

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2878

1 AN ACT ENTITLED THE "EDUCATION INDEPENDENCE AND
2 ACCOUNTABILITY ACT OF 2002"; TO PROVIDE ACCOUNTABILITY FOR STATE
3 MANDATES ON LOCAL SCHOOL DISTRICTS BY THE STATE DEPARTMENT OF
4 EDUCATION; TO AMEND SECTIONS 37-1-2 AND 37-1-3, MISSISSIPPI CODE
5 OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION AND THE STATE
6 DEPARTMENT OF EDUCATION TO ESTABLISH AND PUBLISH A FISCAL NOTE
7 BEFORE ENACTING ANY RULES OR REGULATIONS WHICH RESULT IN UNFUNDED
8 MANDATES FOR LOCAL SCHOOL DISTRICTS; TO REPEAL EFFECTIVE JULY 1,
9 2007, SECTIONS 37-1-1, 37-1-2, 37-1-3, 37-1-4, 37-1-5, 37-1-7,
10 37-1-9, 37-1-11 AND 37-1-13, MISSISSIPPI CODE OF 1972, WHICH
11 ESTABLISH THE STATE DEPARTMENT OF EDUCATION AND PRESCRIBE ITS
12 DUTIES AND RESPONSIBILITIES, SECTIONS 37-3-1, 37-3-2, 37-3-3,
13 37-3-4, 37-3-5, 37-3-7, 37-3-8, 37-3-9, 37-3-11, 37-3-12, 37-3-13,
14 37-3-25, 37-3-27, 37-3-29, 37-3-31, 37-3-39, 37-3-46, 37-3-49,
15 37-3-51, 37-3-53, 37-3-59, 37-3-61, 37-3-63, 37-3-65, 37-3-67,
16 37-3-69, 37-3-71, 37-3-73, 37-3-75, 37-3-77, 37-3-79, 37-3-81,
17 37-3-83, 37-3-84, 37-3-85, 37-3-87, 37-3-89, 37-3-91, 37-3-93 AND
18 37-3-95, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH AND PROVIDE FOR
19 CERTAIN INSTRUCTIONAL AND OTHER PROGRAMS IN SCHOOL DISTRICTS
20 ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION, SECTIONS
21 37-7-315, 37-7-317, 37-7-319, 37-7-321, 37-7-323, 37-7-325,
22 37-7-327, 37-7-329, 37-7-333, 37-7-335, 37-7-337, 37-7-339,
23 37-7-351, 37-7-353, 37-7-355, 37-7-357, 37-7-359, 37-7-401,
24 37-7-403, 37-7-405, 37-7-407, 37-7-409, 37-7-411, 37-7-413,
25 37-7-415, 37-7-417, 37-7-419, 37-7-431, 37-7-433, 37-7-435,
26 37-7-437, 37-7-451, 37-7-453, 37-7-455, 37-7-471, 37-7-473,
27 37-7-475, 37-7-477, 37-7-479, 37-7-481, 37-7-483, 37-7-501,
28 37-7-503, 37-7-505, 37-7-507, 37-7-509 AND 37-7-511, WHICH
29 AUTHORIZE CERTAIN PROCEDURES FOR THE OPERATION OF SCHOOL DISTRICTS
30 SUBJECT TO THE APPROVAL OF THE STATE DEPARTMENT OF EDUCATION,
31 SECTIONS 37-13-9, 37-13-10, 37-13-21, 37-13-41, 37-13-58,
32 37-13-59, 37-13-60, 37-13-60.1, 37-13-61, 37-13-63, 37-13-65,
33 37-13-67, 37-13-69, 37-13-81, 37-13-83, 37-13-85, 37-13-87,
34 37-13-89, 37-13-91, 37-13-92, 37-13-107, 37-13-131, 37-13-133,
35 37-13-135, 37-13-151, 37-13-153, 37-13-155, 37-13-161, 37-13-163,
36 37-13-171, 37-13-173, 37-13-175, 37-13-181, 37-13-183 AND
37 37-13-185, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBE CURRICULUM
38 AND OTHER REQUIRED PROGRAMS IN THE PUBLIC SCHOOLS SUPERVISED BY
39 THE STATE DEPARTMENT OF EDUCATION, SECTIONS 37-16-1, 37-16-3,
40 37-16-4, 37-16-5, 37-16-7, 37-16-9, 37-16-11, 37-16-13, 37-17-1,
41 37-17-3, 37-17-5, 37-17-6, 37-16-7, 37-17-8, 37-17-9, 37-17-11,
42 37-17-13, 37-18-1, 37-18-3, 37-18-5, 37-18-7, 37-20-1, 37-20-3,
43 37-20-5, 37-20-7, 37-20-9, 37-25-1, 37-25-3, 37-25-5, 37-25-7,
44 37-25-9, 37-25-11, 37-25-13, 37-25-15, 37-25-17, 37-25-19,
45 37-25-21, 37-25-23, 37-25-25 AND 37-25-27, MISSISSIPPI CODE OF
46 1972, WHICH PROVIDE CURRICULUM REQUIREMENTS FOR SCHOOL DISTRICTS,
47 TESTING REQUIREMENTS FOR SCHOOL DISTRICTS, PROVIDE FOR
48 ACCREDITATION OF SCHOOLS AND SCHOOL DISTRICTS AND PROVIDE
49 REQUIREMENTS FOR DRIVER EDUCATION CURRICULUM, SECTIONS 37-45-1,
50 37-45-3, 37-45-5, 37-45-7, 37-45-9, 37-45-11, 37-45-13, 37-45-15,
51 37-45-17, 37-45-19, 37-45-21, 37-45-23, 37-45-25, 37-45-27,
52 37-45-29, 37-45-31, 37-45-33, 37-45-35, 37-45-37, 37-45-39,



53 37-45-41, 37-45-43, 37-45-45, 37-45-47, 37-45-49, 37-45-51,
54 37-45-53, 37-45-55, 37-45-57, 37-45-59, 37-45-61, 37-45-63,
55 37-47-1, 37-47-3, 37-47-5, 37-47-7, 37-47-9, 37-47-11, 37-47-13,
56 37-47-15, 37-47-17, 37-47-19, 37-47-21, 37-47-23, 37-47-25,
57 37-47-27, 37-47-29, 37-47-31, 37-47-33, 37-47-35, 37-47-37,
58 37-47-39, 37-47-41, 37-47-43, 37-47-45, 37-47-47, 37-47-49,
59 37-47-51, 37-47-53, 37-47-55, 37-47-57, 37-47-59, 37-47-61,
60 37-47-63, 37-47-65 AND 37-47-67, MISSISSIPPI CODE OF 1972, WHICH
61 PROVIDE A PROGRAM OF STATE AID TO PUBLIC SCHOOLS FOR CONSTRUCTION
62 ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION; AND FOR RELATED
63 PURPOSES.

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

65 **SECTION 1.** (1) This act shall be known and may be cited as
66 the "Education Independence and Accountability Act of 2002".

67 (2) It is the intent of the Legislature that local school
68 communities and leaders shall be given freedom from unnecessary,
69 obsolete, or unduly burdensome state control and regulation which
70 inhibits creativity and entrepreneurial ventures at the local
71 level, or which result in an unnecessary or excessive diversion of
72 local resources to comply with state regulations. It is the
73 further intent of the Legislature that local school districts
74 should not be required to bear the burden of absorbing unfunded
75 mandates from the state, through action by the Legislature, the
76 State Board of Education or the State Department of Education.

77 **SECTION 2.** Section 37-1-2, Mississippi Code of 1972, is
78 amended as follows:

79 37-1-2. The Legislature finds and determines that the
80 quality of public education and its effect upon the social,
81 cultural and economic enhancement of the people of Mississippi is
82 a matter of public policy, the object of which is the education
83 and performance of its children and youth. The Legislature hereby
84 declares the following to be the policy of the State of
85 Mississippi:

86 (a) That the students, parents, general citizenry,
87 local schoolteachers and administrators, local governments, local
88 school boards, and state government have a joint and shared
89 responsibility for the quality of education delivered through the
90 public education system in the State of Mississippi;



- 91 (b) To produce a functionally literate school
92 population;
- 93 (c) To ensure that all students master the most
94 essential parts of a basic education;
- 95 (d) To establish, raise and maintain educational
96 standards;
- 97 (e) To improve the quality of education by
98 strengthening it and elevating its goals;
- 99 (f) To provide quality education for all school-age
100 children in the state;
- 101 (g) That excellence and high achievement of all
102 students should be the ultimate goal;
- 103 (h) To encourage the common efforts of students,
104 parents, teachers, administrators and business and professional
105 leaders for the establishment of specific goals for performance;
- 106 (i) To improve instructional and administrative
107 quality, to relate the education community to other policymakers,
108 to achieve increased competency among students, teachers and
109 administrators, to provide for continuing professional development
110 for teachers, counselors and administrators, to assure that the
111 budget process, the planning function and the allocation of
112 personnel of the state department of education are commensurate
113 with its educational goals;
- 114 (j) That the return on public education which is the
115 single largest investment for the state be the effectiveness of
116 the delivery system and the product it is designed to produce;
- 117 (k) That the investment in public education can be
118 justified on the basis of the economic benefits that will accrue
119 both to the individual and to society, recognizing that the return
120 on such investment is long term and dramatic progress is not
121 immediate;
- 122 (l) That emphasis must be placed upon early mastery of
123 the skills necessary to success in school and that quality,



124 performance-based early childhood education programs are an
125 essential element of a comprehensive education system;

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

128 (n) That the children of this state receive a period of
129 instruction sufficient to train each in the basic educational
130 skills adequate for the student to take his or her place in
131 society and make a contribution as a citizen of this state, and
132 that all children be encouraged to continue their education until
133 they have completed high school;

134 (o) To establish an accreditation system based upon
135 measurable elements in school known to be related to instructional
136 effectiveness, to establish a credible process for measuring and
137 rating schools, to establish a method for monitoring continued
138 performance, and to provide for a state response when performance
139 is inadequate;

140 (p) That the teachers of this state, to the extent
141 possible, receive salaries that are at least equal to the average
142 of the salaries received by teachers in the southeastern United
143 States;

144 (q) That local school communities and leaders shall be
145 given freedom from unnecessary, obsolete, or unduly burdensome
146 state control and regulation which inhibits creativity and
147 entrepreneurial ventures at the local level, or which result in an
148 unnecessary or excessive diversion of local resources to comply
149 with state regulations;

150 (r) That local school districts should not be required
151 to bear the burden of absorbing unfunded mandates from the state,
152 through action by the Legislature, the State Board of Education or
153 the State Department of Education; that no action shall be taken
154 nor shall any rules, regulations or procedures be promulgated by
155 the State Board of Education or the State Department of Education
156 which may result in costs, direct or indirect, for local schools



157 to implement without first having established and published a
158 fiscal note describing the estimated costs of such action, rules,
159 regulations or procedures;

160 (s) That, while maintaining an appropriate monitoring
161 and implementation of the statewide assessment and accountability
162 programs mandated by the Legislature, the State Board of Education
163 shall take any and all action necessary to ensure that the
164 mission, organization and operations of the State Department of
165 Education shall be primarily one of service to local school
166 districts and not control of school districts, except where
167 expressly mandated by the Legislature.

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

170 37-1-3. (1) The State Board of Education shall adopt rules
171 and regulations and set standards and policies for the
172 organization, operation, management, planning, budgeting and
173 programs of the State Department of Education.

174 (a) The board is directed to identify all functions of
175 the department that contribute to or comprise a part of the state
176 system of educational accountability and to establish and maintain
177 within the department the necessary organizational structure,
178 policies and procedures for effectively coordinating such
179 functions. Such policies and procedures shall clearly fix and
180 delineate responsibilities for various aspects of the system and
181 for overall coordination of the total system and its effective
182 management.

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

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



189 (d) The board shall establish and maintain a central
190 budget policy.

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

194 (f) The board, with recommendations from the
195 superintendent, shall design and maintain a five-year plan and
196 program for educational improvement that shall set forth
197 objectives for system performance and development and be the basis
198 for budget requests and legislative initiatives.

199 (2) (a) The State Board of Education shall adopt and
200 maintain a curriculum and a course of study to be used in the
201 public schools that is designed to prepare the state's children
202 and youth to be productive, informed, creative citizens, workers
203 and leaders, and it shall regulate all matters arising in the
204 practical administration of the school system not otherwise
205 provided for.

206 (b) Before the 1999-2000 school year, the State Board
207 of Education shall develop personal living and finances objectives
208 that focus on money management skills for individuals and families
209 for appropriate, existing courses at the secondary level. The
210 objectives must require the teaching of those skills necessary to
211 handle personal business and finances and must include instruction
212 in the following:

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

215 (ii) Balancing a check book;

216 (iii) Managing debt, including retail and credit
217 card debt;

218 (iv) Completing a loan application;

219 (v) The implications of an inheritance;

220 (vi) The basics of personal insurance policies;

221 (vii) Consumer rights and responsibilities;



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

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

231 (4) No action shall be taken nor shall any rules,
232 regulations or procedures be promulgated by the State Board of
233 Education or the State Department of Education without first
234 having made and published a determination that such action is
235 consistent with legislative intent expressed in Senate Bill No.
236 1288, 2002 Regular Session, regarding the financial and
237 operational impact on local school districts.

238 **SECTION 4.** Effective July 1, 2007, Sections 37-1-1, 37-1-2,
239 37-1-3, 37-1-4, 37-1-5, 37-1-7, 37-1-9, 37-1-11 and 37-1-13,
240 Mississippi Code of 1972, which establish the State Department of
241 Education and prescribe its duties and responsibilities, Sections
242 37-3-1, 37-3-2, 37-3-3, 37-3-4, 37-3-5, 37-3-7, 37-3-8, 37-3-9,
243 37-3-11, 37-3-12, 37-3-13, 37-3-25, 37-3-27, 37-3-29, 37-3-31,
244 37-3-39, 37-3-46, 37-3-49, 37-3-51, 37-3-53, 37-3-59, 37-3-61,
245 37-3-63, 37-3-65, 37-3-67, 37-3-69, 37-3-71, 37-3-73, 37-3-75,
246 37-3-77, 37-3-79, 37-3-81, 37-3-83, 37-3-84, 37-3-85, 37-3-87,
247 37-3-89, 37-3-91, 37-3-93 and 37-3-95, Mississippi Code of 1972,
248 which establish and provide for certain instructional and other
249 programs in school districts administered by the State Department
250 of Education, Sections 37-7-315, 37-7-317, 37-7-319, 37-7-321,
251 37-7-323, 37-7-325, 37-7-327, 37-7-329, 37-7-333, 37-7-335,
252 37-7-337, 37-7-339, 37-7-351, 37-7-353, 37-7-355, 37-7-357,
253 37-7-359, 37-7-401, 37-7-403, 37-7-405, 37-7-407, 37-7-409,
254 37-7-411, 37-7-413, 37-7-415, 37-7-417, 37-7-419, 37-7-431,



255 37-7-433, 37-7-435, 37-7-437, 37-7-451, 37-7-453, 37-7-455,
256 37-7-471, 37-7-473, 37-7-475, 37-7-477, 37-7-479, 37-7-481,
257 37-7-483, 37-7-501, 37-7-503, 37-7-505, 37-7-507, 37-7-509 and
258 37-7-511, which authorize certain procedures for the operation of
259 school districts subject to the approval of the State Department
260 of Education, Sections 37-13-9, 37-13-10, 37-13-21, 37-13-41,
261 37-13-58, 37-13-59, 37-13-60, 37-13-60.1, 37-13-61, 37-13-63,
262 37-13-65, 37-13-67, 37-13-69, 37-13-81, 37-13-83, 37-13-85,
263 37-13-87, 37-13-89, 37-13-91, 37-13-92, 37-13-107, 37-13-131,
264 37-13-133, 37-13-135, 37-13-151, 37-13-153, 37-13-155, 37-13-161,
265 37-13-163, 37-13-171, 37-13-173, 37-13-175, 37-13-181, 37-13-183
266 and 37-13-185, Mississippi Code of 1972, which prescribe
267 curriculum and other required programs in the public schools
268 supervised by the State Department of Education, Sections 37-16-1,
269 37-16-3, 37-16-4, 37-16-5, 37-16-7, 37-16-9, 37-16-11, 37-16-13,
270 37-17-1, 37-17-3, 37-17-5, 37-17-6, 37-16-7, 37-17-8, 37-17-9,
271 37-17-11, 37-17-13, 37-18-1, 37-18-3, 37-18-5, 37-18-7, 37-20-1,
272 37-20-3, 37-20-5, 37-20-7, 37-20-9, 37-25-1, 37-25-3, 37-25-5,
273 37-25-7, 37-25-9, 37-25-11, 37-25-13, 37-25-15, 37-25-17,
274 37-25-19, 37-25-21, 37-25-23, 37-25-25 and 37-25-27, Mississippi
275 Code of 1972, which provide curriculum requirements for school
276 districts, testing requirements for school districts, provide for
277 accreditation of schools and school districts and provide
278 requirements for driver education curriculum, Sections 37-45-1,
279 37-45-3, 37-45-5, 37-45-7, 37-45-9, 37-45-11, 37-45-13, 37-45-15,
280 37-45-17, 37-45-19, 37-45-21, 37-45-23, 37-45-25, 37-45-27,
281 37-45-29, 37-45-31, 37-45-33, 37-45-35, 37-45-37, 37-45-39,
282 37-45-41, 37-45-43, 37-45-45, 37-45-47, 37-45-49, 37-45-51,
283 37-45-53, 37-45-55, 37-45-57, 37-45-59, 37-45-61, 37-45-63,
284 37-47-1, 37-47-3, 37-47-5, 37-47-7, 37-47-9, 37-47-11, 37-47-13,
285 37-47-15, 37-47-17, 37-47-19, 37-47-21, 37-47-23, 37-47-25,
286 37-47-27, 37-47-29, 37-47-31, 37-47-33, 37-47-35, 37-47-37,
287 37-47-39, 37-47-41, 37-47-43, 37-47-45, 37-47-47, 37-47-49,



288 37-47-51, 37-47-53, 37-47-55, 37-47-57, 37-47-59, 37-47-61,
289 37-47-63, 37-47-65 and 37-47-67, Mississippi Code of 1972, which
290 provide a program of state aid to public schools for construction
291 administered by the State Department of Education, shall stand
292 repealed.

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

