
1438 has been abused to enable the child to be successful in school.

1439 **SECTION 21.** Section 37-3-85, Mississippi Code of 1972, is
1440 amended as follows:

1441 37-3-85. (1) The Legislature finds that:

1442 (a) Students who are serious behavior problems in
1443 school are at risk of becoming juvenile and adult offenders;

1444 (b) Growing numbers of children live in conditions that
1445 place them at risk of school failure;

1446 (c) The provision of school and support services to
1447 these children and their families by public and nonprofit agencies
1448 is fragmented and does not prepare these children to learn
1449 effectively and have a successful school experience;

1450 (d) The lack of collaboration among schools, families,
1451 local agencies and other groups involved in family support and
1452 youth development activities results in the inefficient and
1453 ineffective use of resources to meet the needs of these children;

1454 (e) Schools are dedicating an increasing amount of
1455 their time and resources to responding to disruptive and violent
1456 behavior rather than fulfilling their mission to challenge with
1457 high expectations each child to learn, to achieve and to fulfill
1458 his or her potential;



1459 (f) Responding to the needs of students who are at risk
1460 of school failure and providing for a safe and secure learning
1461 environment are cost-effective because it enables the state to
1462 substitute preventive measures for expensive crisis intervention;
1463 and

1464 (g) Differing local needs and local resources
1465 necessitate the development of locally generated, community-based
1466 plans that coordinate and leverage existing resources, not the
1467 imposition of uniform and inflexible, state-mandated plans.

1468 (2) There is established within the * * * Division of Public
1469 Education the Support Our Students (S.O.S.) program. The purpose
1470 of the program is to award grants to neighborhood- and
1471 community-based organizations to establish local S.O.S. programs
1472 that provide high quality after-school mentoring activities for
1473 school-aged children and provide for comprehensive, collaborative
1474 delivery of mentoring services by public and nonpublic agencies to
1475 these children. These services shall be designed to enrich and
1476 make a positive impact on the lives of school-aged children.
1477 These after-school activities may include activities after the
1478 regular school day and activities on days that students are not
1479 required to attend school.

1480 (3) The goals of the S.O.S. program are to:

1481 (a) Reduce juvenile crime in local communities served
1482 by the program;



1483 (b) Recruit community volunteers to provide positive
1484 adult role models for school-aged children and to help supervise
1485 after-school activities;

1486 (c) Reduce the number of students who are unsupervised
1487 after school, otherwise known as "latchkey" children;

1488 (d) Improve the academic performance of students
1489 participating in the program;

1490 (e) Meet the physical, intellectual, emotional and
1491 social needs of students participating in the program and improve
1492 their attitudes and behavior; and

1493 (f) Improve coordination of existing resources and
1494 enhance collaboration so as to provide services to school-aged
1495 children effectively and efficiently.

1496 (4) As used in this section, "school-aged children" means
1497 children enrolled in kindergarten through the ninth grade.

1498 (5) The * * * Division of Public Education shall develop and
1499 implement the Support Our Students (S.O.S.) program. The * * *
1500 division shall:

1501 (a) Sponsor a statewide conference each year for teams
1502 of interested representatives to provide background information
1503 and assistance regarding all aspects of the program;

1504 (b) Disseminate information regarding the program to
1505 interested neighborhood and community groups;

1506 (c) Develop and disseminate a request for applications
1507 to establish local S.O.S. programs;



1508 (d) Provide initial technical assistance to grant
1509 applicants and ongoing technical assistance as grants are
1510 implemented;

1511 (e) Administer funds appropriated by the Legislature;
1512 (f) Monitor the grants funded;
1513 (g) Revoke a grant if necessary or appropriate;
1514 (h) Develop and implement a performance-based
1515 evaluation system to evaluate the program;

1516 (i) Report on the program implementation to the
1517 Legislature and the Office of the Governor;

1518 (j) Adopt any rules necessary to implement this
1519 section.

1520 (6) A community- or neighborhood-based 501(c)(3) entity or a
1521 consortium consisting of one or more local 501(c)(3) entities and
1522 one or more local school districts may apply for a grant.

1523 (7) Applicants for grants shall submit to the * * * Division
1524 of Public Education an application that includes the following
1525 information:

1526 (a) Identification of one or more neighborhoods to be
1527 served by the local S.O.S. program, based on a needs assessment of
1528 existing conditions for school-aged children to be served. Data
1529 used in the needs assessment may include for each neighborhood to
1530 be served by a local program (i) dropout statistics, (ii) the
1531 number and percentage of school-aged children who participate in
1532 the federal subsidized lunch program, (iii) the number of



1533 suspensions and expulsions involving school-aged children, (iv)
1534 the number of children to be served, (v) the number and percentage
1535 of students with two (2) working parents or one (1) single parent
1536 to be served at a site; (vi) the incidence of juvenile crime in
1537 the neighborhood, and (vii) any other relevant or unique local
1538 demographic data.

1539 Local authorities shall provide this or related information
1540 on a timely basis to local 501(c)(3) entities submitting
1541 applications to establish local S.O.S. programs;

1542 (b) A three-year plan that addresses data used in the
1543 needs assessment and that includes proposed goals and anticipated
1544 outcomes of the local S.O.S. program. The plan shall be prepared
1545 after consultation with local after-school programs, schools,
1546 community organizations or groups which have as their purpose
1547 assisting or helping school-aged children who are at risk of
1548 failing in school or entering the juvenile justice system, or
1549 other appropriate groups. In addition, the three-year plan shall
1550 provide for regular collaborative efforts to seek input and advice
1551 from parents of the students being served and from other citizens
1552 who reflect the demographic conditions of the students being
1553 served;

1554 (c) A statement of how grant funds would be used to
1555 address local problems and what other resources would be used to
1556 address the problems. This statement should include a list of
1557 services to be offered that are related to the goals and outcomes



1558 and should include plans for recruiting volunteers to assist in
1559 the program's activities; and

1560 (d) A process for assessing on an annual basis the
1561 success of the local plan for addressing the goals of the local
1562 S.O.S. program.

1563 (8) The * * * division shall develop and disseminate a
1564 request for applications and establish procedures to be followed
1565 in developing and submitting applications to establish local
1566 S.O.S. programs and administering grants to establish local S.O.S.
1567 programs.

1568 In reviewing grant applications, the State Superintendent of
1569 Education shall consider the prevalence of under-served students
1570 and families in low-income neighborhoods and in isolated rural
1571 areas in the area for which the grant is requested, the severity
1572 of the local problems with regard to children at risk of school
1573 failure and with regard to school discipline, whether the proposed
1574 program meets state standards, and the likelihood that the locally
1575 designed plan will deal with the problems successfully. During
1576 the review process, the superintendent may recommend modifications
1577 in grant applications to applicants. The superintendent shall
1578 submit recommendations to the State Board of Education on which
1579 applicants should receive grants and the amount they should
1580 receive.

1581 In selecting grant recipients, the State Board of Education
1582 shall consider (a) the recommendations of the superintendent, (b)



the geographic location of the applicants, and (c) the demographic profile of the applicants. After considering these factors, the State Board of Education shall give priority to grant applications that will serve areas that have a high incidence of juvenile crime and that propose different approaches that can serve as models for other communities. The State Board of Education shall select the grant recipients * * * before July 1 * * * for the appropriate school year.

A grant recipient may request a modification of a grant or additional funds to implement a grant through the grant application process. The request shall be reviewed and accepted or rejected in the same manner as a grant application.

(9) The * * * Division of Public Education shall administer the grant program under the direction of the State Board of Education. The * * * Division of Public Education shall provide technical assistance to grant applicants and recipients.

(10) All agencies of the state and local government, including departments of human services, health departments, local mental health, and intellectual disability commissions, court personnel, law enforcement agencies and cities and counties shall cooperate with the * * * Division of Public Education and local school boards that receive grants in coordinating the S.O.S. program at the state level and in implementing the S.O.S. program at the local level.



1607 (11) The * * * Division of Public Education shall develop
1608 and implement an evaluation system, under the direction of the
1609 State Board of Education, that will assess the efficiency and
1610 effectiveness of the S.O.S. program. However, private schools
1611 shall not be included under the provisions of this section.

1612 **SECTION 22.** Section 37-3-87, Mississippi Code of 1972, is
1613 amended as follows:

1614 37-3-87. (1) The * * * Division of Public Education is
1615 hereby authorized and empowered to establish a student vision
1616 screening program to make eye screening services available to
1617 students in Grades K-12 in the public schools in order to detect
1618 vision problems which can lead to academic problems. Such eye
1619 screening service shall be based on a process that is screening in
1620 nature, and not diagnostic, which is intended to identify with a
1621 reasonably high probability, students with a wide range of eye
1622 problems who should seek the services of an eye care professional
1623 for examination, diagnosis and corrective recommendation. Such
1624 eye screening service shall provide each student screened with a
1625 report of the student's screening results to be taken home. Each
1626 school shall be provided with a list of the students screened, and
1627 their results. Statistical summaries of the screening results
1628 shall be provided to each school, and composite statistics by
1629 school system, county or district shall be provided to the * * *
1630 Division of Public Education. The * * * Division of Public
1631 Education may contract with any legal entity to administer the



1632 student vision screening program on the school district level, and
1633 such contract shall be let on a competitive basis. State funding
1634 for the program shall only be available subject to appropriation
1635 by the Legislature.

1636 (2) The school board of any local school district shall
1637 cooperate with the * * * Division of Public Education and any
1638 entity under contract with the * * * division to implement the
1639 student vision screening program established under this section.

1640 **SECTION 23.** Section 37-3-91, Mississippi Code of 1972, is
1641 amended as follows:

1642 37-3-91. (1) Subject to the availability of funds
1643 appropriated for such purpose, the * * * Division of Public
1644 Education may establish regional behavioral institutes for the
1645 purpose of providing state-of-the-art training to teachers and
1646 administrators in discipline and classroom management strategies.

1647 (2) Any school district may volunteer to participate in a
1648 regional behavioral institute. However, the * * * Division of
1649 Public Education may require a school district to participate in a
1650 regional behavioral institute if the * * * division determines
1651 that such participation is in the best interest of the school
1652 district based upon:

1653 (a) Complaints received and determined by the * * *
1654 division to be valid which relate to disciplinary problems in the
1655 school district;



1656 (b) Any visit to the school by representatives of
1657 the * * * division which indicates disciplinary problems in the
1658 school district; or

1659 (c) A review of reports submitted by a school district
1660 to the * * * division which indicates disciplinary problems in the
1661 school district.

1662 **SECTION 24.** Section 37-3-93, Mississippi Code of 1972, is
1663 amended as follows:

1664 37-3-93. (1) Subject to the availability of funding
1665 specifically appropriated for such purpose, there is established a
1666 School Crisis Management Program under the * * * Division of
1667 Public Education. This program is to be initiated and executed by
1668 the * * * division using only existing staff and resources. Under
1669 this program, the * * * Division of Public Education shall create
1670 an office making available a quick response team of personnel
1671 trained in school safety and crisis management to respond to
1672 traumatic or violent situations that impact students and faculty
1673 in the public schools in Mississippi. The School Crisis
1674 Management Program shall operate in accordance with the following:

1675 (a) The basic response team shall consist of those
1676 personnel designated by the State Superintendent of Public
1677 Education, or their designees, depending on the size of the school
1678 and the nature of the event.

1679 (b) In order to access the services of a response team,
1680 the request must be made by the local school principal or the



1681 superintendent of schools, who shall make the request to the * * *
1682 Division of Public Education or its contact designee.

1683 (c) A response team shall enter a school to work with
1684 students and faculty for a period of no more than three (3) days,
1685 unless otherwise requested by the school district.

1686 (d) The * * * Division of Public Education, or its
1687 designee, shall operate a toll-free incoming wide area telephone
1688 service for the purpose of receiving reports of suspected cases of
1689 school violence and other traumatic situations impacting on
1690 students and faculty in the public schools.

1691 (e) The request made by a school district to access the
1692 services of a response team following a school safety incident may
1693 seek a review of the local school district's safety plan, and the
1694 results of this evaluation may be published by the local school
1695 board in a newspaper with wide circulation in the district.

1696 (f) Subject to the availability of funds specifically
1697 appropriated therefor by the Legislature, the expenses of the
1698 quick response teams and their administrative support shall be
1699 provided from state funds. The * * * Division of Public Education
1700 may apply for and expend funds for the support and maintenance of
1701 this program from private and other funding sources.

1702 (2) Local school districts, school superintendents and
1703 principals may request and * * * use the services of quick
1704 response teams provided for under this section; however, this



1705 section does not require school officials to request the services
1706 of quick response teams.

1707 **SECTION 25.** Section 37-3-95, Mississippi Code of 1972, is
1708 amended as follows:

1709 37-3-95. (1) Subject to the availability of funding for
1710 such purpose, the State Superintendent of Public Education shall
1711 employ within the * * * Division of Public Education or, in the
1712 alternative, contract with the Mississippi Military Department for
1713 a statewide coordinator for Junior Reserve Officer Training Corps
1714 (JROTC) programs in the public schools. If employed by the * * *
1715 Division of Public Education, the JROTC statewide coordinator must
1716 be an active or retired member of the military and must meet any
1717 additional qualifications that may be established for the position
1718 by the State Superintendent of Public Education or State Personnel
1719 Board. * * *

1720 (2) The following are the powers and duties of the JROTC
1721 statewide coordinator:

1722 (a) To coordinate training of new JROTC instructors and
1723 continuing education programs for certified instructors;

1724 (b) To facilitate communication between JROTC programs
1725 in the various public schools;

1726 (c) To assist in organizing competitions among JROTC
1727 units from different high schools;

1728 (d) To assist in the development of the JROTC
1729 curriculum;



(e) To compile information on scholarships available to JROTC participants and to solicit support for such scholarships;

(f) To assist in establishing support groups for parents of students participating in a JROTC program;

(g) To solicit and accept financial support for JROTC programs from private sector donors;

(h) To promote the involvement of JROTC units within their local communities;

(i) To facilitate interaction between JROTC units and the Mississippi National Guard and Mississippi Air National Guard;

(j) To promote, in general, the JROTC program in high schools throughout the state;

(k) To assist local schools with the application process for establishing new JROTC programs in high schools; and

(l) To perform such other duties relating to the JROTC program established by the State Superintendent of Public Education or State Board of Education.

SECTION 26. Section 37-3-101, Mississippi Code of 1972, is amended as follows:

37-3-101. (1) Each local school district shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professions, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention and postvention. To assist



1755 districts in developing policies for student suicide prevention,
1756 the * * * Division of Public Education shall establish a model
1757 policy in consultation with the Mississippi Department of Mental
1758 Health for use by local school districts in accordance with this
1759 section.

1760 (2) In the 2017-2018 school year, the * * * Division of
1761 Public Education shall require that local school districts conduct
1762 in-service training on suicide prevention education for all school
1763 district employees. The Mississippi Department of Mental Health
1764 will be responsible for development of the content of the
1765 training. This education may be accomplished through self-review
1766 of suitable suicide prevention materials.

1767 **SECTION 27.** Section 37-3-103, Mississippi Code of 1972, is
1768 amended as follows:

1769 37-3-103. Beginning with the 2017-2018 school year and
1770 annually thereafter, the * * * Division of Public Education shall
1771 require that local school districts conduct in-service training on
1772 suicide prevention education for all newly employed school
1773 district employees. The Mississippi Department of Mental Health
1774 will be responsible for development of the content of the
1775 training. This education may be accomplished through self-review
1776 of suitable suicide prevention materials.

1777 **SECTION 28.** Section 37-3-105, Mississippi Code of 1972, is
1778 amended as follows:



1779 37-3-105. * * * The Division of Public Education shall
1780 require that in-service training shall include an emphasis on
1781 intensive, comprehensive and researched-based reading methods for
1782 all licensed teachers teaching Grades K through 3 in a public
1783 school district. The education may be accomplished through
1784 self-review of suitable intensive, comprehensive and
1785 researched-based reading materials.

1786 **SECTION 29.** Section 37-3-107, Mississippi Code of 1972, is
1787 amended as follows:

1788 37-3-107. The * * * Division of Public Education shall
1789 develop and issue curriculum guidelines to school districts
1790 relating to the implementation of a school bus safety curriculum
1791 for implementation in Kindergarten through Grade 3.

1792 **SECTION 30.** Section 37-1-1, Mississippi Code of 1972, is
1793 amended as follows:

1794 37-1-1. * * * There shall be a State Board of Education
1795 which shall manage and invest school funds according to law,
1796 formulate policies according to law for implementation by
1797 the * * * Division of Public Education and perform such other
1798 duties as may be prescribed by law. The board shall consist of
1799 nine (9) members of whom none shall be an elected official. The
1800 Governor shall appoint one (1) member who shall be a resident of
1801 the Third Supreme Court District and who shall serve an initial
1802 term of one (1) year, one (1) member who shall be a resident of
1803 the First Supreme Court District and who shall serve an initial



1804 term of five (5) years, one (1) member who shall be a resident of
1805 the Second Supreme Court District and who shall serve an initial
1806 term of nine (9) years, one (1) member who shall be employed on an
1807 active and full-time basis as a school administrator and who shall
1808 serve an initial term of three (3) years, and one (1) member who
1809 shall be employed on an active and full-time basis as a
1810 schoolteacher and who shall serve an initial term of seven (7)
1811 years. The Lieutenant Governor shall appoint two (2) members from
1812 the state at large, one (1) of whom shall serve an initial term of
1813 four (4) years and one (1) of whom shall serve an initial term of
1814 eight (8) years. The Speaker of the House of Representatives
1815 shall appoint two (2) members from the state at large, one (1) of
1816 whom shall serve an initial term of two (2) years and one (1) of
1817 whom shall serve an initial term of six (6) years. The initial
1818 terms of appointees shall begin on July 1, 1984, and all
1819 subsequent appointments shall begin on the first day of July for a
1820 term of nine (9) years and continue until their successors are
1821 appointed and qualify; however, to ensure an orderly process of
1822 transition, the initial appointments shall be made not later than
1823 March 1, 1984. An appointment to fill a vacancy which arises for
1824 reasons other than by expiration of a term of office shall be for
1825 the unexpired term only. All members shall be appointed with the
1826 advice and consent of the Senate, and no member shall be actively
1827 engaged in the educational profession except as stated above.



1828 The first official meeting of the original board members
1829 shall be called by the Governor as soon after July 1, 1984, as
1830 practical. The board shall elect a * * * chairperson from its
1831 membership at the first meeting of the original board members and
1832 every year thereafter. A majority of the membership of the board
1833 shall constitute a quorum for the transaction of any business.
1834 The board shall meet regularly once a month at such time as shall
1835 be designated by an order entered upon the minutes thereof.
1836 Special meetings of the board shall be held upon call of the * * *
1837 chairperson or upon the call of a majority of the members thereof.
1838 The State Superintendent of Public Education shall be the
1839 secretary of the board. The board shall hold its sessions at the
1840 seat of government, or at such location in the State of
1841 Mississippi as shall be designated by an order entered upon the
1842 minutes thereof.

1843 Members of the board shall be reimbursed for expenses in the
1844 manner and amount specified in Section 25-3-41 and shall be
1845 entitled to receive per diem compensation as authorized in Section
1846 25-3-69.

1847 **SECTION 31.** Section 37-1-2, Mississippi Code of 1972, is
1848 amended as follows:

1849 37-1-2. The Legislature finds and determines that the
1850 quality of public education and its effect upon the social,
1851 cultural and economic enhancement of the people of Mississippi is
1852 a matter of public policy, the object of which is the education



1853 and performance of its children and youth. The Legislature hereby
1854 declares the following to be the policy of the State of
1855 Mississippi:

1856 (a) That the students, parents, general citizenry,
1857 local schoolteachers and administrators, local governments, local
1858 school boards, and state government have a joint and shared
1859 responsibility for the quality of education delivered through the
1860 public education system in the State of Mississippi;

1861 (b) To produce a functionally literate school
1862 population;

1863 (c) To ensure that all students master the most
1864 essential parts of a basic education;

1865 (d) To establish, raise and maintain educational
1866 standards;

1867 (e) To improve the quality of education by
1868 strengthening it and elevating its goals;

1869 (f) To provide quality education for all school-age
1870 children in the state;

1871 (g) That excellence and high achievement of all
1872 students should be the ultimate goal;

1873 (h) To encourage the common efforts of students,
1874 parents, teachers, administrators and business and professional
1875 leaders for the establishment of specific goals for performance;

1876 (i) To improve instructional and administrative
1877 quality, to relate the education community to other policymakers,



1878 to achieve increased competency among students, teachers and
1879 administrators, to provide for continuing professional development
1880 for teachers, counselors and administrators, to assure that the
1881 budget process, the planning function and the allocation of
1882 personnel of the * * * Division of Public Education are
1883 commensurate with its educational goals;

1884 (j) That the return on public education which is the
1885 single largest investment for the state be the effectiveness of
1886 the delivery system and the product it is designed to produce;

1887 (k) That the investment in public education can be
1888 justified on the basis of the economic benefits that will accrue
1889 both to the individual and to society, recognizing that the return
1890 on such investment is long term and dramatic progress is not
1891 immediate;

1892 (l) That emphasis must be placed upon early mastery of
1893 the skills necessary to * * * be successful in school and that
1894 quality, performance-based early childhood education programs are
1895 an essential element of a comprehensive education system;

1896 (m) That local school districts and their public
1897 schools be required to account for the product of their efforts;

1898 (n) That the children of this state receive a period of
1899 instruction sufficient to train each in the basic educational
1900 skills adequate for the student to take his or her place in
1901 society and make a contribution as a citizen of this state, and



1902 that all children be encouraged to continue their education until
1903 they have completed high school;

1904 (o) To establish an accreditation system based upon
1905 measurable elements in school known to be related to instructional
1906 effectiveness, to establish a credible process for measuring and
1907 rating schools, to establish a method for monitoring continued
1908 performance, and to provide for a state response when performance
1909 is inadequate;

1910 (p) That the teachers of this state, to the extent
1911 possible, receive salaries that are at least equal to the average
1912 of the salaries received by teachers in the southeastern United
1913 States.

1914 **SECTION 32.** Section 37-1-3, Mississippi Code of 1972, is
1915 amended as follows:

1916 37-1-3. (1) The State Board of Education shall adopt rules
1917 and regulations and set standards and policies for the
1918 organization, operation, management, planning, budgeting and
1919 programs of the * * * Division of Public Education.

1920 (a) The board is directed to identify all functions of
1921 the * * * division that contribute to or comprise a part of the
1922 state system of educational accountability and to establish and
1923 maintain within the * * * division the necessary organizational
1924 structure, policies and procedures for effectively coordinating
1925 such functions. Such policies and procedures shall clearly fix
1926 and delineate responsibilities for various aspects of the system



1927 and for overall coordination of the total system and its effective
1928 management.

1929 (b) The board shall establish and maintain a
1930 system-wide plan of performance, policy and directions of public
1931 education not otherwise provided for.

1932 (c) The board shall effectively use the personnel and
1933 resources of the * * * division to enhance technical assistance to
1934 school districts in instruction and management therein.

1935 (d) The board shall establish and maintain a central
1936 budget policy.

1937 (e) The board shall establish and maintain within
1938 the * * * Division of Public Education a central management
1939 capacity under the direction of the State Superintendent of Public
1940 Education.

1941 (f) The board, with recommendations from the
1942 superintendent, shall design and maintain a five-year plan and
1943 program for educational improvement that shall set forth
1944 objectives for system performance and development and be the basis
1945 for budget requests and legislative initiatives.

1946 (2) (a) The State Board of Education shall adopt and
1947 maintain a curriculum and a course of study to be used in the
1948 public school districts that is designed to prepare the state's
1949 children and youth to be productive, informed, creative citizens,
1950 workers and leaders, and it shall regulate all matters arising in



1951 the practical administration of the school system not otherwise
1952 provided for.

1953 (b) Before the 1999-2000 school year, the State Board
1954 of Education shall develop personal living and finances objectives
1955 that focus on money management skills for individuals and families
1956 for appropriate, existing courses at the secondary level. The
1957 objectives must require the teaching of those skills necessary to
1958 handle personal business and finances and must include instruction
1959 in the following:

1960 (i) Opening a bank account and assessing the
1961 quality of a bank's services;

1962 (ii) Balancing a checkbook;

1963 (iii) Managing debt, including retail and credit
1964 card debt;

1965 (iv) Completing a loan application;

1966 (v) The implications of an inheritance;

1967 (vi) The basics of personal insurance policies;

1968 (vii) Consumer rights and responsibilities;

1969 (viii) Dealing with salesmen and merchants;

1970 (ix) Computing state and federal income taxes;

1971 (x) Local tax assessments;

1972 (xi) Computing interest rates by various
1973 mechanisms;

1974 (xii) Understanding simple contracts; and

1975 (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), * * * or 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 33. Section 37-1-4, Mississippi Code of 1972, is amended as follows:

37-1-4. In order to provide for an orderly transition following its appointment, the State Board of Education as it will exist on and after July 1, 1984, shall meet with and receive the cooperation of the State Superintendent of Public Education and the * * * Division of Public Education on any matters relating to the public school education system in the state until assuming its duties and authority on July 1, 1984. During this transition period, * * * the State Board of Education shall formulate and adopt rules and regulations in accordance with Sections 25-43-1 et seq., and formulate standards and priorities necessary for the



2001 orderly administration of the public education system of the
2002 state. Such rules, regulations, standards and priorities shall
2003 become effective on July 1, 1984. The board shall also require
2004 data and information on program performance from any source
2005 relating to the public school system. The * * * Division of
2006 Public Education shall assist the board in assuming its duties and
2007 shall provide any technical assistance as may be required.
2008 The * * * Division of Public Education, from any funds
2009 appropriated thereto, shall, upon the request of the board, timely
2010 pay, with the approval of the commission of budget and accounting,
2011 all sums reasonably required for the operation of the board,
2012 including per diem and actual expenses of the board, and the
2013 implementation of this act, through June 30, 1984.

2014 **SECTION 34.** Section 37-1-9, Mississippi Code of 1972, is
2015 amended as follows:

2016 37-1-9. (1) (a) The Mississippi Board of Education, acting
2017 by and through its * * * chairperson or executive secretary, is
2018 authorized to administer oaths, to take or cause depositions to be
2019 taken, to subpoena persons and to issue a subpoena to compel
2020 production of books, papers, records and other documents. The
2021 board shall have the powers of a court to compel witnesses to
2022 attend and testify in all matters of investigation by the board.

2023 (b) For noncompliance with a subpoena, the board may
2024 apply to the circuit court for an order requiring the person
2025 subpoenaed to appear before the board and to testify and produce



books, papers, records and documents if so ordered. Failure to obey the order of the court may be punished as contempt.

(2) (a) In addition to the exemptions from public access provided in Section 37-11-51, investigative reports shall be exempt from the provisions of the Mississippi Public Records Act of 1983, but the board may choose to make public all or any part of an investigative report.

(b) For the purposes of this subsection (2), "investigative report" includes documentation on which it is based and means records that are compiled by the board, the * * * Division of Public Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, or the Accreditation Commission in the process of investigating alleged misconduct that could result in disciplinary action, the disclosure of which would impede, harm or jeopardize the investigation, or that would: (i) reveal the identity of informants or witnesses; (ii) deprive a person of a right to a fair trial or an impartial adjudication; or (iii) endanger the life or safety of a public official or employee or confidential informants or witnesses.

SECTION 35. Section 37-1-11, Mississippi Code of 1972, is amended as follows:

37-1-11. (1) The school day shall be preserved for the purpose of teaching. It is the intent of the Legislature that every effort be made by the * * * Division of Public Education and



the local school boards to protect the instructional time in the classroom and to reduce the amount of paperwork which must be completed by teachers.

(2) The State Board of Education shall adopt rules that provide for simplifying and reducing the number and length of written reports and other written documents that the * * * Division of Public Education requires from school districts and school district employees. The board shall conduct a comprehensive review of its rules to simplify and to reduce the number and length of reports required from school districts and school district employees. The * * * Division of Public Education shall provide nonmandatory models to school districts of lesson plans, curriculum guides and other required reports that comply with department reporting requirements.

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

SECTION 36. Section 37-1-12, Mississippi Code of 1972, is amended as follows:

37-1-12. The State Board of Education shall develop and promulgate regulations for annual reports from school districts and from the * * * Division of Public Education to the Legislature. Such regulations shall eliminate duplication, make effective use of technology and enable the Legislature to monitor



education in Mississippi. These regulations may include methods to reduce redundant reporting requirements and eliminate inadequate performance measures, and the State Board of Education may include any proposed legislative amendments to state law necessary to improve statewide reporting mandates.

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

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

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

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

(c) Providing a system of requiring local school districts to receive * * * Division of Public Education approval before purchase of such relocatable classrooms.

(2) The * * * Division of Public Education may, in its discretion, inspect the facilities of any manufacturer of relocatable classrooms for the purpose of determining if * * * Division of Public Education minimum specifications are being met.

(3) The * * * Division of Public Education shall * * * ensure that local school districts advertise for and receive bids as required by state law for purchase of relocatable classrooms. The * * * Division of Public Education shall approve plans for relocatable classrooms by persons, firms, corporations or



2101 associations permitted to submit bids for consideration, before
2102 such bids are submitted to local school districts. The * * *
2103 Division of Public Education shall have the right to reject any
2104 and all relocatable classroom plans submitted. Bids may not be
2105 submitted to local school districts, unless persons, firms,
2106 corporations or associations have * * * Division of Public
2107 Education approval.

2108 **SECTION 38.** This act shall take effect and be in force from
2109 and after July 1 in the year in which the Secretary of State
2110 certifies the passage of the constitutional amendment proposed in
2111 HCR 25, 2019 Regular Session.

