

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2288

1 AN ACT TO DEFINE "LIMITED ENGLISH PROFICIENT" STUDENTS; TO
2 PROVIDE STANDARDS FOR ENGLISH LANGUAGE INSTRUCTION PROGRAMS IN THE
3 PUBLIC SCHOOLS FOR LIMITED ENGLISH PROFICIENT STUDENTS; TO PROVIDE
4 ADD-ON PROGRAM FUNDING FOR SUCH PROGRAMS UNDER THE MISSISSIPPI
5 ADEQUATE EDUCATION PROGRAM; TO AMEND SECTION 37-3-2, MISSISSIPPI
6 CODE OF 1972, TO PROVIDE STANDARDS FOR A SPECIAL TEACHER LICENSE
7 IN TRANSITIONAL BILINGUAL EDUCATION; TO AMEND SECTIONS 37-151-5
8 AND 37-151-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) For purposes of this section, "limited
12 English proficient" or "limited English proficiency," when used
13 with reference to a student, means:

14 (a) A student who was not born in the United States and
15 whose native language is a language other than English; or

16 (b) A student who comes from a home environment where a
17 language other than English is spoken in the home by the parents
18 of the student;

19 (c) Who, by reason thereof, has sufficient difficulty
20 speaking, reading, writing or listening to the English language to
21 deny such student the opportunity to learn successfully in
22 classrooms where the language of instruction is English.

23 (2) Any school district with twenty (20) or more limited
24 English proficient students of any grade level and of a particular
25 language group shall offer a program of transitional bilingual
26 education for the students. Such instruction shall be designed to
27 develop the student's mastery of the four (4) language skills,
28 including listening, speaking, reading and writing, as rapidly as
29 possible. Limited English proficient students who are eligible
30 for other categorical or special programs, such as Chapter I and



31 exceptional student education, shall also participate in such
32 services in accordance with the requirements of the respective
33 program. Such instruction shall be provided by a licensed teacher
34 or by a recipient of alternative certification in transitional
35 bilingual education who possesses such qualifications as are
36 prescribed by the Commission on Teacher and Administrator
37 Education, Certification and Licensure and Development as provided
38 in Section 37-3-2, Mississippi Code of 1972. No school may place
39 limited English proficient students of different language
40 backgrounds in the same bilingual program without the approval of
41 the State Department of Education. Bilingual education programs
42 may include English proficient students. Bilingual education
43 programs may include multi-grade classrooms, however, the age
44 spread between students cannot exceed four (4) years, except for
45 kindergarten, in which case the age spread cannot exceed one (1)
46 year. The State Board of Education may, upon petition from a
47 local school board, waive any of the requirements of this
48 subsection in a particular school district for such a time as is
49 necessary to avoid undue hardship to that school district.

50 (3) Each school district shall implement the following
51 procedures for transitional bilingual education programs:

52 (a) As required in the annual Consolidated Federal
53 Programs Application, develop and submit a school district plan
54 for providing English language instruction for limited English
55 proficient students to the State Department of Education for
56 review and approval;

57 (b) As required in the annual Consolidated Federal
58 Programs Application, identify limited English proficient students
59 through assessment and provide for student exit from and
60 reclassification into the program;

61 (c) Provide limited English proficient students
62 instruction in English or the home language instruction in the



63 basic subject areas of mathematics, science, social studies and
64 computer literacy;

65 (d) Maintain a student plan;

66 (e) Provide properly certified teachers;

67 (f) As required by federal law and in the annual
68 Consolidated Federal Programs Application, provide equal access to
69 other programs for eligible limited English proficient students
70 based on need; and

71 (g) As required by federal law, provide for parental
72 involvement in the program.

73 (4) A school district shall be eligible to report full-time
74 equivalent student attendance as an add-on to the Mississippi
75 Adequate Education Program provided the following conditions are
76 met:

77 (a) The school district has a plan approved by the
78 State Department of Education;

79 (b) The eligible student is identified and assessed as
80 limited English proficient based on assessment criteria;

81 (c) An eligible student may be reported for funding in
82 the program for a base period of three (3) years; provided that a
83 student whose English competency does not meet the criteria for
84 proficiency after three (3) years may be reported for a fourth,
85 fifth and sixth year of funding, provided his or her limited
86 English proficiency is assessed and properly documented prior to
87 each additional year;

88 (d) If a student exits the program and is later
89 reclassified as limited English proficient, the student may be
90 reported for funding for an additional year, or extended annually
91 for a period not to exceed a total of six (6) years.

92 (5) The State Board of Education shall adopt rules for the
93 purpose of implementing standards under this section. Each
94 district's program for limited English proficient students shall



95 be evaluated and monitored periodically by the State Department of
96 Education.

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

99 37-3-2. (1) There is established within the State
100 Department of Education the Commission on Teacher and
101 Administrator Education, Certification and Licensure and
102 Development. It shall be the purpose and duty of the commission
103 to make recommendations to the State Board of Education regarding
104 standards for the certification and licensure and continuing
105 professional development of those who teach or perform tasks of an
106 educational nature in the public schools of Mississippi.

107 (2) The commission shall be composed of fifteen (15)
108 qualified members. The membership of the commission shall be
109 composed of the following members to be appointed, three (3) from
110 each congressional district: four (4) classroom teachers; three
111 (3) school administrators; one (1) representative of schools of
112 education of institutions of higher learning located within the
113 state to be recommended by the Board of Trustees of State
114 Institutions of Higher Learning; one (1) representative from the
115 schools of education of independent institutions of higher
116 learning to be recommended by the Board of the Mississippi
117 Association of Independent Colleges; one (1) representative from
118 public community and junior colleges located within the state to
119 be recommended by the State Board for Community and Junior
120 Colleges; one (1) local school board member; and four (4) lay
121 persons. All appointments shall be made by the State Board of
122 Education after consultation with the State Superintendent of
123 Public Education. The first appointments by the State Board of
124 Education shall be made as follows: five (5) members shall be
125 appointed for a term of one (1) year; five (5) members shall be
126 appointed for a term of two (2) years; and five (5) members shall



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

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

135 (4) An appropriate staff member of the State Department of
136 Education shall be designated and assigned by the State
137 Superintendent of Public Education to serve as executive secretary
138 and coordinator for the commission. No less than two (2) other
139 appropriate staff members of the State Department of Education
140 shall be designated and assigned by the State Superintendent of
141 Public Education to serve on the staff of the commission.

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

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

146 (b) Recommend to the State Board of Education each year
147 approval or disapproval of each educator preparation program in
148 the state;

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

152 (d) Establish, subject to the approval of the State
153 Board of Education, standards for the renewal of teacher licenses
154 in all fields;

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

158 (f) Review all existing requirements for certification
159 and licensure;



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

162 (h) Prepare reports from time to time on current
163 practices and issues in the general area of teacher education and
164 certification and licensure;

165 (i) Hold hearings concerning standards for teachers'
166 and administrators' education and certification and licensure with
167 approval of the State Board of Education;

168 (j) Hire expert consultants with approval of the State
169 Board of Education;

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

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

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

189 (i) An application on a department form;

190 (ii) An official transcript of completion of a
191 teacher education program or a bachelor of science degree with
192 child development emphasis from a program accredited by the



193 American Association of Family and Consumer Sciences (AAFCS)
194 approved by the department or a nationally accredited program,
195 subject to the following: Licensure to teach in Mississippi
196 prekindergarten through kindergarten classrooms shall require
197 completion of a teacher education program or a bachelor of science
198 degree with child development emphasis from a program accredited
199 by the American Association of Family and Consumer Sciences
200 (AAFCS). Licensure to teach in Mississippi kindergarten, for
201 those applicants who have completed a teacher education program,
202 and in Grade 1 through Grade 4 shall require the completion of an
203 interdisciplinary program of studies. Licenses for Grades 4
204 through 8 shall require the completion of an interdisciplinary
205 program of studies with two (2) or more areas of concentration.
206 Licensure to teach in Mississippi Grades 7 through 12 shall
207 require a major in an academic field other than education, or a
208 combination of disciplines other than education. Students
209 preparing to teach a subject shall complete a major in the
210 respective subject discipline. All applicants for standard
211 licensure shall demonstrate that such person's college preparation
212 in those fields was in accordance with the standards set forth by
213 the National Council for Accreditation of Teacher Education
214 (NCATE) or the National Association of State Directors of Teacher
215 Education and Certification (NASDTEC) or, for those applicants who
216 have a bachelor of science degree with child development emphasis,
217 the American Association of Family and Consumer Sciences (AAFCS);
218 (iii) A copy of test scores evidencing
219 satisfactory completion of nationally administered examinations of
220 achievement, such as the Educational Testing Service's teacher
221 testing examinations; and
222 (iv) Any other document required by the State
223 Board of Education.



224 (b) **Standard License - Alternate Teaching Route.**

225 Applicants for a Standard License - Alternate Teaching Route shall
226 submit to the department:

227 (i) An application on a department form;

228 (ii) An official transcript evidencing a
229 bachelor's degree from an accredited institution of higher
230 learning;

231 (iii) A copy of test scores evidencing
232 satisfactory completion of an examination of achievement specified
233 by the commission and approved by the State Board of Education;

234 (iv) An official transcript evidencing appropriate
235 credit hours or a copy of test scores evidencing successful
236 completion of tests as required by the State Board of Education;
237 and

238 (v) Any other document required by the State Board
239 of Education.

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

246 (c) **Special License - Expert Citizen.** In order to
247 allow a school district to offer specialized or technical courses,
248 the State Department of Education, in accordance with rules and
249 regulations established by the State Board of Education, may grant
250 a one-year expert citizen-teacher license to local business or
251 other professional personnel to teach in a public school or
252 nonpublic school accredited or approved by the state. Such person
253 may begin teaching upon his employment by the local school board
254 and licensure by the Mississippi Department of Education. The
255 board shall adopt rules and regulations to administer the expert
256 citizen-teacher license. A special license - expert citizen may



257 be renewed in accordance with the established rules and
258 regulations of the State Department of Education.

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

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

276 (f) **Special License - Transitional Bilingual Education.**
277 The commission shall grant special licenses to teachers of
278 transitional bilingual education who possess such qualifications
279 as are prescribed in this section. Teachers of transitional
280 bilingual education shall be compensated by local school boards at
281 not less than one (1) step on the regular salary schedule
282 applicable to permanent teachers licensed under this section. The
283 commission shall grant special licenses to teachers of
284 transitional bilingual education who present the commission with
285 satisfactory evidence that they (i) possess a speaking and reading
286 ability in a language, other than English, in which bilingual
287 education is offered and communicative skills in English; (ii) are
288 in good health and sound moral character; (iii) possess a
289 bachelor's degree or an associate's degree in teacher education



290 from an accredited institution of higher education; (iv) meet such
291 requirements as to courses of study, semester hours therein,
292 experience and training as may be required by the commission; and
293 (v) are legally present in the United States and possess legal
294 authorization for employment. A teacher of transitional bilingual
295 education serving under a special license shall be under an
296 exemption from standard licensure if he achieves the requisite
297 qualifications therefor. Two (2) years of service by a teacher of
298 transitional bilingual education under such an exemption shall be
299 credited to the teacher in acquiring a Standard Educator License.
300 In granting special licenses for transitional bilingual education,
301 the commission shall give preference to persons who have been
302 certified as teachers in their country or place of national
303 origin. Nothing in this paragraph shall be deemed to prohibit a
304 local school board from employing to teach in a program in
305 transitional bilingual education a teacher licensed in an
306 appropriate field as approved by the State Department of
307 Education.

308 (g) In the event any school district meets Level 4 or 5
309 accreditation standards, the State Board of Education, in its
310 discretion, may exempt such school district from any restrictions
311 in paragraph (e) relating to the employment of nonlicensed
312 teaching personnel.

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

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



323 (b) **Administrator License - Entry Level.** Those
324 educators holding administrative endorsement and having met the
325 department's qualifications to be eligible for employment in a
326 Mississippi school district. Administrator license - entry level
327 shall be issued for a five-year period and shall be nonrenewable.

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

331 (d) **Administrator License - Alternate Route.** The board
332 may establish an alternate route for licensing administrative
333 personnel. Such alternate route for administrative licensure
334 shall be available for persons holding, but not limited to, a
335 master of business administration degree, a master of public
336 administration degree or a master of public planning and policy
337 degree from an accredited college or university, with five (5)
338 years of administrative or supervisory experience. Successful
339 completion of the requirements of alternate route licensure for
340 administrators shall qualify the person for a standard
341 administrator license.

342 Beginning with the 1997-1998 school year, individuals seeking
343 school administrator licensure under paragraph (b), (c) or (d)
344 shall successfully complete a training program and an assessment
345 process prescribed by the State Board of Education. Applicants
346 seeking school administrator licensure prior to June 30, 1997, and
347 completing all requirements for provisional or standard
348 administrator certification and who have never practiced, shall be
349 exempt from taking the Mississippi Assessment Battery Phase I.
350 Applicants seeking school administrator licensure during the
351 period beginning July 1, 1997, through June 30, 1998, shall
352 participate in the Mississippi Assessment Battery, and upon
353 request of the applicant, the department shall reimburse the
354 applicant for the cost of the assessment process required. After
355 June 30, 1998, all applicants for school administrator licensure



356 shall meet all requirements prescribed by the department under
357 paragraph (b), (c) or (d), and the cost of the assessment process
358 required shall be paid by the applicant.

359 (8) **Reciprocity.** (a) The department shall grant a standard
360 license to any individual who possesses a valid standard license
361 from another state and has a minimum of two (2) years of full-time
362 teaching or administrator experience.

363 (b) The department shall grant a nonrenewable special
364 license to any individual who possesses a credential which is less
365 than a standard license or certification from another state, or
366 who possesses a standard license from another state but has less
367 than two (2) years of full-time teaching or administration
368 experience. Such special license shall be valid for the current
369 school year plus one (1) additional school year to expire on June
370 30 of the second year, not to exceed a total period of twenty-four
371 (24) months, during which time the applicant shall be required to
372 complete the requirements for a standard license in Mississippi.

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

385 (10) All controversies involving the issuance, revocation,
386 suspension or any change whatsoever in the licensure of an
387 educator required to hold a license shall be initially heard in a
388 hearing de novo, by the commission or by a subcommittee



389 established by the commission and composed of commission members
390 for the purpose of holding hearings. Any complaint seeking the
391 denial of issuance, revocation or suspension of a license shall be
392 by sworn affidavit filed with the Commission of Teacher and
393 Administrator Education, Certification and Licensure and
394 Development. The decision thereon by the commission or its
395 subcommittee shall be final, unless the aggrieved party shall
396 appeal to the State Board of Education, within ten (10) days, of
397 the decision of the committee or its subcommittee. An appeal to
398 the State Board of Education shall be on the record previously
399 made before the commission or its subcommittee unless otherwise
400 provided by rules and regulations adopted by the board. The State
401 Board of Education in its authority may reverse, or remand with
402 instructions, the decision of the committee or its subcommittee.
403 The decision of the State Board of Education shall be final.

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

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

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

413 (c) The applicant is actively addicted to or actively
414 dependent on alcohol or other habit-forming drugs or is a habitual
415 user of narcotics, barbiturates, amphetamines, hallucinogens, or
416 other drugs having similar effect, at the time of application for
417 a license;

418 (d) Revocation of an applicant's certificate or license
419 by another state;

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



422 (f) Failing or refusing to furnish reasonable evidence
423 of identification;

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

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

430 (12) The State Board of Education, acting on the
431 recommendation of the commission, may revoke or suspend any
432 teacher or administrator license for specified periods of time for
433 one or more of the following:

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

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

440 (c) Suspension or revocation of a certificate or
441 license by another state shall result in immediate suspension or
442 revocation and shall continue until records in the prior state
443 have been cleared;

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

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

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

453 (13) (a) Dismissal or suspension of a licensed employee by
454 a local school board pursuant to Section 37-9-59 may result in the



455 suspension or revocation of a license for a length of time which
456 shall be determined by the commission and based upon the severity
457 of the offense.

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

461 (c) A person may voluntarily surrender a license. The
462 surrender of such license may result in the commission
463 recommending any of the above penalties without the necessity of a
464 hearing. However, any such license which has voluntarily been
465 surrendered by a licensed employee may be reinstated by a
466 unanimous vote of all members of the commission.

467 (14) A person whose license has been suspended on any
468 grounds except criminal grounds may petition for reinstatement of
469 the license after one (1) year from the date of suspension, or
470 after one-half (1/2) of the suspended time has lapsed, whichever
471 is greater. A license suspended on the criminal grounds may be
472 reinstated upon petition to the commission filed after expiration
473 of the sentence and parole or probationary period imposed upon
474 conviction. A revoked license may be reinstated upon satisfactory
475 showing of evidence of rehabilitation. The commission shall
476 require all who petition for reinstatement to furnish evidence
477 satisfactory to the commission of good character, good mental,
478 emotional and physical health and such other evidence as the
479 commission may deem necessary to establish the petitioner's
480 rehabilitation and fitness to perform the duties authorized by the
481 license.

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



488 superintendent of the school district or school board where the
489 teacher or administrator is employed of any disciplinary action
490 and also notify the teacher or administrator of such revocation or
491 suspension and shall maintain records of action taken. The State
492 Board of Education may reverse or remand with instructions any
493 decision of the commission regarding a petition for reinstatement
494 of a license, and any such decision of the State Board of
495 Education shall be final.

496 (16) An appeal from the action of the State Board of
497 Education in denying an application, revoking or suspending a
498 license or otherwise disciplining any person under the provisions
499 of this section, shall be filed in the Chancery Court of the First
500 Judicial District of Hinds County on the record made, including a
501 verbatim transcript of the testimony at the hearing. The appeal
502 shall be filed within thirty (30) days after notification of the
503 action of the board is mailed or served and the proceedings in
504 chancery court shall be conducted as other matters coming before
505 the court. The appeal shall be perfected upon filing notice of
506 the appeal and by the prepayment of all costs, including the cost
507 of preparation of the record of the proceedings by the State Board
508 of Education, and the filing of a bond in the sum of Two Hundred
509 Dollars (\$200.00) conditioned that if the action of the board be
510 affirmed by the chancery court, the applicant or license holder
511 shall pay the costs of the appeal and the action of the chancery
512 court.

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

517 (18) The granting of a license shall not be deemed a
518 property right nor a guarantee of employment in any public school
519 district. A license is a privilege indicating minimal eligibility
520 for teaching in the public schools of Mississippi. This section



521 shall in no way alter or abridge the authority of local school
522 districts to require greater qualifications or standards of
523 performance as a prerequisite of initial or continued employment
524 in such districts.

525 (19) In addition to the reasons specified in subsections
526 (12) and (13) of this section, the board shall be authorized to
527 suspend the license of any licensee for being out of compliance
528 with an order for support, as defined in Section 93-11-153. The
529 procedure for suspension of a license for being out of compliance
530 with an order for support, and the procedure for the reissuance or
531 reinstatement of a license suspended for that purpose, and the
532 payment of any fees for the reissuance or reinstatement of a
533 license suspended for that purpose, shall be governed by Section
534 93-11-157 or 93-11-163, as the case may be. Actions taken by the
535 board in suspending a license when required by Section 93-11-157
536 or 93-11-163 are not actions from which an appeal may be taken
537 under this section. Any appeal of a license suspension that is
538 required by Section 93-11-157 or 93-11-163 shall be taken in
539 accordance with the appeal procedure specified in Section
540 93-11-157 or 93-11-163, as the case may be, rather than the
541 procedure specified in this section. If there is any conflict
542 between any provision of Section 93-11-157 or 93-11-163 and any
543 provision of this chapter, the provisions of Section 93-11-157 or
544 93-11-163, as the case may be, shall control.

545 **SECTION 3.** Section 37-151-5, Mississippi Code of 1972, is
546 amended as follows:

547 37-151-5. As used in Sections 37-151-3, 37-151-5 and
548 37-151-7:

549 (a) "Adequate program" or "adequate education program"
550 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
551 the program proposed to establish adequate current operation
552 funding levels necessary for the programs of such school district
553 to meet at least Level III of the accreditation system as



554 established by the State Board of Education, acting through the
555 Mississippi Commission on School Accreditation, regardless of the
556 school district's geographic location.

557 (b) "Educational programs or elements of programs not
558 included in the adequate education program calculations, but which
559 may be included in appropriations and transfers to school
560 districts" shall mean:

561 (i) "Capital outlay" shall mean those funds used
562 for the constructing, improving, equipping, renovating or major
563 repairing of school buildings or other school facilities, or the
564 cost of acquisition of land whereon to construct or establish such
565 school facilities.

566 (ii) "Pilot programs" shall mean programs of a
567 pilot or experimental nature usually designed for special purposes
568 and for a specified period of time other than those included in
569 the adequate education program.

570 (iii) "Adult education" shall mean public
571 education dealing primarily with students above eighteen (18)
572 years of age not enrolled as full-time public school students and
573 not classified as students of technical schools, colleges or
574 universities of the state.

575 (iv) "Food service programs" shall mean those
576 programs dealing directly with the nutritional welfare of the
577 student, such as the school lunch and school breakfast programs.

578 (c) "Base student" shall mean that student
579 classification that represents the most economically educated
580 pupil in a school system meeting Level III accreditation, as
581 determined by the State Board of Education.

582 (d) "Base student cost" shall mean the funding level
583 necessary for providing an adequate education program for one (1)
584 base student, subject to any minimum amounts prescribed in Section
585 37-151-7(1).



586 (e) "Add-on program costs" shall mean those items which
587 are included in the adequate education program appropriations and
588 are outside of the program calculations:

589 (i) "Transportation" shall mean transportation to
590 and from public schools for the students of Mississippi's public
591 schools provided for under law and funded from state funds.

592 (ii) "Vocational or technical education program"
593 shall mean a secondary vocational or technical program approved by
594 the State Department of Education and provided for from state
595 funds.

596 (iii) "Special education program" shall mean a
597 program for exceptional children as defined and authorized by
598 Sections 37-23-1 through 37-23-9, and approved by the State
599 Department of Education and provided from state funds.

600 (iv) "Gifted education program" shall mean those
601 programs for the instruction of intellectually or academically
602 gifted children as defined and provided for in Section 37-23-175
603 et seq.

604 (v) "Alternative school program" shall mean those
605 programs for certain compulsory-school-age students as defined and
606 provided for in Sections 37-13-92 and 37-19-22.

607 (vi) "Extended school year programs" shall mean
608 those programs authorized by law which extend beyond the normal
609 school year.

610 (vii) "University-based programs" shall mean those
611 university-based programs for handicapped children as defined and
612 provided for in Section 37-23-131 et seq.

613 (viii) "Bus driver training" programs shall mean
614 those driver training programs as provided for in Section 37-41-1.

615 (ix) "Transitional bilingual education for limited
616 English proficient students" as defined and provided for in
617 Section 1 of Senate Bill No. 2288, 2002 Regular Session.



618 (f) "Teacher" shall include any employee of a local
619 school who is required by law to obtain a teacher's license from
620 the State Board of Education and who is assigned to an
621 instructional area of work as defined by the State Department of
622 Education.

623 (g) "Principal" shall mean the head of an attendance
624 center or division thereof.

625 (h) "Superintendent" shall mean the head of a school
626 district.

627 (i) "School district" shall mean any type of school
628 district in the State of Mississippi, and shall include
629 agricultural high schools.

630 (j) "Minimum school term" shall mean a term of at least
631 one hundred eighty (180) days of school in which both teachers and
632 pupils are in regular attendance for scheduled classroom
633 instruction for not less than sixty percent (60%) of the normal
634 school day. It is the intent of the Legislature that any tax
635 levies generated to produce additional local funds required by any
636 school district to operate school terms in excess of one hundred
637 seventy-five (175) days shall not be construed to constitute a new
638 program for the purposes of exemption from the limitation on tax
639 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
640 programs mandated by the Legislature.

641 (k) The term "transportation density" shall mean the
642 number of transported children in average daily attendance per
643 square mile of area served in a school district, as determined by
644 the State Department of Education.

645 (l) The term "transported children" shall mean children
646 being transported to school who live within legal limits for
647 transportation and who are otherwise qualified for being
648 transported to school at public expense as fixed by Mississippi
649 state law.



650 (m) The term "year of teaching experience" shall mean
651 nine (9) months of actual teaching in the public or private
652 schools of this or some other state. In no case shall more than
653 one (1) year of teaching experience be given for all services in
654 one (1) calendar or school year. In determining a teacher's
655 experience, no deduction shall be made because of the temporary
656 absence of the teacher because of illness or other good cause, and
657 the teacher shall be given credit therefor. The State Board of
658 Education shall fix a number of days, not to exceed twenty-five
659 (25) consecutive school days, during which a teacher may not be
660 under contract of employment during any school year and still be
661 considered to have been in full-time employment for a regular
662 scholastic term. In determining the experience of school
663 librarians, each complete year of continuous, full-time employment
664 as a professional librarian in a public library in this or some
665 other state shall be considered a year of teaching experience. If
666 a full-time school administrator returns to actual teaching in the
667 public schools, the term "year of teaching experience" shall
668 include the period of time he or she served as a school
669 administrator.

670 (n) The term "average daily attendance" shall be the
671 figure which results when the total aggregate attendance during
672 the period or months counted is divided by the number of days
673 during the period or months counted upon which both teachers and
674 pupils are in regular attendance for scheduled classroom
675 instruction less the average daily attendance for self-contained
676 special education classes and, prior to full implementation of the
677 adequate education program the department shall deduct the average
678 daily attendance for the alternative school program provided for
679 in Section 37-19-22.

680 (o) The term "local supplement" shall mean the amount
681 paid to an individual teacher over and above the adequate
682 education program salary schedule for regular teaching duties.



683 (p) The term "aggregate amount of support from ad
684 valorem taxation" shall mean the amounts produced by the
685 district's total tax levies for operations.

686 (q) The term "adequate education program funds" shall
687 mean all funds, both state and local, constituting the
688 requirements for meeting the cost of the adequate program as
689 provided for in Section 37-151-7.

690 (r) "Department" shall mean the State Department of
691 Education.

692 (s) "Commission" shall mean the Mississippi Commission
693 on School Accreditation created under Section 37-17-3.

694 **SECTION 4.** Section 37-151-7, Mississippi Code of 1972, is
695 amended as follows:

696 37-151-7. The annual allocation to each school district for
697 the operation of the adequate education program shall be
698 determined as follows:

699 (1) Computation of the basic amount to be included for
700 current operation in the adequate education program. The
701 following procedure shall be followed in determining the annual
702 allocation to each school district:

703 (a) **Determination of average daily attendance.** During
704 months two (2) and three (3) of the current school year, the
705 average daily attendance of a school district shall be computed,
706 or the average daily attendance for the prior school year shall be
707 used, whichever is greater. The district's average daily
708 attendance shall be computed and currently maintained in
709 accordance with regulations promulgated by the State Board of
710 Education.

711 (b) **Determination of base student cost.** The State
712 Board of Education, on or before August 1, with adjusted estimate
713 no later than January 2, shall annually submit to the Legislative
714 Budget Office and the Governor a proposed base student cost
715 adequate to provide the following cost components of educating a



716 pupil in an average school district meeting Level III
717 accreditation standards required by the Commission on School
718 Accreditation: (i) Instructional Cost; (ii) Administrative Cost;
719 (iii) Operation and Maintenance of Plant; and (iv) Ancillary
720 Support Cost. The department shall utilize a statistical
721 methodology which considers such factors as, but not limited to,
722 (i) school size; (ii) assessed valuation per pupil; (iii) the
723 percentage of students receiving free lunch; (iv) the local
724 district maintenance tax levy; (v) other local school district
725 revenues; and (vi) the district's accreditation level, in the
726 selection of the representative Mississippi school districts for
727 which cost information shall be obtained for each of the above
728 listed cost areas.

729 For the instructional cost component, the department shall
730 determine the instructional cost of each of the representative
731 school districts selected above, excluding instructional cost of
732 self-contained special education programs and vocational education
733 programs, and the average daily attendance in the selected school
734 districts. The instructional cost is then totaled and divided by
735 the total average daily attendance for the selected school
736 districts to yield the instructional cost component. For the
737 administrative cost component, the department shall determine the
738 administrative cost of each of the representative school districts
739 selected above, excluding administrative cost of self-contained
740 special education programs and vocational education programs, and
741 the average daily attendance in the selected school districts.
742 The administrative cost is then totaled and divided by the total
743 average daily attendance for the selected school districts to
744 yield the administrative cost component. For the plant and
745 maintenance cost component, the department shall determine the
746 plant and maintenance cost of each of the representative school
747 districts selected above, excluding plant and maintenance cost of
748 self-contained special education programs and vocational education



749 programs, and the average daily attendance in the selected school
750 districts. The plant and maintenance cost is then totaled and
751 divided by the total average daily attendance for the selected
752 school districts to yield the plant and maintenance cost
753 component. For the ancillary support cost component, the
754 department shall determine the ancillary support cost of each of
755 the representative school districts selected above, excluding
756 ancillary support cost of self-contained special education
757 programs and vocational education programs, and the average daily
758 attendance in the selected school districts. The ancillary
759 support cost is then totaled and divided by the total average
760 daily attendance for the selected school districts to yield the
761 ancillary support cost component. The total base cost for each
762 year shall be the sum of the instructional cost component,
763 administrative cost component, plant and maintenance cost
764 component and ancillary support cost component, and any estimated
765 adjustments for additional state requirements as determined by the
766 State Board of Education. Provided, however, that the base
767 student cost in fiscal year 1998 shall be Two Thousand Six Hundred
768 Sixty-four Dollars (\$2,664.00).

769 (c) **Determination of the basic adequate education**
770 **program cost.** The basic amount for current operation to be
771 included in the Mississippi Adequate Education Program for each
772 school district shall be computed as follows:

773 Multiply the average daily attendance of the district by the
774 base student cost as established by the Legislature, which yields
775 the total base program cost for each school district.

776 (d) **Adjustment to the base student cost for at-risk**
777 **pupils.** The amount to be included for at-risk pupil programs for
778 each school district shall be computed as follows: Multiply the
779 base student cost for the appropriate fiscal year as determined
780 under paragraph (b) by five percent (5%), and multiply that
781 product by the number of pupils participating in the federal free



782 school lunch program in such school district, which yields the
783 total adjustment for at-risk pupil programs for such school
784 district.

785 (e) **Add-on program cost.** The amount to be allocated to
786 school districts in addition to the adequate education program
787 cost for add-on programs for each school district shall be
788 computed as follows:

789 (i) Transportation cost shall be the amount
790 allocated to such school district for the operational support of
791 the district transportation system from state funds.

792 (ii) Vocational or technical education program
793 cost shall be the amount allocated to such school district from
794 state funds for the operational support of such programs.

795 (iii) Special education program cost shall be the
796 amount allocated to such school district from state funds for the
797 operational support of such programs.

798 (iv) Gifted education program cost shall be the
799 amount allocated to such school district from state funds for the
800 operational support of such programs.

801 (v) Alternative school program cost shall be the
802 amount allocated to such school district from state funds for the
803 operational support of such programs.

804 (vi) Extended school year programs shall be the
805 amount allocated to school districts for those programs authorized
806 by law which extend beyond the normal school year.

807 (vii) University-based programs shall be the
808 amount allocated to school districts for those university-based
809 programs for handicapped children as defined and provided for in
810 Section 37-23-131 et seq., Mississippi Code of 1972.

811 (viii) Bus driver training programs shall be the
812 amount provided for those driver training programs as provided for
813 in Section 37-41-1, Mississippi Code of 1972.



814 (ix) Transitional bilingual education programs for
815 limited English proficient students as defined and approved in
816 Section 1 of Senate Bill No. 2288, 2002 Regular Session.

817 The sum of the items listed above (i) transportation, (ii)
818 vocational or technical education, (iii) special education, (iv)
819 gifted education, (v) alternative school, (vi) extended school
820 year, and (vii) university-based shall yield the add-on cost for
821 each school district, (viii) bus driver training, and (ix)
822 transitional bilingual education.

823 (f) **Total projected adequate education program cost.**

824 The total Mississippi Adequate Education Program Cost shall be the
825 sum of the total basic adequate education program cost (paragraph
826 (c)), and the adjustment to the base student cost for at-risk
827 pupils (paragraph (d)) for each school district.

828 (g) **Supplemental grant to school districts.** In
829 addition to the adequate education program grant, the State
830 Department of Education shall annually distribute an additional
831 amount as follows: Multiply the base student cost for the
832 appropriate fiscal year as determined under paragraph (b) by .13%
833 and multiply that product by the average daily attendance of each
834 school district. Such grant shall not be subject to the local
835 revenue requirement provided in subsection (2).

836 (2) Computation of the required local revenue in support of
837 the adequate education program. The amount that each district
838 shall provide toward the cost of the adequate education program
839 shall be calculated as follows:

840 (a) The State Board of Education shall certify to each
841 school district that twenty-eight (28) mills, less the estimated
842 amount of the yield of the School Ad Valorem Tax Reduction Fund
843 grants as determined by the State Department of Education, is the
844 millage rate required to provide the district required local
845 effort for that year, or twenty-seven percent (27%) of the basic
846 adequate education program cost for such school district as



847 determined under subsection (c), whichever is a lesser amount. In
848 the case of an agricultural high school the millage requirement
849 shall be set at a level which generates an equitable amount per
850 pupil to be determined by the State Board of Education.

851 (b) The State Board of Education shall determine (i)
852 the total assessed valuation of nonexempt property for school
853 purposes in each school district; (ii) assessed value of exempt
854 property owned by homeowners aged sixty-five (65) or older or
855 disabled as defined in Section 27-33-67(2), Mississippi Code of
856 1972; (iii) the school district's tax loss from exemptions
857 provided to applicants under the age of sixty-five (65) and not
858 disabled as defined in Section 27-33-67(1), Mississippi Code of
859 1972; and (iv) the school district's homestead reimbursement
860 revenues.

861 (c) The amount of the total adequate education program
862 funding which shall be contributed by each school district shall
863 be the sum of the ad valorem receipts generated by the millage
864 required under this subsection plus the following local revenue
865 sources for the appropriate fiscal year which are or may be
866 available for current expenditure by the school district:

867 One hundred percent (100%) of Grand Gulf income as prescribed
868 in Section 27-35-309.

869 (3) Computation of the required state effort in support of
870 the adequate education program.

871 The required state effort in support of the adequate
872 education program shall be determined by subtracting the sum of
873 the required local tax effort as set forth in subsection (2)(a) of
874 this section and the other local revenue sources as set forth in
875 subsection (2)(c) of this section in an amount not to exceed
876 twenty-seven percent (27%) of the total projected adequate
877 education program cost as set forth in subsection (1)(f) of this
878 section from the total projected adequate education program cost
879 as set forth in subsection (1)(f) of this section.



880 Provided, however, that in fiscal year 1998 and in the fiscal
881 year in which the adequate education program is fully funded by
882 the Legislature, any increase in the said state contribution,
883 including the supplemental grant to school districts provided
884 under subsection (1)(g), to any district calculated under this
885 section shall be not less than eight percent (8%) in excess of the
886 amount received by said district from state funds for the fiscal
887 year immediately preceding. For purposes of this section, state
888 funds shall include minimum program funds less the add-on
889 programs, state Uniform Millage Assistance Grant funds,
890 Education Enhancement Funds appropriated for Uniform Millage
891 Assistance Grants and state textbook allocations, and State
892 General Funds allocated for textbooks.

893 (4) The State Adequate Education Program Fund is hereby
894 established in the State Treasury which shall be used to
895 distribute any funds specifically appropriated by the Legislature
896 to such fund, to school districts entitled to increased
897 allocations of state funds under the adequate education program
898 funding formula prescribed in Sections 37-151-3, 37-151-5 and
899 37-151-7 of this article. If the Legislature provides less funds
900 than the total state funds needed for support of such increased
901 allocations under the adequate education program, the State
902 Department of Education shall reduce all elements of the cost of
903 the adequate education program proportionately. Any such adequate
904 education program funds shall be transferred to the school
905 district maintenance fund of such district in the manner
906 prescribed in Section 37-19-47, Mississippi Code of 1972, and
907 shall be expended in the manner provided by law.

908 (5) The Interim School District Capital Expenditure Fund is
909 hereby established in the State Treasury which shall be used to
910 distribute any funds specifically appropriated by the Legislature
911 to such fund to school districts entitled to increased allocations
912 of state funds under the adequate education program funding



913 formula prescribed in Sections 37-151-3 through 37-151-7,
914 Mississippi Code of 1972, until such time as the said adequate
915 education program is fully funded by the Legislature. The
916 following percentages of the total state cost of increased
917 allocations of funds under the adequate education program funding
918 formula shall be appropriated by the Legislature into the Interim
919 School District Capital Expenditure Fund to be distributed to all
920 school districts under the formula: Nine and two-tenths percent
921 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
922 (20%) shall be appropriated in fiscal year 1999, forty percent
923 (40%) shall be appropriated in fiscal year 2000, sixty percent
924 (60%) shall be appropriated in fiscal year 2001, eighty percent
925 (80%) shall be appropriated in fiscal year 2002, and one hundred
926 percent (100%) shall be appropriated in fiscal year 2003 into the
927 State Adequate Education Program Fund created in subsection (4).
928 Until such time as the adequate education program is fully funded
929 by the Legislature, such money shall be used by school districts
930 for the following purposes:

931 (a) Purchasing, erecting, repairing, equipping,
932 remodeling and enlarging school buildings and related facilities,
933 including gymnasiums, auditoriums, lunchrooms, vocational training
934 buildings, libraries, school barns and garages for transportation
935 vehicles, school athletic fields and necessary facilities
936 connected therewith, and purchasing land therefor. Any such
937 capital improvement project by a school district shall be approved
938 by the State Board of Education, and based on an approved
939 long-range plan. The State Board of Education shall promulgate
940 minimum requirements for the approval of school district capital
941 expenditure plans.

942 (b) Providing necessary water, light, heating, air
943 conditioning, and sewerage facilities for school buildings, and
944 purchasing land therefor.



945 (c) Paying debt service on existing capital improvement
946 debt of the district or refinancing outstanding debt of a district
947 if such refinancing will result in an interest cost savings to the
948 district.

949 (d) From and after October 1, 1997, through June 30,
950 1998, pursuant to a school district capital expenditure plan
951 approved by the State Department of Education, a school district
952 may pledge such funds until July 1, 2002, plus funds provided for
953 in paragraph (e) of this subsection (5) that are not otherwise
954 permanently pledged under such paragraph (e) to pay all or a
955 portion of the debt service on debt issued by the school district
956 under Sections 37-59-1 through 37-59-45, 37-59-101 through
957 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
958 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
959 issued by boards of supervisors for agricultural high schools
960 pursuant to Section 37-27-65, Mississippi Code of 1972, or
961 lease-purchase contracts entered into pursuant to Section 31-7-13,
962 Mississippi Code of 1972, or to retire or refinance outstanding
963 debt of a district, if such pledge is accomplished pursuant to a
964 written contract or resolution approved and spread upon the
965 minutes of an official meeting of the district's school board or
966 board of supervisors. It is the intent of this provision to allow
967 school districts to irrevocably pledge their Interim School
968 District Capital Expenditure Fund allotments as a constant stream
969 of revenue to secure a debt issued under the foregoing code
970 sections. To allow school districts to make such an irrevocable
971 pledge, the state shall take all action necessary to ensure that
972 the amount of a district's Interim School District Capital
973 Expenditure Fund allotments shall not be reduced below the amount
974 certified by the department or the district's total allotment
975 under the Interim Capital Expenditure Fund if fully funded, so
976 long as such debt remains outstanding.



977 (e) From and after October 1, 1997, through June 30,
978 1998, in addition to any other authority a school district may
979 have, any school district may issue State Aid Capital Improvement
980 Bonds secured in whole by a continuing annual pledge of any
981 Mississippi Adequate Education Program funds available to the
982 district, in an amount not to exceed One Hundred Sixty Dollars
983 (\$160.00) per pupil based on the latest completed average daily
984 attendance count certified by the department prior to the issuance
985 of the bonds. Such State Aid Capital Improvement Bonds may be
986 issued for the purposes enumerated in subsections (a), (b), (c)
987 and (g) of this section. Prior to issuing such bonds, the school
988 board of the district shall adopt a resolution declaring the
989 necessity for and its intention of issuing such bonds and
990 borrowing such money, specifying the approximate amount to be so
991 borrowed, how such money is to be used and how such indebtedness
992 is to be evidenced. Any capital improvement project financed with
993 State Aid Capital Improvement Bonds shall be approved by the
994 department, and based on an approved long-range plan. The State
995 Board of Education shall promulgate minimum requirements for the
996 approval of such school district capital expenditure plans. The
997 State Board of Education shall not approve any capital expenditure
998 plan for a pledge of funds under this paragraph unless it
999 determines (i) that the quality of instruction in such district
1000 will not be reduced as a result of this pledge, and (ii) the
1001 district has other revenue available to attain and maintain at
1002 least Level III accreditation.

1003 A district issuing State Aid Capital Improvement Bonds may
1004 pledge for the repayment of such bonds all funds received by the
1005 district from the state, in an amount not to exceed One Hundred
1006 Sixty Dollars (\$160.00) per pupil in average daily attendance in
1007 the school district as set forth above, and not otherwise
1008 permanently pledged under paragraph (d) of this subsection or
1009 under Section 37-61-33(2)(d), Mississippi Code of 1972. The



1010 district's school board shall specify by resolution the amount of
1011 state funds, which are being pledged by the district for the
1012 repayment of the State Aid Capital Improvement Bonds. Once such a
1013 pledge is made to secure the bonds, the district shall notify the
1014 department of such pledge. Upon making such a pledge, the school
1015 district may request the department which may agree to irrevocably
1016 transfer a specified amount or percentage of the district's state
1017 revenue pledged to repay the district's State Aid Capital
1018 Improvement Bonds directly to a state or federally chartered bank
1019 serving as a trustee or paying agent on such bonds for the payment
1020 of all or portion of such State Aid Capital Improvement Bonds.
1021 Such instructions shall be incorporated into a resolution by the
1022 school board for the benefit of holders of the bonds and may
1023 provide that such withholding and transfer of such other available
1024 funds shall be made only upon notification by a trustee or paying
1025 agent on such bonds that the amounts available to pay such bonds
1026 on any payment date will not be sufficient. It is the intent of
1027 this provision to allow school districts to irrevocably pledge a
1028 certain, constant stream of revenue as security for State Aid
1029 Capital Improvement Bonds issued hereunder. To allow school
1030 districts to make such an irrevocable pledge, the state shall take
1031 all action necessary to ensure that the amount of a district's
1032 state revenues up to an amount equal to One Hundred Sixty Dollars
1033 (\$160.00) per pupil as set forth above which have been pledged to
1034 repay debt as set forth herein shall not be reduced so long as any
1035 State Aid Capital Improvement Bonds are outstanding.

1036 Any such State Aid Capital Improvement bonds shall mature as
1037 determined by the district's school bond over a period not to
1038 exceed twenty (20) years. Such bonds shall not bear a greater
1039 overall maximum interest rate to maturity than that allowed in
1040 Section 75-17-101, Mississippi Code of 1972. The further details
1041 and terms of such bonds shall be as determined by the school board
1042 of the district.



1043 The provisions of this subsection shall be cumulative and
1044 supplemental to any existing funding programs or other authority
1045 conferred upon school districts or school boards. Debt of a
1046 school district secured in whole by a pledge of revenue pursuant
1047 to this section shall not be subject to any debt limitation.

1048 For purposes of this paragraph (e), "State Aid Capital
1049 Improvement Bond" shall mean any bond, note, or other certificate
1050 of indebtedness issued by a school district under the provisions
1051 hereof.

1052 This paragraph (e) shall stand repealed from and after June
1053 30, 1998.

1054 (f) As an alternative to the authority granted under
1055 paragraph (e), a school district, in its discretion, may authorize
1056 the State Board of Education to withhold an amount of the
1057 district's adequate education program allotment equal to up to One
1058 Hundred Sixty Dollars (\$160.00) per student in average daily
1059 attendance in the district to be allocated to the State Public
1060 School Building Fund to the credit of such school district. A
1061 school district may choose the option provided under this
1062 paragraph (e) or paragraph (f), but not both. In addition to the
1063 grants made by the state pursuant to Section 37-47-9, a school
1064 district shall be entitled to grants based on the allotments to
1065 the State Public School Building Fund credited to such school
1066 district under this paragraph. This paragraph (f) shall stand
1067 repealed from and after June 30, 1998.

1068 (g) The State Board of Education may authorize the
1069 school district to expend not more than twenty percent (20%) of
1070 its annual allotment of such funds or Twenty Thousand Dollars
1071 (\$20,000.00), whichever is greater, for technology needs of the
1072 school district, including computers, software,
1073 telecommunications, cable television, interactive video, film
1074 low-power television, satellite communications, microwave
1075 communications, technology-based equipment installation and



1076 maintenance, and the training of staff in the use of such
1077 technology-based instruction. Any such technology expenditure
1078 shall be reflected in the local district technology plan approved
1079 by the State Board of Education under Section 37-151-17,
1080 Mississippi Code of 1972.

1081 (h) To the extent a school district has not utilized
1082 twenty percent (20%) of its annual allotment for technology
1083 purposes under paragraph (g), a school district may expend not
1084 more than twenty percent (20%) of its annual allotment or Twenty
1085 Thousand Dollars (\$20,000.00), whichever is greater, for
1086 instructional purposes. The State Board of Education may
1087 authorize a school district to expend more than said twenty
1088 percent (20%) of its annual allotment for instructional purposes
1089 if it determines that such expenditures are needed for
1090 accreditation purposes.

1091 (i) The State Department of Education or the State
1092 Board of Education may require that any project commenced pursuant
1093 to this act with an estimated project cost of not less than Five
1094 Million Dollars (\$5,000,000.00) shall be done only pursuant to
1095 program management of the process with respect to design and
1096 construction. Any individuals, partnerships, companies or other
1097 entities acting as a program manager on behalf of a local school
1098 district and performing program management services for projects
1099 covered under this subsection shall be approved by the State
1100 Department of Education.

1101 Any interest accruing on any unexpended balance in the
1102 Interim School District Capital Expenditure Fund shall be invested
1103 by the State Treasurer and placed to the credit of each school
1104 district participating in such fund in its proportionate share.

1105 The provisions of this subsection shall be cumulative and
1106 supplemental to any existing funding programs or other authority
1107 conferred upon school districts or school boards.



1108 **SECTION 5.** This act shall take effect and be in force from
1109 and after July 1, 2002.

