

By: Senator(s) Chaney, White

To: Education;
Appropriations

SENATE BILL NO. 2504

1 AN ACT ENTITLED THE "MISSISSIPPI EDUCATION REFORM ACT OF
2 2005"; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
3 PROVIDE ADDITIONAL BASE COMPENSATION FOR TEACHERS HOLDING LICENSES
4 IN CRITICAL SUBJECT AREAS, TO ESTABLISH A MISSISSIPPI PERFORMANCE
5 BASED PAY PLAN TO REWARD LICENSED EDUCATION PERSONNEL AT SCHOOLS
6 SHOWING IMPROVEMENT IN STUDENT TEST SCORES, TO PROVIDE ADDITIONAL
7 BASE COMPENSATION FOR MENTOR TEACHERS IN MIDDLE SCHOOLS WITH
8 APPROVED CLASSROOM MANAGEMENT PROGRAMS, TO DIRECT THE STATE
9 DEPARTMENT OF EDUCATION TO CONDUCT A VALUE-ADDED PILOT PROGRAM ON
10 TEACHER PERFORMANCE PAY; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE
11 OF 1972, TO PROVIDE THAT ANY TEACHER FROM ANY STATE MEETING THE
12 FEDERAL STANDARDS OF A HIGHLY QUALIFIED TEACHER SHALL BE ELIGIBLE
13 FOR A STANDARD LICENSE IN MISSISSIPPI; TO AMEND SECTION 37-11-55,
14 MISSISSIPPI CODE OF 1972, TO ESTABLISH A STUDENT DISCIPLINARY
15 ACTION REVIEW BOARD IN EACH SCHOOL WHEN A PRINCIPAL SENDS A
16 DISRUPTIVE STUDENT BACK TO THE CLASSROOM; TO AMEND SECTIONS
17 37-3-81, 37-3-83, 37-3-91, 37-3-93 AND 37-7-345, MISSISSIPPI CODE
18 OF 1972, TO PROVIDE THAT THE MISSISSIPPI SCHOOL SAFETY CENTER
19 SHALL BE ORGANIZED AS A REGIONAL PROGRAM ADMINISTERED BY THE
20 EDUCATIONAL SERVICE AGENCIES ELIGIBLE FOR FEDERAL FUNDING; TO
21 AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO PRESCRIBE
22 CERTAIN CRIMINAL PENALTIES FOR PARENTS WHO FAIL TO ATTEND THEIR
23 CHILD'S DISCIPLINE CONFERENCE; TO AMEND SECTIONS 37-3-4, 37-3-46,
24 37-3-49, 37-7-306, 37-7-337, 37-13-65, 37-13-67, 37-13-69,
25 37-15-9, 37-17-6, 37-17-8, 37-17-11, 37-21-7 AND 37-151-77,
26 MISSISSIPPI CODE OF 1972, TO EXEMPT HIGHEST PERFORMING SCHOOLS
27 DESIGNATED AS LEVEL 4 AND 5 FROM CERTAIN ACCREDITATION PROCESS
28 STANDARDS PRESCRIBED BY STATUTE OR REGULATION OF THE STATE
29 DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-13-61, MISSISSIPPI
30 CODE OF 1972, TO AUTHORIZE THE LOCAL SCHOOL DISTRICTS TO FIX THE
31 DATE FOR THE OPENING AND CLOSING OF THE SCHOOL TERM; TO AMEND
32 SECTION 37-13-69, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL
33 SCHOOL DISTRICTS TO DESIGNATE SCHOOL HOLIDAYS; TO AMEND SECTION
34 37-41-53, MISSISSIPPI CODE OF 1972, TO EXEMPT SCHOOL
35 TRANSPORTATION VEHICLES FROM CERTAIN STATE DEPARTMENT OF EDUCATION
36 REGULATION; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,
37 TO GRANT PUBLIC SCHOOL DISTRICTS WITH AN AVERAGE ACCREDITATION
38 RANKING OF LEVEL 4 OR HIGHER THE POWER TO ADOPT ANY ORDER RELATING
39 TO THE OPERATION OF THE SCHOOL WHICH IS NOT INCONSISTENT WITH
40 STATE LAW OR THE MISSISSIPPI CONSTITUTION, WITH CERTAIN
41 EXCEPTIONS; TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO CONTRACT WITH
42 PRIVATE ENTITIES TO PROVIDE CERTAIN NONINSTRUCTIONAL SERVICES; TO
43 AMEND SECTIONS 25-11-103 AND 25-11-127, MISSISSIPPI CODE OF 1972,
44 IN CONFORMITY; TO CREATE A NEW PROCESS FOR ESTABLISHING CHARTER
45 SCHOOLS; TO AUTHORIZE A CHARTER SCHOOL TO BE FORMED BY CREATING A
46 NEW SCHOOL OR BY CONVERSION OF A PUBLIC SCHOOL TO CHARTER STATUS
47 BY THE LOCAL SCHOOL DISTRICT; TO PRESCRIBE CERTAIN REQUIREMENTS
48 FOR CHARTER SCHOOLS; TO ESTABLISH ADMISSION REQUIREMENTS AND
49 POWERS AND DUTIES OF CHARTER SCHOOLS; TO SPECIFY THE TERMS
50 REQUIRED TO BE INCLUDED IN A SCHOOL'S CHARTER; TO ESTABLISH THE
51 PROCESS FOR APPLYING FOR CHARTER SCHOOL STATUS; TO REQUIRE THE
52 AUTOMATIC RENEWAL OF CHARTERS; TO PROVIDE THAT CHARTER SCHOOLS ARE

53 EXEMPT FROM ALL EDUCATION STATUTES, UNLESS STATED OTHERWISE, AND
54 RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION AND LOCAL
55 SCHOOL DISTRICTS; TO PROVIDE FOR THE EMPLOYMENT OF TEACHERS BY
56 CHARTER SCHOOLS; TO PROHIBIT UNLAWFUL REPRISALS AGAINST SCHOOL
57 DISTRICT EMPLOYEES WHO ARE INVOLVED IN AN APPLICATION FOR CHARTER
58 SCHOOL STATUS; TO PROVIDE FOR STATE AND LOCAL FUNDING OF CHARTER
59 SCHOOLS; TO AUTHORIZE SCHOOL DISTRICTS TO LEASE SPACE TO CHARTER
60 SCHOOLS; TO REQUIRE CHARTER SCHOOLS TO HAVE A TRANSPORTATION PLAN;
61 TO ESTABLISH THE CHARTER SCHOOLS STIMULUS REVOLVING LOAN FUND IN
62 THE STATE TREASURY TO PROVIDE SUPPORT TO CHARTER SCHOOLS FOR
63 START-UP COSTS; TO PROVIDE FOR THE ELECTION OF THE BOARD OF
64 DIRECTORS OF A CHARTER SCHOOL; TO REQUIRE THE STATE DEPARTMENT OF
65 EDUCATION TO DISSEMINATE INFORMATION ON HOW TO CREATE AND HOW TO
66 ENROLL STUDENTS IN CHARTER SCHOOLS; TO PROHIBIT CHARTER SCHOOLS
67 FROM LEVYING TAXES OR ISSUING BONDS SECURED BY TAX REVENUES; TO
68 AUTHORIZE THE CONTINUED OPERATION OF CHARTER SCHOOLS ESTABLISHED
69 UNDER THE ORIGINAL CHARTER SCHOOL STATUTES; TO AUTHORIZE THE
70 ESTABLISHMENT OF A MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM; TO
71 REPEAL SECTIONS 37-28-1 THROUGH 37-28-21, MISSISSIPPI CODE OF
72 1972, WHICH ESTABLISH A MEANS FOR EXISTING PUBLIC SCHOOLS TO APPLY
73 FOR CHARTER STATUS; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF
74 1972, TO REQUIRE THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM
75 APPROPRIATION BILL TO IDENTIFY PROGRAM FUNDING CATEGORIES; TO
76 AMEND SECTION 37-61-9, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL
77 SCHOOL DISTRICT BUDGETS TO CONTAIN A DETAILED STATEMENT OF THE
78 ESTIMATED AMOUNTS TO BE EXPENDED BY PROGRAM BUDGET CATEGORIES AND
79 THE AMOUNT OF SUCH CATEGORIES TO BE PAID FROM ADEQUATE EDUCATION
80 PROGRAM FUNDS AND FROM LOCAL REVENUE AND OTHER SOURCES; TO AMEND
81 SECTION 37-61-19, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL
82 DISTRICT EXPENDITURES TO BE LIMITED TO THE SPECIFIC BUDGET
83 CATEGORIES AND TO PROVIDE PERSONAL LIABILITY THEREFOR; TO AMEND
84 SECTIONS 37-15-37 AND 37-29-1, MISSISSIPPI CODE OF 1972, RELATING
85 TO HIGH SCHOOL AND UNIVERSITY OR COMMUNITY COLLEGE DUAL ENROLLMENT
86 PROGRAMS, TO REVISE CONDITIONS FOR PARTICIPATION IN THE PROGRAM,
87 TO PROVIDE THAT TUITION AND COSTS FOR UNIVERSITY LEVEL AND
88 COMMUNITY LEVEL COURSES SHALL BE NEGOTIATED BETWEEN SCHOOL
89 DISTRICTS AND THE UNIVERSITY OR COMMUNITY COLLEGE, AND TO CLARIFY
90 THAT ALL COURSE WORK TAKEN UNDER THE PROGRAM SHALL BE DUAL CREDIT;
91 TO CODIFY SECTION 37-15-39, MISSISSIPPI CODE OF 1972, TO DIRECT
92 SCHOOL DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT COURSES AND TO
93 REQUIRE FUNDING FOR THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES
94 TO TAKE A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED
95 PLACEMENT CLASSES; TO AMEND SECTIONS 37-16-7, 37-31-61, 37-31-69,
96 37-31-205 AND 37-31-207, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
97 AND DIRECT THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR
98 COMMUNITY AND JUNIOR COLLEGES TO UTILIZE FEDERAL WORKFORCE
99 INVESTMENT ACT AND OTHER FEDERAL FUNDS TO ESTABLISH INDUSTRY
100 SPECIFIC CURRICULUM TO ALLOW STUDENTS TO RECEIVE
101 INDUSTRY-RECOGNIZED CERTIFICATION WHILE COMPLETING THEIR HIGH
102 SCHOOL COURSE WORK, TO INCLUDE SUCH COURSE WORK IN APPROPRIATE
103 GRADUATION STANDARDS, TO DEVELOP A UNIT OF SPECIALISTS IN
104 VOCATIONAL EDUCATION AS PART OF THE CURRICULUM, AND TO ESTABLISH
105 PARTNERSHIPS WITH THE PRIVATE SECTOR TO OFFER POTENTIAL HIGH
106 SCHOOL DROPOUT STUDENTS A SEMESTER SCHOLARSHIP FOR INDUSTRY
107 SPECIFIC TRAINING AFTER GRADUATION; TO ESTABLISH A MISSISSIPPI
108 HIGH SCHOOL REDESIGN COMMISSION AND PRESCRIBE ITS MEMBERSHIP, TO
109 STUDY THE RELEVANCE OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI;
110 TO AMEND SECTION 37-21-55, MISSISSIPPI CODE OF 1972, TO DIRECT
111 STATE ENTITIES DEALING WITH EARLY CHILDHOOD EDUCATION TO BE
112 COORDINATED THROUGH THE ADVISORY BOARD OF THE INTERAGENCY ADVISORY
113 COMMITTEE FOR EARLY CHILDHOOD SERVICES TO BE ADMINISTERED BY THE
114 MISSISSIPPI DEPARTMENT OF HUMAN SERVICES OFFICE OF CHILDREN AND
115 YOUTH AND TO AUTHORIZE THE ADVISORY COUNSEL TO ASSESS THE
116 EDUCATIONAL COMPONENTS FOR THE STATE'S TIERED REIMBURSEMENT
117 STRUCTURE FOR CHILD CARE FACILITIES; AND FOR RELATED PURPOSES.

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

119 **SECTION 1.** (1) This act shall be referred to as the
120 "Mississippi Education Reform Act of 2005."

121 (2) The Legislature finds and determines that the quality
122 and accountability of public education and its effect upon the
123 social, cultural and economic enhancement of the people of
124 Mississippi is a matter of public policy, the object of which is
125 the education and performance of its children and youth.

126 **SECTION 2.** Section 37-19-7, Mississippi Code of 1972, is
127 amended as follows:

128 37-19-7. (1) This section shall be known and may be cited
129 as the Mississippi "Teacher Opportunity Program (TOP)." The
130 allowance in the minimum education program and the Mississippi
131 Adequate Education Program for teachers' salaries in each county
132 and separate school district shall be determined and paid in
133 accordance with the scale for teachers' salaries as provided in
134 this subsection. For teachers holding the following types of
135 licenses or the equivalent as determined by the State Board of
136 Education, and the following number of years of teaching
137 experience, the scale shall be as follows:

138 **2004-2005 School Year**

139 **Less Than 25 Years of Teaching Experience**

140	AAAA.....	\$ 31,775.00
141	AAA.....	30,850.00
142	AA.....	29,925.00
143	A.....	28,000.00

144 **25 or More Years of Teaching Experience**

145	AAAA.....	\$ 33,775.00
146	AAA.....	32,850.00
147	AA.....	31,925.00
148	A.....	30,000.00

149 The State Board of Education shall revise the salary scale
150 prescribed above for the 2004-2005 school year to conform to any

151 adjustments made to the salary scale in prior fiscal years due to
 152 revenue growth over and above five percent (5%). For each one
 153 percent (1%) that the Sine Die General Fund Revenue Estimate
 154 Growth exceeds five percent (5%) for fiscal year 2005, as
 155 certified by the Legislative Budget Office to the State Board of
 156 Education and subject to specific appropriation therefor by the
 157 Legislature, the State Board of Education shall revise the salary
 158 scale to provide an additional one percent (1%) across the board
 159 increase in the base salaries for each type of license.

160 **2005-2006 School Year and School Years Thereafter**

161 **Less Than 25 Years of Teaching Experience**

162	AAAA.....	\$ 34,000.00
163	AAA.....	33,000.00
164	AA.....	32,000.00
165	A.....	30,000.00

166 **25 or More Years of Teaching Experience**

167	AAAA.....	\$ 36,000.00
168	AAA.....	35,000.00
169	AA.....	34,000.00
170	A.....	32,000.00

171 The State Board of Education shall revise the salary scale
 172 prescribed above for the 2005-2006 school year to conform to any
 173 adjustments made to the salary scale in prior fiscal years due to
 174 revenue growth over and above five percent (5%). For each one
 175 percent (1%) that the Sine Die General Fund Revenue Estimate
 176 Growth exceeds five percent (5%) for fiscal year 2006, as
 177 certified by the Legislative Budget Office to the State Board of
 178 Education and subject to specific appropriation therefor by the
 179 Legislature, the State Board of Education shall revise the salary
 180 scale to provide an additional one percent (1%) across the board
 181 increase in the base salaries for each type of license.

182 It is the intent of the Legislature that any state funds made
 183 available for salaries of licensed personnel in excess of the

184 funds paid for such salaries for the 1986-1987 school year shall
185 be paid to licensed personnel pursuant to a personnel appraisal
186 and compensation system implemented by the State Board of
187 Education. The State Board of Education shall have the authority
188 to adopt and amend rules and regulations as are necessary to
189 establish, administer and maintain the system.

190 All teachers employed on a full-time basis shall be paid a
191 minimum salary in accordance with the above scale. However, no
192 school district shall receive any funds under this section for any
193 school year during which the local supplement paid to any
194 individual teacher shall have been reduced to a sum less than that
195 paid to that individual teacher for performing the same duties
196 from local supplement during the immediately preceding school
197 year. The amount actually spent for the purposes of group health
198 and/or life insurance shall be considered as a part of the
199 aggregate amount of local supplement but shall not be considered a
200 part of the amount of individual local supplement.

201 **2004-2005 School Year Annual Increment**

202 For teachers holding a Class AAAA license, the minimum base
203 pay specified in this subsection shall be increased by the sum of
204 Seven Hundred Forty Dollars (\$740.00) for each year of teaching
205 experience possessed by the person holding such license until such
206 person shall have twenty-five (25) years of teaching experience.

207 For teachers holding a Class AAA license, the minimum base
208 pay specified in this subsection shall be increased by the sum of
209 Six Hundred Seventy-five Dollars (\$675.00) for each year of
210 teaching experience possessed by the person holding such license
211 until such person shall have twenty-five (25) years of teaching
212 experience.

213 For teachers holding a Class AA license, the minimum base pay
214 specified in this subsection shall be increased by the sum of Six
215 Hundred Ten Dollars (\$610.00) for each year of teaching experience

216 possessed by the person holding such license until such person
217 shall have twenty-five (25) years of teaching experience.

218 For teachers holding a Class A license, the minimum base pay
219 specified in this subsection shall be increased by the sum of Four
220 Hundred Sixty-five Dollars (\$465.00) for each year of teaching
221 experience possessed by the person holding such license until such
222 person shall have twenty-four (24) years of teaching experience.

223 **2005-2006 School Year**

224 **and School Years Thereafter Annual Increments**

225 For teachers holding a Class AAAA license, the minimum base
226 pay specified in this subsection shall be increased by the sum of
227 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching
228 experience possessed by the person holding such license until such
229 person shall have twenty-five (25) years of teaching experience.

230 For teachers holding a Class AAA license, the minimum base
231 pay specified in this subsection shall be increased by the sum of
232 Seven Hundred Five Dollars (\$705.00) for each year of teaching
233 experience possessed by the person holding such license until such
234 person shall have twenty-five (25) years of teaching experience.

235 For teachers holding a Class AA license, the minimum base pay
236 specified in this subsection shall be increased by the sum of Six
237 Hundred Forty Dollars (\$640.00) for each year of teaching
238 experience possessed by the person holding such license until such
239 person shall have twenty-five (25) years of teaching experience.

240 For teachers holding a Class A license, the minimum base pay
241 specified in this subsection shall be increased by the sum of Four
242 Hundred Eighty Dollars (\$480.00) for each year of teaching
243 experience possessed by the person holding such license until such
244 person shall have twenty-four (24) years of teaching experience.

245 The level of professional training of each teacher to be used
246 in establishing the salary allotment for the teachers for each
247 year shall be determined by the type of valid teacher's license

248 issued to those teachers on or before October 1 of the current
249 school year.

250 (2) (a) The following employees shall receive an annual
251 salary supplement in the amount of Six Thousand Dollars
252 (\$6,000.00), plus fringe benefits, in addition to any other
253 compensation to which the employee may be entitled:

254 (i) Any licensed teacher who has met the
255 requirements and acquired a Master Teacher certificate from the
256 National Board for Professional Teaching Standards and who is
257 employed by a local school board or the State Board of Education
258 as a teacher and not as an administrator. Such teacher shall
259 submit documentation to the State Department of Education that the
260 certificate was received prior to October 15 in order to be
261 eligible for the full salary supplement in the current school
262 year, or the teacher shall submit such documentation to the State
263 Department of Education prior to February 15 in order to be
264 eligible for a prorated salary supplement beginning with the
265 second term of the school year.

266 (ii) A licensed nurse who has met the requirements
267 and acquired a certificate from the National Board for
268 Certification of School Nurses, Inc., and who is employed by a
269 local school board or the State Board of Education as a school
270 nurse and not as an administrator. The licensed school nurse
271 shall submit documentation to the State Department of Education
272 that the certificate was received before October 15 in order to be
273 eligible for the full salary supplement in the current school
274 year, or the licensed school nurse shall submit the documentation
275 to the State Department of Education before February 15 in order
276 to be eligible for a prorated salary supplement beginning with the
277 second term of the school year. Provided, however, that the total
278 number of licensed school nurses eligible for a salary supplement
279 under this paragraph (ii) shall not exceed twenty (20).

280 (iii) Any licensed school counselor who has met
281 the requirements and acquired a National Certified School
282 Counselor (NCSC) endorsement from the National Board of Certified
283 Counselors and who is employed by a local school board or the
284 State Board of Education as a counselor and not as an
285 administrator. Such licensed school counselor shall submit
286 documentation to the State Department of Education that the
287 endorsement was received prior to October 15 in order to be
288 eligible for the full salary supplement in the current school
289 year, or the licensed school counselor shall submit such
290 documentation to the State Department of Education prior to
291 February 15 in order to be eligible for a prorated salary
292 supplement beginning with the second term of the school year.
293 However, any school counselor who started the National Board for
294 Professional Teaching Standards process for school counselors
295 between June 1, 2003, and June 30, 2004, and completes the
296 requirements and acquires the master teacher certificate shall be
297 entitled to the master teacher supplement, and those counselors
298 who complete the process shall be entitled to a one (1) time
299 reimbursement for the actual cost of the process as outlined in
300 paragraph (b) of this subsection.

301 (iv) Any licensed speech-language pathologist and
302 audiologist who has met the requirements and acquired a
303 Certificate of Clinical Competence from the American
304 Speech-Language-Hearing Association and who is employed by a local
305 school board. Such licensed speech-language pathologist and
306 audiologist shall submit documentation to the State Department of
307 Education that the certificate or endorsement was received prior
308 to October 15 in order to be eligible for the full salary
309 supplement in the current school year, or the licensed
310 speech-language pathologist and audiologist shall submit such
311 documentation to the State Department of Education prior to

312 February 15 in order to be eligible for a prorated salary
313 supplement beginning with the second term of the school year.

314 (b) An employee shall be reimbursed one (1) time for
315 the actual cost of completing the process of acquiring the
316 certificate or endorsement, excluding any costs incurred for
317 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
318 for a school counselor or speech-language pathologist and
319 audiologist, regardless of whether or not the process resulted in
320 the award of the certificate or endorsement. A local school
321 district or any private individual or entity may pay the cost of
322 completing the process of acquiring the certificate or endorsement
323 for any employee of the school district described under paragraph
324 (a), and the State Department of Education shall reimburse the
325 school district for such cost, regardless of whether or not the
326 process resulted in the award of the certificate or endorsement.
327 If a private individual or entity has paid the cost of completing
328 the process of acquiring the certificate or endorsement for an
329 employee, the local school district may agree to directly
330 reimburse the individual or entity for such cost on behalf of the
331 employee.

332 (c) All salary supplements, fringe benefits and process
333 reimbursement authorized under this subsection shall be paid
334 directly by the State Department of Education to the local school
335 district and shall be in addition to its minimum education program
336 allotments and not a part thereof in accordance with regulations
337 promulgated by the State Board of Education, and subject to
338 appropriation by the Legislature. Local school districts shall
339 not reduce the local supplement paid to any employee receiving
340 such salary supplement, and the employee shall receive any local
341 supplement to which employees with similar training and experience
342 otherwise are entitled.

343 (d) The State Department of Education may not pay any
344 process reimbursement to a school district for an employee who

345 does not complete the certification or endorsement process
346 required to be eligible for the certificate or endorsement. If an
347 employee for whom such cost has been paid in full or in part by a
348 local school district or private individual or entity fails to
349 complete the certification or endorsement process, the employee
350 shall be liable to the school district or individual or entity for
351 all amounts paid by the school district or individual or entity on
352 behalf of that employee toward his or her certificate or
353 endorsement.

354 (3) Effective July 1, 2006, the Legislature may authorize
355 state funds for additional base compensation for teachers holding
356 licenses in critical subject areas or the equivalent and who teach
357 at least a majority of their courses in a critical subject area,
358 as determined by the State Board of Education.

359 (4) (a) This section shall be known and may be cited as the
360 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
361 the minimum base pay described in this section, when available,
362 the State of Mississippi may provide monies from state funds to
363 school districts as defined below for the purposes of rewarding
364 certified teachers and administrators on an equal basis at
365 individual schools showing improvement in student test scores at
366 the top fifty percent (50%) of individual schools. The MPBP plan
367 shall be developed by the Mississippi Department of Education
368 based on the following criteria:

369 (i) It is the express intent of this legislation
370 that the MPBP plan shall utilize only existing standards of
371 accreditation and assessment as established by the State Board of
372 Education.

373 (ii) To ensure that all of Mississippi's teachers
374 at all schools have equal access to the monies set aside in this
375 section, the MPBP program shall be designed to calculate each
376 school's performance as determined by said school's increase in
377 scores from the prior school year. The MPBP program shall be

378 based on a standardized scores rating where all levels of schools
379 can be judged in a statistically fair and reasonable way. At the
380 end of each year, after all student achievement scores have been
381 standardized, the Mississippi Department of Education shall
382 determine the number of schools scoring in the top fifty percent
383 (50%) in terms of student improvement and allocate the money
384 provided for as described in this section on the following basis:

385 1. Schools ranking in the top quartile in
386 terms of student improvement will receive sixty-five percent (65%)
387 of the money set aside as described by this section, and to be
388 equally divided among teachers and administrators.

389 2. Schools ranking in the second quartile in
390 terms of student improvement will receive thirty-five percent
391 (35%) of the money set aside as described in this section, and to
392 be equally divided among teachers and administrators.

393 (iii) To ensure all teachers cooperate in the
394 spirit of teamwork, individual schools may submit a plan to the
395 local school educational authority to be approved prior to the
396 beginning of each school year beginning 2006-2007. The plan shall
397 include, but not be limited to, how all teachers, regardless of
398 subject area, and administrators will be responsible for improving
399 student achievement for their individual school.

400 (b) The Mississippi Department of Education shall
401 ensure that all local educational authorities have access to
402 details of the MPBP program by November 1, 2005, for the purposes
403 of collecting baseline measurements for full implementation during
404 the 2006-2007 school year.

405 (c) The State Department of Education is directed to
406 conduct research on the feasibility of a value-added model of pay
407 for performance model.

408 (i) "Value-added" is a statistical approach
409 designed to measure teacher effectiveness while minimizing outside

410 influences by controlling for factors such as family background,
411 race and socioeconomic status.

412 (ii) The State Department of Education study
413 should measure at least three (3) years of student test scores in
414 Grades 3 through 8 in reading, math, science, language arts and
415 social studies to provide a longitudinal picture of individual
416 student progress and teacher effectiveness.

417 (iii) The study should show how each student
418 performs on a year-to-year basis compared to his or her expected
419 score which is calculated on the basis of the pupil's results on
420 prior tests. At the same time, it should track a student's
421 performance against that of his or her peers.

422 (iv) The study should be "blind" defined as
423 personally identifying information of the teachers' and students'
424 data being measured in the research kept anonymous. The
425 population sample should also be selected in a randomly stratified
426 way and not based on volunteers.

427 (v) The State Department of Education is
428 authorized to use any appropriate statistical measurements to
429 successful accomplish the intent of this section.

430 (vi) The State Department of Education shall
431 present an annual report on their findings and progress to the
432 Legislature and Governor's Office beginning in January 2006.

433 (5) (a) Beginning in the 2005-2006 school year, each middle
434 school in Mississippi shall have at least two (2) mentor teachers,
435 as defined by Sections 37-9-201 through 37-9-213, that shall
436 receive additional base compensation provided for by the State
437 Legislature in the amount of One Thousand Dollars (\$1,000.00).

438 (b) To be eligible for this state funding, the
439 individual school must have a classroom management program
440 approved by the local school board.

441 (c) The state shall provide additional funding under
442 this subsection (5) for only two (2) mentor teachers per middle

443 school, however, this shall not prohibit local school districts
444 from providing additional salary supplements for more than two (2)
445 teacher mentors from nonadequate education program funds.

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

448 37-3-2. (1) There is established within the State
449 Department of Education the Commission on Teacher and
450 Administrator Education, Certification and Licensure and
451 Development. It shall be the purpose and duty of the commission
452 to make recommendations to the State Board of Education regarding
453 standards for the certification and licensure and continuing
454 professional development of those who teach or perform tasks of an
455 educational nature in the public schools of Mississippi.

456 (2) The commission shall be composed of fifteen (15)
457 qualified members. The membership of the commission shall be
458 composed of the following members to be appointed, three (3) from
459 each congressional district: four (4) classroom teachers; three
460 (3) school administrators; one (1) representative of schools of
461 education of institutions of higher learning located within the
462 state to be recommended by the Board of Trustees of State
463 Institutions of Higher Learning; one (1) representative from the
464 schools of education of independent institutions of higher
465 learning to be recommended by the Board of the Mississippi
466 Association of Independent Colleges; one (1) representative from
467 public community and junior colleges located within the state to
468 be recommended by the State Board for Community and Junior
469 Colleges; one (1) local school board member; and four (4) lay
470 persons. All appointments shall be made by the State Board of
471 Education after consultation with the State Superintendent of
472 Public Education. The first appointments by the State Board of
473 Education shall be made as follows: five (5) members shall be
474 appointed for a term of one (1) year; five (5) members shall be
475 appointed for a term of two (2) years; and five (5) members shall

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

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

484 (4) An appropriate staff member of the State Department of
485 Education shall be designated and assigned by the State
486 Superintendent of Public Education to serve as executive secretary
487 and coordinator for the commission. No less than two (2) other
488 appropriate staff members of the State Department of Education
489 shall be designated and assigned by the State Superintendent of
490 Public Education to serve on the staff of the commission.

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

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

495 (b) Recommend to the State Board of Education each year
496 approval or disapproval of each educator preparation program in
497 the state;

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

501 (d) Establish, subject to the approval of the State
502 Board of Education, standards for the renewal of teacher licenses
503 in all fields;

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

507 (f) Review all existing requirements for certification
508 and licensure;

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

511 (h) Prepare reports from time to time on current
512 practices and issues in the general area of teacher education and
513 certification and licensure;

514 (i) Hold hearings concerning standards for teachers'
515 and administrators' education and certification and licensure with
516 approval of the State Board of Education;

517 (j) Hire expert consultants with approval of the State
518 Board of Education;

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

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

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

538 (i) An application on a department form;

539 (ii) An official transcript of completion of a
540 teacher education program approved by the department or a
541 nationally accredited program, subject to the following:

542 Licensure to teach in Mississippi prekindergarten through
543 kindergarten classrooms shall require completion of a teacher
544 education program or a bachelor of science degree with child
545 development emphasis from a program accredited by the American
546 Association of Family and Consumer Sciences (AAFCS) or by the
547 National Association for Education of Young Children (NAEYC) or by
548 the National Council for Accreditation of Teacher Education
549 (NCATE). Licensure to teach in Mississippi kindergarten, for
550 those applicants who have completed a teacher education program,
551 and in Grade 1 through Grade 4 shall require the completion of an
552 interdisciplinary program of studies. Licenses for Grades 4
553 through 8 shall require the completion of an interdisciplinary
554 program of studies with two (2) or more areas of concentration.
555 Licensure to teach in Mississippi Grades 7 through 12 shall
556 require a major in an academic field other than education, or a
557 combination of disciplines other than education. Students
558 preparing to teach a subject shall complete a major in the
559 respective subject discipline. All applicants for standard
560 licensure shall demonstrate that such person's college preparation
561 in those fields was in accordance with the standards set forth by
562 the National Council for Accreditation of Teacher Education
563 (NCATE) or the National Association of State Directors of Teacher
564 Education and Certification (NASDTEC) or, for those applicants who
565 have a bachelor of science degree with child development emphasis,
566 the American Association of Family and Consumer Sciences (AAFCS);
567 (iii) A copy of test scores evidencing
568 satisfactory completion of nationally administered examinations of
569 achievement, such as the Educational Testing Service's teacher
570 testing examinations; and
571 (iv) Any other document required by the State
572 Board of Education.

573 (b) **Standard License - Nontraditional Teaching Route.**
574 Beginning January 1, 2004, an individual who has a passing score

575 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
576 the requested area of endorsement may apply for the Teach
577 Mississippi Institute (TMI) program to teach students in Grades 7
578 through 12 if the individual meets the requirements of this
579 paragraph (b). The State Board of Education shall adopt rules
580 requiring that teacher preparation institutions which provide the
581 Teach Mississippi Institute (TMI) program for the preparation of
582 nontraditional teachers shall meet the standards and comply with
583 the provisions of this paragraph.

584 (i) The Teach Mississippi Institute (TMI) shall
585 include an intensive eight-week, nine-semester-hour summer program
586 or a curriculum of study in which the student matriculates in the
587 fall or spring semester, which shall include, but not be limited
588 to, instruction in education, effective teaching strategies,
589 classroom management, state curriculum requirements, planning and
590 instruction, instructional methods and pedagogy, using test
591 results to improve instruction, and a one (1) semester three-hour
592 supervised internship to be completed while the teacher is
593 employed as a full-time teacher intern in a local school district.
594 The TMI shall be implemented on a pilot program basis, with
595 courses to be offered at up to four (4) locations in the state,
596 with one (1) TMI site to be located in each of the three (3)
597 Mississippi Supreme Court districts.

598 (ii) The school sponsoring the teacher intern
599 shall enter into a written agreement with the institution
600 providing the Teach Mississippi Institute (TMI) program, under
601 terms and conditions as agreed upon by the contracting parties,
602 providing that the school district shall provide teacher interns
603 seeking a nontraditional provisional teaching license with a
604 one-year classroom teaching experience. The teacher intern shall
605 successfully complete the one (1) semester three-hour intensive
606 internship in the school district during the semester immediately

607 following successful completion of the TMI and prior to the end of
608 the one-year classroom teaching experience.

609 (iii) Upon completion of the nine-semester-hour
610 TMI or the fall or spring semester option, the individual shall
611 submit his transcript to the commission for provisional licensure
612 of the intern teacher, and the intern teacher shall be issued a
613 provisional teaching license by the commission, which will allow
614 the individual to legally serve as a teacher while the person
615 completes a nontraditional teacher preparation internship program.

616 (iv) During the semester of internship in the
617 school district, the teacher preparation institution shall monitor
618 the performance of the intern teacher. The school district that
619 employs the provisional teacher shall supervise the provisional
620 teacher during the teacher's intern year of employment under a
621 nontraditional provisional license, and shall, in consultation
622 with the teacher intern's mentor at the school district of
623 employment, submit to the commission a comprehensive evaluation of
624 the teacher's performance sixty (60) days prior to the expiration
625 of the nontraditional provisional license. If the comprehensive
626 evaluation establishes that the provisional teacher intern's
627 performance fails to meet the standards of the approved
628 nontraditional teacher preparation internship program, the
629 individual shall not be approved for a standard license.

630 (v) An individual issued a provisional teaching
631 license under this nontraditional route shall successfully
632 complete, at a minimum, a one-year beginning teacher mentoring and
633 induction program administered by the employing school district
634 with the assistance of the State Department of Education.

635 (vi) Upon successful completion of the TMI and the
636 internship provisional license period, applicants for a Standard
637 License-Nontraditional Route shall submit to the commission a
638 transcript of successful completion of the twelve (12) semester
639 hours required in the internship program, and the employing school

640 district shall submit to the commission a recommendation for
641 standard licensure of the intern. If the school district
642 recommends licensure, the applicant shall be issued a Standard
643 License-Nontraditional Route which shall be valid for a five-year
644 period and be renewable.

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

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

657 Implementation of the TMI program provided for under this
658 paragraph (b) shall be contingent upon the availability of funds
659 appropriated specifically for such purpose by the Legislature.
660 Such implementation of the TMI program may not be deemed to
661 prohibit the State Board of Education from developing and
662 implementing additional alternative route teacher licensure
663 programs, as deemed appropriate by the board. The emergency
664 certification program in effect prior to July 1, 2002, shall
665 remain in effect.

666 The State Department of Education shall compile and report,
667 in consultation with the commission, information relating to
668 nontraditional teacher preparation internship programs, including
669 the number of programs available and geographic areas in which
670 they are available, the number of individuals who apply for and
671 possess a nontraditional conditional license, the subject areas in
672 which individuals who possess nontraditional conditional licenses

673 are teaching and where they are teaching, and shall submit its
674 findings and recommendations to the legislative committees on
675 education by December 1, 2004.

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

682 (c) **Special License - Expert Citizen.** In order to
683 allow a school district to offer specialized or technical courses,
684 the State Department of Education, in accordance with rules and
685 regulations established by the State Board of Education, may grant
686 a one-year expert citizen-teacher license to local business or
687 other professional personnel to teach in a public school or
688 nonpublic school accredited or approved by the state. Such person
689 may begin teaching upon his employment by the local school board
690 and licensure by the Mississippi Department of Education. The
691 board shall adopt rules and regulations to administer the expert
692 citizen-teacher license. A special license - expert citizen may
693 be renewed in accordance with the established rules and
694 regulations of the State Department of Education.

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

701 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
702 person may teach for a maximum of three (3) periods per teaching
703 day in a public school or a nonpublic school accredited/approved
704 by the state. Such person shall submit to the department a
705 transcript or record of his education and experience which

706 substantiates his preparation for the subject to be taught and
707 shall meet other qualifications specified by the commission and
708 approved by the State Board of Education. In no case shall any
709 local school board hire nonlicensed personnel as authorized under
710 this paragraph in excess of five percent (5%) of the total number
711 of licensed personnel in any single school.

712 (f) **Special License - Transitional Bilingual Education.**
713 Beginning July 1, 2003, the commission shall grant special
714 licenses to teachers of transitional bilingual education who
715 possess such qualifications as are prescribed in this section.
716 Teachers of transitional bilingual education shall be compensated
717 by local school boards at not less than one (1) step on the
718 regular salary schedule applicable to permanent teachers licensed
719 under this section. The commission shall grant special licenses
720 to teachers of transitional bilingual education who present the
721 commission with satisfactory evidence that they (i) possess a
722 speaking and reading ability in a language, other than English, in
723 which bilingual education is offered and communicative skills in
724 English; (ii) are in good health and sound moral character; (iii)
725 possess a bachelor's degree or an associate's degree in teacher
726 education from an accredited institution of higher education; (iv)
727 meet such requirements as to courses of study, semester hours
728 therein, experience and training as may be required by the
729 commission; and (v) are legally present in the United States and
730 possess legal authorization for employment. A teacher of
731 transitional bilingual education serving under a special license
732 shall be under an exemption from standard licensure if he achieves
733 the requisite qualifications therefor. Two (2) years of service
734 by a teacher of transitional bilingual education under such an
735 exemption shall be credited to the teacher in acquiring a Standard
736 Educator License. Nothing in this paragraph shall be deemed to
737 prohibit a local school board from employing a teacher licensed in
738 an appropriate field as approved by the State Department of

739 Education to teach in a program in transitional bilingual
740 education.

741 (g) **Highly Qualified Teachers.** Beginning July 1, 2005,
742 any teacher from any state meeting the federal definition of
743 highly qualified, as described in the No Child Left Behind Act,
744 shall be granted a standard five-year license by the Mississippi
745 Department of Education.

746 (h) Schools meeting Level 4 or 5 accreditation
747 standards shall be exempted from any restrictions in paragraph (e)
748 relating to the employment of nonlicensed teaching personnel.

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

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

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

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

767 (d) **Administrator License - Nontraditional Route.** The
768 board may establish a nontraditional route for licensing
769 administrative personnel. Such nontraditional route for
770 administrative licensure shall be available for persons holding,
771 but not limited to, a master of business administration degree, a

772 master of public administration degree, a master of public
773 planning and policy degree or a doctor of jurisprudence degree
774 from an accredited college or university, with five (5) years of
775 administrative or supervisory experience. Successful completion
776 of the requirements of alternate route licensure for
777 administrators shall qualify the person for a standard
778 administrator license.

779 The State Department of Education shall compile and report,
780 in consultation with the commission, information relating to
781 nontraditional administrator preparation internship programs,
782 including the number of programs available and geographic areas in
783 which they are available, the number of individuals who apply for
784 and possess a nontraditional conditional license and where they
785 are employed, and shall submit its findings and recommendations to
786 the legislative committees on education by December 1, 2004.

787 Beginning with the 1997-1998 school year, individuals seeking
788 school administrator licensure under paragraph (b), (c) or (d)
789 shall successfully complete a training program and an assessment
790 process prescribed by the State Board of Education. Applicants
791 seeking school administrator licensure prior to June 30, 1997, and
792 completing all requirements for provisional or standard
793 administrator certification and who have never practiced, shall be
794 exempt from taking the Mississippi Assessment Battery Phase I.
795 Applicants seeking school administrator licensure during the
796 period beginning July 1, 1997, through June 30, 1998, shall
797 participate in the Mississippi Assessment Battery, and upon
798 request of the applicant, the department shall reimburse the
799 applicant for the cost of the assessment process required. After
800 June 30, 1998, all applicants for school administrator licensure
801 shall meet all requirements prescribed by the department under
802 paragraph (b), (c) or (d), and the cost of the assessment process
803 required shall be paid by the applicant.

804 (8) **Reciprocity.** (a) The department shall grant a standard
805 license to any individual who possesses a valid standard license
806 from another state * * *.

807 (b) The department shall grant a nonrenewable special
808 license to any individual who possesses a credential which is less
809 than a standard license or certification from another state, or
810 who possesses a standard license from another state but has less
811 than two (2) years of full-time teaching or administration
812 experience. Such special license shall be valid for the current
813 school year plus one (1) additional school year to expire on June
814 30 of the second year, not to exceed a total period of twenty-four
815 (24) months, during which time the applicant shall be required to
816 complete the requirements for a standard license in Mississippi.

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

829 (10) All controversies involving the issuance, revocation,
830 suspension or any change whatsoever in the licensure of an
831 educator required to hold a license shall be initially heard in a
832 hearing de novo, by the commission or by a subcommittee
833 established by the commission and composed of commission members
834 for the purpose of holding hearings. Any complaint seeking the
835 denial of issuance, revocation or suspension of a license shall be
836 by sworn affidavit filed with the Commission of Teacher and

837 Administrator Education, Certification and Licensure and
838 Development. The decision thereon by the commission or its
839 subcommittee shall be final, unless the aggrieved party shall
840 appeal to the State Board of Education, within ten (10) days, of
841 the decision of the committee or its subcommittee. An appeal to
842 the State Board of Education shall be on the record previously
843 made before the commission or its subcommittee unless otherwise
844 provided by rules and regulations adopted by the board. The State
845 Board of Education in its authority may reverse, or remand with
846 instructions, the decision of the committee or its subcommittee.
847 The decision of the State Board of Education shall be final.

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

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

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

857 (c) The applicant is actively addicted to or actively
858 dependent on alcohol or other habit-forming drugs or is a habitual
859 user of narcotics, barbiturates, amphetamines, hallucinogens or
860 other drugs having similar effect, at the time of application for
861 a license;

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

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

866 (f) Failing or refusing to furnish reasonable evidence
867 of identification;

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

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

874 (12) The State Board of Education, acting on the
875 recommendation of the commission, may revoke or suspend any
876 teacher or administrator license for specified periods of time for
877 one or more of the following:

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

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

884 (c) Suspension or revocation of a certificate or
885 license by another state shall result in immediate suspension or
886 revocation and shall continue until records in the prior state
887 have been cleared;

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

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

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

897 (13) (a) Dismissal or suspension of a licensed employee by
898 a local school board pursuant to Section 37-9-59 may result in the
899 suspension or revocation of a license for a length of time which

900 shall be determined by the commission and based upon the severity
901 of the offense.

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

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

912 (14) A person whose license has been suspended on any
913 grounds except criminal grounds may petition for reinstatement of
914 the license after one (1) year from the date of suspension, or
915 after one-half (1/2) of the suspended time has lapsed, whichever
916 is greater. A license suspended or revoked on the criminal
917 grounds may be reinstated upon petition to the commission filed
918 after expiration of the sentence and parole or probationary period
919 imposed upon conviction. A revoked, suspended or surrendered
920 license may be reinstated upon satisfactory showing of evidence of
921 rehabilitation. The commission shall require all who petition for
922 reinstatement to furnish evidence satisfactory to the commission
923 of good character, good mental, emotional and physical health and
924 such other evidence as the commission may deem necessary to
925 establish the petitioner's rehabilitation and fitness to perform
926 the duties authorized by the license.

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

933 superintendent of the school district or school board where the
934 teacher or administrator is employed of any disciplinary action
935 and also notify the teacher or administrator of such revocation or
936 suspension and shall maintain records of action taken. The State
937 Board of Education may reverse or remand with instructions any
938 decision of the commission regarding a petition for reinstatement
939 of a license, and any such decision of the State Board of
940 Education shall be final.

941 (16) An appeal from the action of the State Board of
942 Education in denying an application, revoking or suspending a
943 license or otherwise disciplining any person under the provisions
944 of this section shall be filed in the Chancery Court of the First
945 Judicial District of Hinds County on the record made, including a
946 verbatim transcript of the testimony at the hearing. The appeal
947 shall be filed within thirty (30) days after notification of the
948 action of the board is mailed or served and the proceedings in
949 chancery court shall be conducted as other matters coming before
950 the court. The appeal shall be perfected upon filing notice of
951 the appeal and by the prepayment of all costs, including the cost
952 of preparation of the record of the proceedings by the State Board
953 of Education, and the filing of a bond in the sum of Two Hundred
954 Dollars (\$200.00) conditioned that if the action of the board be
955 affirmed by the chancery court, the applicant or license holder
956 shall pay the costs of the appeal and the action of the chancery
957 court.

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

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

966 shall in no way alter or abridge the authority of local school
967 districts to require greater qualifications or standards of
968 performance as a prerequisite of initial or continued employment
969 in such districts.

970 (19) In addition to the reasons specified in subsections
971 (12) and (13) of this section, the board shall be authorized to
972 suspend the license of any licensee for being out of compliance
973 with an order for support, as defined in Section 93-11-153. The
974 procedure for suspension of a license for being out of compliance
975 with an order for support, and the procedure for the reissuance or
976 reinstatement of a license suspended for that purpose, and the
977 payment of any fees for the reissuance or reinstatement of a
978 license suspended for that purpose, shall be governed by Section
979 93-11-157 or 93-11-163, as the case may be. Actions taken by the
980 board in suspending a license when required by Section 93-11-157
981 or 93-11-163 are not actions from which an appeal may be taken
982 under this section. Any appeal of a license suspension that is
983 required by Section 93-11-157 or 93-11-163 shall be taken in
984 accordance with the appeal procedure specified in Section
985 93-11-157 or 93-11-163, as the case may be, rather than the
986 procedure specified in this section. If there is any conflict
987 between any provision of Section 93-11-157 or 93-11-163 and any
988 provision of this chapter, the provisions of Section 93-11-157 or
989 93-11-163, as the case may be, shall control.

990 **SECTION 4.** Section 37-11-55, Mississippi Code of 1972, is
991 amended as follows:

992 37-11-55. The local school board shall adopt and make
993 available to all teachers, school personnel, students and parents
994 or guardians, at the beginning of each school year, a code of
995 student conduct developed in consultation with teachers, school
996 personnel, students and parents or guardians. The code shall be
997 based on the rules governing student conduct and discipline
998 adopted by the school board and shall be made available at the

999 school level in the student handbook or similar publication. The
1000 code shall include, but not be limited to:

1001 (a) Specific grounds for disciplinary action under the
1002 school district's discipline plan;

1003 (b) Procedures to be followed for acts requiring
1004 discipline, including suspensions and expulsion, which comply with
1005 due process requirements;

1006 (c) An explanation of the responsibilities and rights
1007 of students with regard to: attendance; respect for persons and
1008 property; knowledge and observation of rules of conduct; free
1009 speech and student publications; assembly; privacy; and
1010 participation in school programs and activities;

1011 (d) Policies and procedures recognizing the teacher as
1012 the authority in classroom matters, and supporting that teacher in
1013 any decision in compliance with the written discipline code of
1014 conduct. Such recognition shall include the right of the teacher
1015 to remove from the classroom any student who, in the professional
1016 judgment of the teacher, is disrupting the learning environment,
1017 to the office of the principal or assistant principal. The
1018 principal or assistant principal shall determine the proper
1019 placement for the student, who may not be returned to the
1020 classroom until a conference of some kind has been held with the
1021 parent, guardian or custodian during which the disrupting behavior
1022 is discussed and agreements are reached that no further disruption
1023 will be tolerated; * * *

1024 (e) Establishment of the Disciplinary Action Review
1025 Board in every publicly-funded school in the State of Mississippi:

1026 (i) In the event a principal, or other designated
1027 disciplinarian, makes a decision to readmit a student to a
1028 teacher's classroom and the teacher objects, the teacher, as the
1029 classroom authority, has the right to appeal the principal's
1030 decision to the Disciplinary Action Review Board.

1031 (ii) Members shall be appointed as follows:

1032 1. The school's faculty shall choose two (2)
1033 teachers to serve as members and one (1) teacher to serve as an
1034 alternate member; and

1035 2. The school's principal shall choose one
1036 (1) faculty member;

1037 3. The teacher objecting to the student's
1038 readmission may not serve on the Student Disciplinary Review
1039 Board.

1040 (iii) Students whose readmission is objected to by
1041 the disciplining teacher may be temporarily reassigned to another
1042 classroom, placed in an in-school suspension, or any other
1043 available option at the discretion of the designated
1044 disciplinarian until the Student Disciplinary Review Board can
1045 meet to hear the case.

1046 (iv) All cases shall be heard within three (3)
1047 school days of the designated disciplinarian's decision to readmit
1048 the student over the disciplining teacher's objections.

1049 (v) The committee's placement determination
1050 regarding a student with a disability who receives special
1051 education services is subject to the requirements of the
1052 Individuals with Disabilities Education Act and federal
1053 regulations, state statutes, and agency requirements necessary to
1054 carry out federal law or regulations or state law relating to
1055 special education;

1056 (f) Policies and procedures for dealing with a student
1057 who causes a disruption in the classroom, on school property or
1058 vehicles, or at school-related activities;

1059 (g) Procedures for the development of behavior
1060 modification plans by the school principal, reporting teacher and
1061 student's parent for a student who causes a disruption in the
1062 classroom, on school property or vehicles, or at school-related
1063 activities for a second time during the school year; and

1064 (h) Policies and procedures specifically concerning
1065 gang-related activities in the school, on school property or
1066 vehicles, or at school-related activities.

1067 **SECTION 5.** Section 37-3-81, Mississippi Code of 1972, is
1068 amended as follows:

1069 37-3-81. (1) Effective July 1, 2005, each regional
1070 educational service agency shall establish and maintain a School
1071 Safety Center, which shall operate a statewide information
1072 clearinghouse that: (a) provides assistance to member school
1073 districts and communities during school crises; and (b) provides
1074 technical assistance, training and current resources to public
1075 school officials and parents in member districts who need
1076 assistance in researching, developing and implementing school
1077 safety plans and in maintaining a safe school environment. * * *

1078 (2) The executive director of the educational service agency
1079 shall be given full authority to secure any and all funding for
1080 the enhancement of the School Safety Center program.

1081 **SECTION 6.** Section 37-3-83, Mississippi Code of 1972, is
1082 amended as follows:

1083 37-3-83. (1) There is established * * * a School Safety
1084 Grant Program, to be administered by regional education service
1085 agencies effective July 1, 2005, and made available to all
1086 eligible public school member districts, to assist in financing
1087 programs to provide school safety. * * *

1088 (2) The school board of each member school district, with
1089 the assistance of the regional education service agency School
1090 Safety Center, shall adopt a comprehensive local school district
1091 school safety plan * * *.

1092 (3) Subject to the extent of appropriations available, the
1093 School Safety Grant Program may offer, but shall not be limited
1094 to, any of the following specific preventive services, and other
1095 additional services appropriate to the most current school
1096 district school safety plan:

1097 (a) Metal detectors;
1098 (b) Video surveillance cameras, communications
1099 equipment and monitoring equipment for classrooms, school
1100 buildings, school grounds and school buses;
1101 (c) Crisis management/action teams responding to school
1102 violence;
1103 (d) Violence prevention training, conflict resolution
1104 training, and other appropriate training designated by the State
1105 Department of Education for faculty and staff; and
1106 (e) School safety personnel.

1107 (4) Each local member school district of this state may
1108 annually apply for school safety grant funds subject to
1109 appropriations by the Legislature or other funding organization.
1110 School safety grants shall include a base grant amount plus an
1111 additional amount per student in average daily attendance in the
1112 school or school district. * * * The regional education service
1113 agency, working in conjunction with local member districts, shall
1114 establish procedures for eligibility for funds.

1115 (5) Any local school district may use
1116 audio/visual-monitoring equipment in classrooms, hallways,
1117 buildings, grounds and buses for the purpose of monitoring school
1118 disciplinary problems.

1119 (6) The executive director of the education service agency
1120 shall make an annual written report to the Office of the Governor
1121 and Chairs of the House and Senate Education Committees on or
1122 before December 1 on the operation of the School Safety Center and
1123 the School Safety Grant Program, along with any recommendations
1124 for expansion or revision of the program.

1125 (7) The executive director of the education service agency
1126 shall be given full authority to secure any and all funding for
1127 the enhancement of the School Safety Grant Program.

1128 **SECTION 7.** Section 37-3-91, Mississippi Code of 1972, is
1129 amended as follows:

1130 37-3-91. * * * Effective July 1, 2005, regional behavioral
1131 institutes will be established and maintained by the state's
1132 regional education service agencies for the purpose of providing
1133 state-of-the-art training to teachers and administrators in
1134 discipline and classroom management strategies.

1135 * * *

1136 **SECTION 8.** Section 37-3-93, Mississippi Code of 1972, is
1137 amended as follows:

1138 37-3-93. (1) Subject to the availability of funding
1139 specifically appropriated for such purpose, there is established a
1140 School Crisis Management Program to be administered by the state's
1141 regional education service agencies. * * * Under this program,
1142 the designated education service agency shall develop a quick
1143 response team of personnel trained in school safety and crisis
1144 management to respond to traumatic or violent situations that
1145 impact students and faculty in the public schools in Mississippi.
1146 The School Crisis Management Program shall operate in accordance
1147 with the following:

1148 (a) The basic response team shall consist of those
1149 personnel designated by the executive director of the designated
1150 education service agency, or their designees, depending on the
1151 size of the member school and the nature of the event.

1152 (b) In order to access the services of a response team,
1153 the request must be made by the local school principal or the
1154 superintendent of schools, who shall make the request to the
1155 executive director of the designated education service agency, or
1156 his contact designee.

1157 (c) A response team shall enter a school to work with
1158 students and faculty for a period of no more than three (3) days,
1159 unless otherwise requested by the school district.

1160 (d) The State Department of Education, or its designee,
1161 shall operate a toll-free incoming wide area telephone service for
1162 the purpose of automatically relaying reports of suspected cases

1163 of school violence and other traumatic situations impacting on
1164 students and faculty in the public schools to the designated
1165 regional service agency.

1166 (e) The request made by a member school district to
1167 access the services of a response team following a school safety
1168 incident may seek a review of the local member school district's
1169 safety plan, and the results of this evaluation may be published
1170 by the local school board in a newspaper with wide circulation in
1171 the district.

1172 (f) Subject to the availability of funds specifically
1173 appropriated therefor by the Legislature or other funding source,
1174 the expenses of the quick response teams and their administrative
1175 support shall be provided from state funds. The executive
1176 director of the regional education service agency may apply for
1177 and expend funds for the support and maintenance of this program
1178 from private and other funding sources.

1179 (2) Local member school districts, school superintendents
1180 and principals may request and utilize the services of quick
1181 response teams provided for under this section; however, this
1182 section does not require school officials to request the services
1183 of quick response teams.

1184 * * *

1185 **SECTION 9.** Section 37-7-345, Mississippi Code of 1972, is
1186 amended as follows:

1187 37-7-345. (1) A regional educational service agency (ESA)
1188 may be established in a region of the state when twelve (12) or
1189 more school districts determine there are benefits and services
1190 that can be derived from the collective and collaborative
1191 formation of an agency for the purpose of pooling and leveraging
1192 resources for the common benefit of students, teachers,
1193 administrators and taxpayers. An educational service agency shall
1194 be incorporated in the State of Mississippi and organized under
1195 the laws of the State of Mississippi as a nonprofit corporation.

1196 The educational service agency shall obtain 501(c)(3) status with
1197 the Internal Revenue Service.

1198 (2) The operation and management of the educational service
1199 agency shall be the responsibility of a public advisory board
1200 composed of the superintendents of schools or their designees from
1201 each participating school district.

1202 (3) A board of directors shall be elected on an annual basis
1203 from the advisory board to oversee the day-to-day operations of
1204 the agency.

1205 (4) The executive board shall hire an executive director to
1206 serve as the executive agent of the board of the regional
1207 educational service agency.

1208 (5) The board of directors of a regional educational service
1209 agency shall have the authority to establish policies for the
1210 regional educational service to determine the programs and
1211 services to be provided, to employ staff, to prepare and expend
1212 the budget, to provide for financing programs and projects of the
1213 regional educational service agency, and to annually evaluate the
1214 performance of the agency. The board may purchase, hold, encumber
1215 and dispose of real property, in the name of the agency, for use
1216 as its office or for any educational service provided by the
1217 agency.

1218 (6) The educational service agency is authorized and
1219 empowered to: develop, manage and provide support services and/or
1220 programs as determined by the needs of the local school district.

1221 Educational service agencies (ESAs) shall:

1222 (a) Act primarily as service agencies in providing
1223 services and/or programs as identified and requested by member
1224 school districts (services may include, but are not limited to,
1225 professional development, instructional materials, educational
1226 technology, curriculum development and alternative educational
1227 programs);

1228 (b) Provide for economy, efficiency and cost
1229 effectiveness in the cooperative delivery and purchase or lease of
1230 educational services, materials and products (services may
1231 include, but are not limited to, purchasing cooperatives,
1232 insurance cooperatives, business manager services, auditing and
1233 accounting services, school safety/risk prevention, and data
1234 processing and student records);

1235 (c) Provide administrative services (services may
1236 include, but are not limited to, communications/public
1237 information, employee background checks, grants management,
1238 printing/publications and internships);

1239 (d) Provide educational services through leadership,
1240 research and development in elementary and secondary education;

1241 (e) Act in a cooperative and supportive role, including
1242 contracting, with the Mississippi Department of Education,
1243 Mississippi Institutes of Higher Learning, Mississippi Community
1244 Colleges and other state educational organizations in the
1245 development and implementation of long-range plans, strategies and
1246 goals for the enhancement of educational opportunities in
1247 elementary and secondary education; * * *

1248 (f) Serve, when appropriate and as funds become
1249 available, as a repository, clearinghouse and administrator of
1250 federal, state, local and private funds on behalf of school
1251 districts which choose to participate in special programs,
1252 projects or grants in order to enhance the quality of education in
1253 Mississippi schools; and

1254 (g) Assume responsibility to member districts for the
1255 School Safety Centers and Regional Behavior Institute as defined
1256 in Sections 37-3-81, 37-3-83, 37-3-91 and 37-3-93.

1257 (7) All school districts shall become members of a
1258 designated educational service agency no later than June 30, 2006.

1259 **SECTION 10.** Section 37-11-53, Mississippi Code of 1972, is
1260 amended as follows:

1261 37-11-53. (1) A copy of the school district's discipline
1262 plan shall be distributed to each student enrolled in the
1263 district, and the parents, guardian or custodian of such student
1264 shall sign a statement verifying that they have been given notice
1265 of the discipline policies of their respective school district.
1266 The school board shall have its official discipline plan and code
1267 of student conduct legally audited on an annual basis to insure
1268 that its policies and procedures are currently in compliance with
1269 applicable statutes, case law and state and federal constitutional
1270 provisions. As part of the first legal audit occurring after July
1271 1, 2001, the provisions of this section, Section 37-11-55 and
1272 Section 37-11-18.1 shall be fully incorporated into the school
1273 district's discipline plan and code of student conduct.

1274 (2) All discipline plans of school districts shall include,
1275 but not be limited to, the following:

1276 (a) A parent, guardian or custodian of a
1277 compulsory-school-age child enrolled in a public school district
1278 shall be responsible financially for his or her minor child's
1279 destructive acts against school property or persons;

1280 (b) A parent, guardian or custodian of a
1281 compulsory-school-age child enrolled in a public school district
1282 may be requested to appear at school by the school attendance
1283 officer or an appropriate school official for a conference
1284 regarding acts of the child specified in paragraph (a) of this
1285 subsection, or for any other discipline conference regarding the
1286 acts of the child;

1287 (c) Any parent, guardian or custodian of a
1288 compulsory-school-age child enrolled in a school district who
1289 refuses or willfully fails to attend such discipline conference
1290 specified in paragraph (b) of this section may be summoned by
1291 proper notification by the superintendent of schools or the school
1292 attendance officer and be required to attend such discipline
1293 conference; and

1294 (d) A parent, guardian or custodian of a
1295 compulsory-school-age child enrolled in a public school district
1296 shall be responsible for any criminal fines brought against such
1297 student for unlawful activity occurring on school grounds or
1298 buses.

1299 (3) Any parent, guardian or custodian of a
1300 compulsory-school-age child who * * * fails to attend a discipline
1301 conference within three (3) school days of official school
1302 notification to which such parent, guardian or custodian has been
1303 summoned under the provisions of this section, or who refuses or
1304 willfully fails to perform any other duties imposed upon him or
1305 her under the provisions of this section, shall be guilty of a
1306 misdemeanor and, upon conviction, shall be:

1307 (a) Fined an amount not to exceed Two Hundred Fifty
1308 Dollars (\$250.00);

1309 (b) Perform community service of up to twenty-five (25)
1310 hours; and/or

1311 (c) With the consent of the student's teacher(s),
1312 attend class with the student for a period of time agreed upon by
1313 the court, in consultation with the reporting teacher and school
1314 principal. If the parent, guardian or custodian does not agree to
1315 attend class with the student or fails to attend class with the
1316 student, the student shall be suspended in accordance with the
1317 code of student conduct and discipline policies of the school
1318 district.

1319 (4) Any public school district shall be entitled to recover
1320 damages in an amount not to exceed Twenty Thousand Dollars
1321 (\$20,000.00), plus necessary court costs, from the parents of any
1322 minor under the age of eighteen (18) years and over the age of six
1323 (6) years, who maliciously and willfully damages or destroys
1324 property belonging to such school district. However, this section
1325 shall not apply to parents whose parental control of such child
1326 has been removed by court order or decree. The action authorized

1327 in this section shall be in addition to all other actions which
1328 the school district is entitled to maintain and nothing in this
1329 section shall preclude recovery in a greater amount from the minor
1330 or from a person, including the parents, for damages to which such
1331 minor or other person would otherwise be liable.

1332 * * *

1333 **SECTION 11.** Section 37-3-4, Mississippi Code of 1972, is
1334 amended as follows:

1335 37-3-4. (1) There is established within the State
1336 Department of Education, the School Executive Management
1337 Institute. The director shall be appointed by the State Board of
1338 Education upon recommendation by the State Superintendent of
1339 Public Education. The State Superintendent of Public Education,
1340 with the approval of the State Board of Education, shall assign
1341 sufficient staff members from the State Department of Education to
1342 the institute.

1343 (2) It shall be the purpose and duty of the institute to
1344 conduct thorough empirical studies and analyses of the school
1345 management needs of the local school districts throughout the
1346 state, to make recommendations to the State Board of Education
1347 regarding standards and programs of training that aid in the
1348 development of administrative and management skills of local
1349 school administrators, and to conduct such programs related to
1350 these purposes as they are implemented under guidelines
1351 established by the State Board of Education.

1352 (3) The State Board of Education shall develop and implement
1353 through the School Executive Management Institute a program for
1354 the development of administrative and management skills of local
1355 school administrators under which all local school administrators
1356 shall be required to participate. Subject to the extent of
1357 appropriations available for such purpose, the School Executive
1358 Management Institute or the Mississippi School Boards Association
1359 shall be required to offer courses at least twice a year on the

1360 uses of technology to principals, superintendents and other
1361 administrative personnel. These courses shall relate to the
1362 application of technology to learning, as well as administrative
1363 problems.

1364 (4) (a) The institute shall have an advisory board composed
1365 of ten (10) qualified members appointed by the State Board of
1366 Education after consultation with the State Superintendent of
1367 Public Education. This advisory board will offer recommendations
1368 to the institute on the types of training to be instituted and
1369 supported. The membership of the advisory board shall be composed
1370 of the following members, two (2) to be appointed from each
1371 congressional district: three (3) school administrators; one (1)
1372 representative of public community/junior colleges within the
1373 state; one (1) representative of a school of education in an
1374 institution of higher learning within the state; two (2) local
1375 school board members; one (1) classroom teacher; and two (2) lay
1376 persons. In making the initial appointments, three (3) members
1377 shall be appointed for a term of one (1) year, three (3) members
1378 shall be appointed for a term of two (2) years, two (2) members
1379 shall be appointed for a term of three (3) years, and two (2)
1380 members shall be appointed for a term of four (4) years.

1381 Thereafter, all members shall be appointed for a term of four (4)
1382 years. The advisory board shall meet when called by the director,
1383 but in no event fewer than three (3) times per year. The members
1384 of the advisory board shall be compensated at the per diem rate
1385 authorized by Section 25-3-69 and reimbursed for actual and
1386 necessary expenses as authorized by Section 25-3-41.

1387 (b) Board members of the Oxford-Lafayette Business and
1388 Industrial Complex shall be paid per diem and reimbursed for
1389 expenses and mileage from local funds in accordance with Section
1390 37-6-13.

1391 (5) (a) Basic Education Course. Subject to the extent of
1392 appropriations available for such purpose, the School Executive

1393 Management Institute of the State Department of Education shall
1394 prepare and conduct a course of training for basic education for
1395 the local school board members of this state, in order for board
1396 members to carry out their duties more effectively and be exposed
1397 to new ideas involving school restructuring. The basic course
1398 shall be known as the "School Board Member Training Course" and
1399 shall consist of at least twelve (12) hours of training. The
1400 School Executive Management Institute shall issue certificates of
1401 completion to those school board members who complete the basic
1402 education course.

1403 (b) Continuing Education Course. The Mississippi
1404 School Boards Association shall be responsible for preparing and
1405 conducting a course of training for continuing education for the
1406 local school board members of this state, in order for board
1407 members to carry out their duties more effectively and be exposed
1408 to new ideas involving school restructuring. The continuing
1409 education course shall be known as the "Continuing Education
1410 Course for School Board Members" and shall consist of at least six
1411 (6) hours of training.

1412 The Mississippi School Boards Association shall issue
1413 certificates of completion to those school board members who
1414 complete the continuing education course. All costs and expenses
1415 for preparing and conducting the continuing education course
1416 provided for in this paragraph shall be paid out of any funds
1417 which are made available to the Mississippi School Boards
1418 Association upon authorization and appropriation by the
1419 Legislature to the State Department of Education.

1420 (6) The Mississippi School Boards Association shall prepare
1421 and submit a report each year to the State Board of Education and
1422 to the respective Chairs of the House and Senate Education
1423 Committees describing the activities and providing an evaluation
1424 of the continuing education programs offered by the association
1425 each year.

1426 (7) The School Executive Management Institute of the State
1427 Department of Education, or the Mississippi School Boards
1428 Association with the oversight of the State Board of Education, at
1429 least twice a year, shall prepare and conduct required courses of
1430 training for continuing education for the elementary and secondary
1431 school principals of this state, in order for principals to carry
1432 out their duties more effectively and be exposed to new ideas
1433 involving school management. The continuing education course
1434 shall be known as the "Continuing Education Course for Principals"
1435 and shall consist of at least six (6) hours of training. The
1436 content of the continuing education courses and the time and place
1437 such courses are to be conducted shall be determined by the School
1438 Executive Management Institute or the Mississippi School Boards
1439 Association; however, to the extent practicable, such training
1440 sessions shall be held within geographical proximity of local
1441 districts in order that travel times and costs shall not be
1442 prohibitive.

1443 The institute shall issue certificates of completion to those
1444 principals who complete such courses. All costs and expenses for
1445 preparing and conducting the basic and continuing education
1446 courses provided for in this subsection shall be paid out of any
1447 funds which are made available to the institute upon authorization
1448 and appropriation by the Legislature.

1449 (8) Principals and other administrators at schools meeting
1450 Level 4 or 5 accreditation standards shall be exempted from the
1451 provisions of this section.

1452 **SECTION 12.** Section 37-3-46, Mississippi Code of 1972, is
1453 amended as follows:

1454 37-3-46. From and after July 1, 1983, the State Department
1455 of Education shall:

1456 (a) Provide to local school districts financial,
1457 training and other assistance to implement and maintain a state

1458 program of educational accountability and assessment of
1459 performance.

1460 (b) Provide to local school districts technical
1461 assistance and training in the development, implementation and
1462 administration of a personnel appraisal and compensation system
1463 for all school employees. The State Board of Education shall
1464 report to the Legislature on January 5, 1986, with recommendations
1465 based upon the personnel appraisal and compensation system
1466 developed under this subsection.

1467 (c) Provide to local school districts technical
1468 assistance in the development, implementation and administration
1469 of programs designed to keep children in school voluntarily and to
1470 prevent dropouts.

1471 (d) Schools meeting Level 4 or 5 accreditation
1472 standards shall be exempted from the provisions of this section.

1473 **SECTION 13.** Section 37-3-49, Mississippi Code of 1972, is
1474 amended as follows:

1475 37-3-49. (1) The State Department of Education shall
1476 provide an instructional program and establish guidelines and
1477 procedures for managing such program in the public schools as part
1478 of the State Program of Educational Accountability and Assessment
1479 of Performance as prescribed in Section 37-3-46. Public school
1480 districts may (a) elect to adopt the instructional program and
1481 management system provided by the State Department of Education,
1482 or (b) elect to adopt an instructional program and management
1483 system which meets or exceeds criteria established by the State
1484 Department of Education for such. This provision shall begin with
1485 the courses taught in Grades K-8 which contain skills tested
1486 through the Mississippi Basic Skills Assessment Program and shall
1487 proceed through all secondary school courses mandated for
1488 graduation and all secondary school courses in the Mississippi
1489 end-of-course testing program. Other state core objectives must
1490 be included in the district's instructional program as they are

1491 provided by the State Department of Education along with
1492 instructional practices, resources, evaluation items and
1493 management procedures. Districts are encouraged to adapt this
1494 program and accompanying procedures to all other instructional
1495 areas. The department shall provide that such program and
1496 guidelines, or a program and guidelines developed by a local
1497 school district which incorporates the core objectives from the
1498 curriculum structure are enforced through the performance-based
1499 accreditation system. It is the intent of the Legislature that
1500 every effort be made to protect the instructional time in the
1501 classroom and reduce the amount of paperwork which must be
1502 completed by teachers. The State Department of Education shall
1503 take steps to insure that school districts properly use staff
1504 development time to work on the districts' instructional
1505 management plans.

1506 (2) The State Department of Education shall provide such
1507 instructional program and management guidelines which shall
1508 require for every public school district that:

1509 (a) All courses taught in Grades K-8 which contain
1510 skills which are tested through the Mississippi Basic Skills
1511 Assessment Program, all secondary school courses mandated for
1512 graduation, and all courses in the end-of-course testing program
1513 shall include the State Department of Education's written list of
1514 learning objectives.

1515 (b) The local school board must adopt the objectives
1516 that will form the core curriculum which will be systematically
1517 delivered throughout the district.

1518 (c) The set of objectives provided by the State
1519 Department of Education must be accompanied by suggested
1520 instructional practices and resources that would help teachers
1521 organize instruction so as to promote student learning of the
1522 objectives. Objectives added by the school district must also be
1523 accompanied by suggested instructional practices and resources

1524 that would help teachers organize instruction. The instructional
1525 practices and resources that are identified are to be used as
1526 suggestions and not as requirements that teachers must follow. The
1527 goal of the program is to have students to achieve the desired
1528 objective and not to limit teachers in the way they teach.

1529 (d) Standards for student performance must be
1530 established for each core objective in the local program and those
1531 standards establish the district's definition of mastery for each
1532 objective.

1533 (e) There shall be an annual review of student
1534 performance in the instructional program against locally
1535 established standards. When weaknesses exist in the local
1536 instructional program, the district shall take action to improve
1537 student performance.

1538 (3) The State Board of Education and the board of trustees
1539 of each school district shall adopt policies to limit and reduce
1540 the number and length of written reports that classroom teachers
1541 are required to prepare.

1542 (4) This section shall not be construed to limit teachers
1543 from using their own professional skills to help students master
1544 instructional objectives, nor shall it be construed as a call for
1545 more detailed or complex lesson plans or any increase in testing
1546 at the local school district level.

1547 (5) Schools meeting Level 4 or 5 accreditation standards
1548 shall be exempted from the provisions of this section.

1549 **SECTION 14.** Section 37-7-306, Mississippi Code of 1972, is
1550 amended as follows:

1551 37-7-306. (1) Every school board member selected after July
1552 1, 2002, shall have a high school diploma or its equivalent.

1553 (2) Every school board member selected after July 1, 1993,
1554 shall be required to complete a basic course of training and
1555 education for local school board members, in order for board
1556 members to carry out their duties more effectively and be exposed

1557 to new ideas involving school restructuring. Such basic course of
1558 training, approved by the State Board of Education, shall be
1559 conducted by the School Executive Management Institute of the
1560 State Department of Education. Upon completion of the basic
1561 course of training, the School Executive Management Institute
1562 shall file a certificate of completion for the school board member
1563 with the office of the local school board. In the event that a
1564 board member fails to complete such training within six (6) months
1565 of his selection, such board member shall no longer be qualified
1566 to serve and shall be removed from office.

1567 (3) In addition to meeting the requirements of subsection
1568 (2) of this section, after taking office, each school board member
1569 shall be required to file annually in the office of the school
1570 board a certificate of completion of a course of continuing
1571 education conducted by the Mississippi School Boards Association.

1572 (4) Every school board member selected after July 1, 2002,
1573 shall spend at least one (1) full day in a school in the district
1574 they represent, without compensation.

1575 (5) Upon the failure of any local school board member to
1576 file with the school board the certificate of completion of the
1577 basic or continuing course of training as provided in subsection
1578 (2) or (3) of this section, the school board member shall be
1579 removed from office by the Attorney General. In the event of a
1580 medical or other catastrophic hardship that prevents such school
1581 board member from obtaining the required training or filing such
1582 certificate, as may be defined by the State Board of Education by
1583 rule and regulation, an additional period of three (3) months may
1584 be allowed to satisfy the requirements of subsection (2) or (3).

1585 (6) Schools meeting Level 4 or 5 accreditation standards
1586 shall be exempted from the provisions of this section.

1587 **SECTION 15.** Section 37-7-337, Mississippi Code of 1972, is
1588 amended as follows:

1589 37-7-337. (1) The governing authorities of the county,
1590 counties or city in which a school district is located and the
1591 school board of each school district shall develop a five-year
1592 plan to encourage community involvement with the schools in such
1593 district. Such plan shall be filed with the State Department of
1594 Education on or before January 1, 1993.

1595 (2) Schools meeting Level 4 or 5 accreditation standards
1596 shall be exempted from the provisions of this section.

1597 **SECTION 16.** Section 37-13-61, Mississippi Code of 1972, is
1598 amended as follows:

1599 37-13-61. The local school board shall have the power and
1600 authority to fix the date for the opening and closing of their
1601 school term * * *. Provided, however, that local school boards
1602 are authorized to keep school in session in excess of the minimum
1603 number of days prescribed herein.

1604 **SECTION 17.** Section 37-13-65, Mississippi Code of 1972, is
1605 amended as follows:

1606 37-13-65. Upon application from the school board, the
1607 superintendent of schools may close any school because of an
1608 epidemic prevailing in the school district or because of the
1609 death, resignation, sickness or dismissal of a teacher or teachers
1610 or because of any other emergency necessitating the closing of the
1611 school. However, all Level 1, 2 and 3 schools so closed shall
1612 operate for the required full time after being reopened during the
1613 scholastic year.

1614 **SECTION 18.** Section 37-13-67, Mississippi Code of 1972, is
1615 amended as follows:

1616 37-13-67. (1) Twenty (20) days of actual teaching in which
1617 both teachers and pupils are in regular attendance for scheduled
1618 schoolwork shall constitute a scholastic month. The number of
1619 hours of actual teaching which shall constitute a school day shall
1620 be determined and fixed by the board of trustees of the school

1621 district at not less than five (5) hours nor more than eight (8)
1622 hours.

1623 (2) Schools meeting Level 4 or 5 accreditation standards
1624 shall be exempted from the provisions of this section.

1625 **SECTION 19.** Section 37-13-69, Mississippi Code of 1972, is
1626 amended as follows:

1627 37-13-69. (1) All public schools of this state may observe
1628 such legal holidays as may be designated by the local school
1629 board, and no sessions of school shall be held on holidays so
1630 designated and observed. However, all schools shall operate for
1631 the full minimum term required by law exclusive of the holidays
1632 authorized by this section. The holidays thus observed shall not
1633 be deducted from the reports of the superintendents, principals
1634 and teachers, and such superintendents, principals and teachers
1635 shall be allowed pay for full time as though they had taught on
1636 said holidays. However, such holidays shall not be counted or
1637 included in any way in determining the average daily attendance of
1638 the school.

1639 **SECTION 20.** Section 37-15-9, Mississippi Code of 1972, is
1640 amended as follows:

1641 37-15-9. (1) Except as provided in subsection (2) and
1642 subject to the provisions of subsection (3) of this section, no
1643 child shall be enrolled or admitted to any kindergarten which is a
1644 part of the free public school system during any school year
1645 unless such child will reach his fifth birthday on or before
1646 September 1 of said school year, and no child shall be enrolled or
1647 admitted to the first grade in any school which is a part of the
1648 free public school system during any school year unless such child
1649 will reach his sixth birthday on or before September 1 of said
1650 school year. No pupil shall be permanently enrolled in a school
1651 in the State of Mississippi who formerly was enrolled in another
1652 public or private school within the state until the cumulative
1653 record of the pupil shall have been received from the school from

1654 which he transferred. Should such record have become lost or
1655 destroyed, then it shall be the duty of the superintendent or
1656 principal of the school where the pupil last attended school to
1657 initiate a new record.

1658 (2) Subject to the provisions of subsection (3) of this
1659 section, any child who transfers from an out-of-state public or
1660 private school in which that state's law provides for a
1661 first-grade or kindergarten enrollment date subsequent to
1662 September 1, shall be allowed to enroll in the public schools of
1663 Mississippi, at the same grade level as their prior out-of-state
1664 enrollment, if:

1665 (a) The parent, legal guardian or custodian of such
1666 child was a legal resident of the state from which the child is
1667 transferring;

1668 (b) The out-of-state school from which the child is
1669 transferring is duly accredited by that state's appropriate
1670 accrediting authority;

1671 (c) Such child was legally enrolled in a public or
1672 private school for a minimum of four (4) weeks in the previous
1673 state; and

1674 (d) The superintendent of schools in the applicable
1675 Mississippi school district has determined that the child was
1676 making satisfactory educational progress in the previous state.

1677 (3) When any child applies for admission or enrollment in
1678 any public school in the state, the parent, guardian or child, in
1679 the absence of an accompanying parent or guardian, shall indicate
1680 on the school registration form if the enrolling child has been
1681 expelled from any public or private school or is currently a party
1682 to an expulsion proceeding. If it is determined from the child's
1683 cumulative record or application for admission or enrollment that
1684 the child has been expelled, the school district may deny the
1685 student admission and enrollment until the superintendent of the
1686 school, or his designee, has reviewed the child's cumulative

1720	Per School Library	School Librarians
1721	0 - 499 Students	1/2 Full-time Equivalent
1722		Certified Librarian
1723	500 or More Students	1 Full-time Certified
1724		Librarian

1725 (b) The State Board of Education, however, may increase
1726 the number of positions beyond the above requirements.

1727 (c) The assignment of such school librarians to the
1728 particular schools shall be at the discretion of the local school
1729 district. No individual shall be employed as a certified school
1730 librarian without appropriate training and certification as a
1731 school librarian by the State Department of Education.

1732 (d) School librarians in such district shall spend at
1733 least fifty percent (50%) of direct work time in a school library
1734 and shall devote no more than one-fourth (1/4) of the workday to
1735 administrative activities which are library related.

1736 (e) Nothing in this subsection shall prohibit any
1737 school district from employing more certified school librarians
1738 than are provided for in this section.

1739 (f) Schools meeting Level 4 or 5 accreditation
1740 standards shall be exempted from the provisions of this section.

1741 (g) Any additional millage levied to fund school
1742 librarians required for accreditation under this subsection shall
1743 be included in the tax increase limitation set forth in Sections
1744 37-57-105 and 37-57-107 and shall not be deemed a new program for
1745 purposes of the limitation.

1746 (4) On or before December 31, 2002, the State Board of
1747 Education shall implement the performance-based accreditation
1748 system for school districts and for individual schools which shall
1749 include the following:

1750 (a) High expectations for students and high standards
1751 for all schools, with a focus on the basic curriculum;

1752 (b) Strong accountability for results with appropriate
1753 local flexibility for local implementation;

1754 (c) A process to implement accountability at both the
1755 school district level and the school level;

1756 (d) Individual schools shall be held accountable for
1757 student growth and performance;

1758 (e) Set annual performance standards for each of the
1759 schools of the state and measure the performance of each school
1760 against itself through the standard that has been set for it;

1761 (f) A determination of which schools exceed their
1762 standards and a plan for providing recognition and rewards to such
1763 schools;

1764 (g) A determination of which schools are failing to
1765 meet their standards and a determination of the appropriate role
1766 of the State Board of Education and the State Department of
1767 Education in providing assistance and initiating possible
1768 intervention; and

1769 (h) Development of a comprehensive student assessment
1770 system to implement these requirements.

1771 The State Board of Education may continue to assign school
1772 district performance levels by using a number classification and
1773 may assign individual school performance levels by using a number
1774 classification to be consistent with school district performance
1775 levels.

1776 (5) Nothing in this section shall be deemed to require a
1777 nonpublic school which receives no local, state or federal funds
1778 for support to become accredited by the State Board of Education.

1779 (6) The State Board of Education shall create an
1780 accreditation audit unit under the Commission on School
1781 Accreditation to determine whether schools are complying with
1782 accreditation standards.

1783 (7) The State Board of Education shall be specifically
1784 authorized and empowered to withhold adequate minimum education

1785 program or adequate education program fund allocations, whichever
1786 is applicable, to any public school district for failure to timely
1787 report student, school personnel and fiscal data necessary to meet
1788 state and/or federal requirements.

1789 (8) [Deleted.]

1790 (9) The State Board of Education shall establish, for those
1791 school districts failing to meet accreditation standards, a
1792 program of development to be complied with in order to receive
1793 state funds, except as otherwise provided in subsection (14) of
1794 this section when the Governor has declared a state of emergency
1795 in a school district or as otherwise provided in Section 206,
1796 Mississippi Constitution of 1890. The state board, in
1797 establishing these standards, shall provide for notice to schools
1798 and sufficient time and aid to enable schools to attempt to meet
1799 these standards, unless procedures under subsection (14) of this
1800 section have been invoked.

1801 (10) Beginning July 1, 1998, the State Board of Education
1802 shall be charged with the implementation of the program of
1803 development in each applicable school district as follows:

1804 (a) Develop an impairment report for each district
1805 failing to meet accreditation standards in conjunction with school
1806 district officials;

1807 (b) Notify any applicable school district failing to
1808 meet accreditation standards that it is on probation until
1809 corrective actions are taken or until the deficiencies have been
1810 removed. The local school district shall develop a corrective
1811 action plan to improve its deficiencies. For district academic
1812 deficiencies, the corrective action plan for each such school
1813 district shall be based upon a complete analysis of the following:
1814 student test data, student grades, student attendance reports,
1815 student drop-out data, existence and other relevant data. The
1816 corrective action plan shall describe the specific measures to be
1817 taken by the particular school district and school to improve:

1818 (i) instruction; (ii) curriculum; (iii) professional development;
1819 (iv) personnel and classroom organization; (v) student incentives
1820 for performance; (vi) process deficiencies; and (vii) reporting to
1821 the local school board, parents and the community. The corrective
1822 action plan shall describe the specific individuals responsible
1823 for implementing each component of the recommendation and how each
1824 will be evaluated. All corrective action plans shall be provided
1825 to the State Board of Education as may be required. The decision
1826 of the State Board of Education establishing the probationary
1827 period of time shall be final;

1828 (c) Offer, during the probationary period, technical
1829 assistance to the school district in making corrective actions.
1830 Beginning July 1, 1998, subject to the availability of funds, the
1831 State Department of Education shall provide technical and/or
1832 financial assistance to all such school districts in order to
1833 implement each measure identified in that district's corrective
1834 action plan through professional development and on-site
1835 assistance. Each such school district shall apply for and utilize
1836 all available federal funding in order to support its corrective
1837 action plan in addition to state funds made available under this
1838 paragraph;

1839 (d) Contract, in its discretion, with the institutions
1840 of higher learning or other appropriate private entities to assist
1841 school districts;

1842 (e) Provide for publication of public notice at least
1843 one (1) time during the probationary period, in a newspaper
1844 published within the jurisdiction of the school district failing
1845 to meet accreditation standards, or if no newspaper is published
1846 therein, then in a newspaper having a general circulation therein.
1847 The publication shall include the following: declaration of
1848 school system's status as being on probation; all details relating
1849 to the impairment report, and other information as the State Board
1850 of Education deems appropriate. Public notices issued under this

1851 section shall be subject to Section 13-3-31 and not contrary to
1852 other laws regarding newspaper publication.

1853 (11) (a) If the recommendations for corrective action are
1854 not taken by the local school district or if the deficiencies are
1855 not removed by the end of the probationary period, the Commission
1856 on School Accreditation shall conduct a hearing to allow such
1857 affected school district to present evidence or other reasons why
1858 its accreditation should not be withdrawn. Subsequent to its
1859 consideration of the results of such hearing, the Commission on
1860 School Accreditation shall be authorized, with the approval of the
1861 State Board of Education, to withdraw the accreditation of a
1862 public school district, and issue a request to the Governor that a
1863 state of emergency be declared in that district.

1864 (b) If the State Board of Education and the Commission
1865 on School Accreditation determine that an extreme emergency
1866 situation exists in a school district which jeopardizes the
1867 safety, security or educational interests of the children enrolled
1868 in the schools in that district and such emergency situation is
1869 believed to be related to a serious violation or violations of
1870 accreditation standards or state or federal law, the State Board
1871 of Education may request the Governor to declare a state of
1872 emergency in that school district. For purposes of this
1873 paragraph, such declarations of a state of emergency shall not be
1874 limited to those instances when a school district's impairments
1875 are related to a lack of financial resources, but also shall
1876 include serious failure to meet minimum academic standards, as
1877 evidenced by a continued pattern of poor student performance.

1878 (c) Whenever the Governor declares a state of emergency
1879 in a school district in response to a request made under paragraph
1880 (a) or (b) of this subsection, the State Board of Education may
1881 take one or more of the following actions:

1882 (i) Declare a state of emergency, under which some
1883 or all of state funds can be escrowed except as otherwise provided

1884 in Section 206, Constitution of 1890, until the board determines
1885 corrective actions are being taken or the deficiencies have been
1886 removed, or that the needs of students warrant the release of
1887 funds. Such funds may be released from escrow for any program
1888 which the board determines to have been restored to standard even
1889 though the state of emergency may not as yet be terminated for the
1890 district as a whole;

1891 (ii) Override any decision of the local school
1892 board or superintendent of education, or both, concerning the
1893 management and operation of the school district, or initiate and
1894 make decisions concerning the management and operation of the
1895 school district;

1896 (iii) Assign an interim conservator who will have
1897 those powers and duties prescribed in subsection (14) of this
1898 section;

1899 (iv) Grant transfers to students who attend this
1900 school district so that they may attend other accredited schools
1901 or districts in a manner which is not in violation of state or
1902 federal law;

1903 (v) For states of emergency declared under
1904 paragraph (a) only, if the accreditation deficiencies are related
1905 to the fact that the school district is too small, with too few
1906 resources, to meet the required standards and if another school
1907 district is willing to accept those students, abolish that
1908 district and assign that territory to another school district or
1909 districts. If the school district has proposed a voluntary
1910 consolidation with another school district or districts, then if
1911 the State Board of Education finds that it is in the best interest
1912 of the pupils of the district for such consolidation to proceed,
1913 the voluntary consolidation shall have priority over any such
1914 assignment of territory by the State Board of Education;

1915 (vi) For states of emergency declared under
1916 paragraph (b) only, reduce local supplements paid to school

1917 district employees, including, but not limited to, instructional
1918 personnel, assistant teachers and extracurricular activities
1919 personnel, if the district's impairment is related to a lack of
1920 financial resources, but only to an extent which will result in
1921 the salaries being comparable to districts similarly situated, as
1922 determined by the State Board of Education;

1923 (vii) For states of emergency declared under
1924 paragraph (b) only, the State Board of Education must take such
1925 action as prescribed in Section 37-17-13.

1926 (d) At such time as satisfactory corrective action has
1927 been taken in a school district in which a state of emergency has
1928 been declared, the State Board of Education may request the
1929 Governor to declare that the state of emergency no longer exists
1930 in the district.

1931 (e) Not later than July 1 of each year, the State
1932 Department of Education shall develop an itemized accounting of
1933 the expenditures associated with the management of the conservator
1934 process with regard to each school district in which a conservator
1935 has been appointed, and an assessment as to the extent to which
1936 the conservator has achieved, or failed to achieve, the goals for
1937 which the conservator was appointed to guide the local school
1938 district.

1939 (12) Upon the declaration of a state of emergency in a
1940 school district under subsection (11) of this section, the
1941 Commission on School Accreditation shall be responsible for public
1942 notice at least once a week for at least three (3) consecutive
1943 weeks in a newspaper published within the jurisdiction of the
1944 school district failing to meet accreditation standards, or if no
1945 newspaper is published therein, then in a newspaper having a
1946 general circulation therein. The size of such notice shall be no
1947 smaller than one-fourth (1/4) of a standard newspaper page and
1948 shall be printed in bold print. If a conservator has been
1949 appointed for the school district, such notice shall begin as

1950 follows: "By authority of Section 37-17-6, Mississippi Code of
1951 1972, as amended, adopted by the Mississippi Legislature during
1952 the 1991 Regular Session, this school district (name of school
1953 district) is hereby placed under the jurisdiction of the State
1954 Department of Education acting through its appointed conservator
1955 (name of conservator)."

1956 The notice also shall include, in the discretion of the State
1957 Board of Education, any or all details relating to the school
1958 district's emergency status, including the declaration of a state
1959 of emergency in the school district and a description of the
1960 district's impairment deficiencies, conditions of any
1961 conservatorship and corrective actions recommended and being
1962 taken. Public notices issued under this section shall be subject
1963 to Section 13-3-31 and not contrary to other laws regarding
1964 newspaper publication.

1965 Upon termination of the state of emergency in a school
1966 district, the Commission on School Accreditation shall cause
1967 notice to be published in the school district in the same manner
1968 provided in this section, to include any or all details relating
1969 to the corrective action taken in the school district which
1970 resulted in the termination of the state of emergency.

1971 (13) The State Board of Education or the Commission on
1972 School Accreditation shall have the authority to require school
1973 districts to produce the necessary reports, correspondence,
1974 financial statements, and any other documents and information
1975 necessary to fulfill the requirements of this section.

1976 Nothing in this section shall be construed to grant any
1977 individual, corporation, board or conservator the authority to
1978 levy taxes except in accordance with presently existing statutory
1979 provisions.

1980 (14) (a) Whenever the Governor declares a state of
1981 emergency in a school district in response to a request made under
1982 subsection (11) of this section, the State Board of Education, in

1983 its discretion, may assign an interim conservator to the school
1984 district who will be responsible for the administration,
1985 management and operation of the school district, including, but
1986 not limited to, the following activities:

1987 (i) Approving or disapproving all financial
1988 obligations of the district, including, but not limited to, the
1989 employment, termination, nonrenewal and reassignment of all
1990 certified and noncertified personnel, contractual agreements and
1991 purchase orders, and approving or disapproving all claim dockets
1992 and the issuance of checks; in approving or disapproving
1993 employment contracts of superintendents, assistant superintendents
1994 or principals, the interim conservator shall not be required to
1995 comply with the time limitations prescribed in Sections 37-9-15
1996 and 37-9-105;

1997 (ii) Supervising the day-to-day activities of the
1998 district's staff, including reassigning the duties and
1999 responsibilities of personnel in a manner which, in the
2000 determination of the conservator, will best suit the needs of the
2001 district;

2002 (iii) Reviewing the district's total financial
2003 obligations and operations and making recommendations to the
2004 district for cost savings, including, but not limited to,
2005 reassigning the duties and responsibilities of staff;

2006 (iv) Attending all meetings of the district's
2007 school board and administrative staff;

2008 (v) Approving or disapproving all athletic, band
2009 and other extracurricular activities and any matters related to
2010 those activities;

2011 (vi) Maintaining a detailed account of
2012 recommendations made to the district and actions taken in response
2013 to those recommendations;

2014 (vii) Reporting periodically to the State Board of
2015 Education on the progress or lack of progress being made in the

2016 district to improve the district's impairments during the state of
2017 emergency; and

2018 (viii) Appointing a parent advisory committee,
2019 comprised of parents of students in the school district, which may
2020 make recommendations to the conservator concerning the
2021 administration, management and operation of the school district.

2022 Except when, in the determination of the State Board of
2023 Education, the school district's impairment is related to a lack
2024 of financial resources, the cost of the salary of the conservator
2025 and any other actual and necessary costs related to the
2026 conservatorship paid by the State Department of Education shall be
2027 reimbursed by the local school district from nonminimum program
2028 funds. The department shall submit an itemized statement to the
2029 superintendent of the local school district for reimbursement
2030 purposes, and any unpaid balance may be withheld from the
2031 district's minimum or adequate education program funds.

2032 At such time as the Governor, pursuant to the request of the
2033 State Board of Education, declares that the state of emergency no
2034 longer exists in a school district, the powers and
2035 responsibilities of the interim conservator assigned to such
2036 district shall cease.

2037 (b) In order to provide loans to school districts under
2038 a state of emergency which have impairments related to a lack of
2039 financial resources, the School District Emergency Assistance Fund
2040 is created as a special fund in the State Treasury into which
2041 monies may be transferred or appropriated by the Legislature from
2042 any available public education funds. The maximum amount that may
2043 be appropriated or transferred to the School District Emergency
2044 Assistance Fund for any one (1) emergency shall be Two Million
2045 Dollars (\$2,000,000.00), and the maximum amount that may be
2046 appropriated during any fiscal year shall be Three Million Dollars
2047 (\$3,000,000.00).

2048 The State Board of Education may loan monies from the School
2049 District Emergency Assistance Fund to a school district that is
2050 under a state of emergency in such amounts, as determined by the
2051 board, which are necessary to correct the district's impairments
2052 related to a lack of financial resources. The loans shall be
2053 evidenced by an agreement between the school district and the
2054 State Board of Education and shall be repayable in principal,
2055 without necessity of interest, to the State General Fund or the
2056 Education Enhancement Fund, depending on the source of funding for
2057 such loan, by the school district from any allowable funds that
2058 are available. The total amount loaned to the district shall be
2059 due and payable within five (5) years after the impairments
2060 related to a lack of financial resources are corrected. If a
2061 school district fails to make payments on the loan in accordance
2062 with the terms of the agreement between the district and the State
2063 Board of Education, the State Department of Education, in
2064 accordance with rules and regulations established by the State
2065 Board of Education, may withhold that district's minimum program
2066 funds in an amount and manner that will effectuate repayment
2067 consistent with the terms of the agreement; such funds withheld by
2068 the department shall be deposited into the State General Fund or
2069 the Education Enhancement Fund, as the case may be.

2070 If the State Board of Education determines that an extreme
2071 emergency exists, simultaneous with the powers exercised in this
2072 subsection, it shall take immediate action against all parties
2073 responsible for the affected school districts having been
2074 determined to be in an extreme emergency. Such action shall
2075 include, but not be limited to, initiating civil actions to
2076 recover funds and criminal actions to account for criminal
2077 activity. Any funds recovered by the State Auditor or the State
2078 Board of Education from the surety bonds of school officials or
2079 from any civil action brought under this subsection shall be

2080 applied toward the repayment of any loan made to a school district
2081 hereunder.

2082 (15) In the event a majority of the membership of the school
2083 board of any school district resigns from office, the State Board
2084 of Education shall be authorized to assign an interim conservator,
2085 who shall be responsible for the administration, management and
2086 operation of the school district until such time as new board
2087 members are selected or the Governor declares a state of emergency
2088 in that school district under subsection (11), whichever occurs
2089 first. In such case, the State Board of Education, acting through
2090 the interim conservator, shall have all powers which were held by
2091 the previously existing school board, and may take such action as
2092 prescribed in Section 37-17-13 and/or one or more of the actions
2093 authorized in this section.

2094 (16) Beginning with the school district audits conducted for
2095 the 1997-1998 fiscal year, the State Board of Education, acting
2096 through the Commission on School Accreditation, shall require each
2097 school district to comply with standards established by the State
2098 Department of Audit for the verification of fixed assets and the
2099 auditing of fixed assets records as a minimum requirement for
2100 accreditation.

2101 (17) Before December 1, 1999, the State Board of Education
2102 shall recommend a program to the Education Committees of the House
2103 of Representatives and the Senate for identifying and rewarding
2104 public schools that improve or are high performing. The program
2105 shall be described by the board in a written report, which shall
2106 include criteria and a process through which improving schools and
2107 high-performing schools will be identified and rewarded.

2108 The State Superintendent of Education and the State Board of
2109 Education also shall develop a comprehensive accountability plan
2110 to ensure that local school boards, superintendents, principals
2111 and teachers are held accountable for student achievement. A
2112 written report on the accountability plan shall be submitted to

2113 the Education Committees of both houses of the Legislature before
2114 December 1, 1999, with any necessary legislative recommendations.

2115 **SECTION 22.** Section 37-17-8, Mississippi Code of 1972, is
2116 amended as follows:

2117 37-17-8. (1) The State Board of Education, through the
2118 Commission on School Accreditation, shall establish criteria for
2119 comprehensive in-service staff development plans. These criteria
2120 shall: (a) include, but not be limited to, formula and guidelines
2121 for allocating available state funds for in-service training to
2122 local school districts; (b) require that a portion of the plans be
2123 devoted exclusively for the purpose of providing staff development
2124 training for beginning teachers within that local school district
2125 and for no other purpose; and (c) require that a portion of the
2126 school district's in-service training for administrators and
2127 teachers be dedicated to the application and utilization of
2128 various disciplinary techniques. The board shall each year make
2129 recommendations to the Legislature concerning the amount of funds
2130 which shall be appropriated for this purpose.

2131 (2) Beginning with the 1998-1999 school year, school
2132 districts shall not be required to submit staff development plans
2133 to the Commission on School Accreditation for approval. However,
2134 any school district accredited at Level 1 or Level 2 shall
2135 include, as a part of any required corrective action plan,
2136 provisions to address staff development in accordance with State
2137 Board of Education requirements. All school districts, unless
2138 specifically exempt from this section, must maintain on file staff
2139 development plans as required under this section. The plan shall
2140 have been prepared by a district committee appointed by the
2141 district superintendent and consisting of teachers,
2142 administrators, school board members, and lay people, and it shall
2143 have been approved by the district superintendent.

2144 (3) In order to insure that teachers are not overburdened
2145 with paperwork and written reports, local school districts and

2146 the State Board of Education shall take such steps as may be
2147 necessary to further the reduction of paperwork requirements on
2148 teachers.

2149 (4) Schools meeting Level 4 or 5 accreditation standards
2150 shall be exempted from the provisions of this section.

2151 **SECTION 23.** Section 37-17-11, Mississippi Code of 1972, is
2152 amended as follows:

2153 37-17-11. (1) (a) Effective July 1, 2005, schools with
2154 Level 4 or 5 accreditation standards, shall be exempted from the
2155 provisions pursuant to Sections 37-3-4, 37-3-46, 37-3-49,
2156 37-7-301, 37-7-306, 37-7-337, 37-9-79, 37-13-61, 37-13-67,
2157 37-15-9, 37-17-6, 37-17-8, 37-21-7, 37-25-9, 37-41-53, 37-151-5
2158 and 37-151-77, Mississippi Code of 1972, or (b) the process
2159 standards included in the *Mississippi Public Schools*
2160 *Accountability Manual* not required by law.

2161 (b) Effective upon official issuance of State Board of
2162 Education accreditation ratings, each school initially meeting a
2163 Level 4 or 5 accreditation rating shall have their exemption
2164 status reevaluated every three (3) years. If a previously exempted
2165 school's rating is reduced to a Level 1, 2 or 3 then that school
2166 shall automatically lose its exempt status until it again achieves
2167 a Level 4 or 5 ranking.

2168 (2) For the purposes of this section, a Level 4 and 5 school
2169 is defined as designated by the State Board of Education
2170 accreditation ratings.

2171 (3) The State Department of Education is directed to provide
2172 a report of all exempted process standards and nonexempted process
2173 standards to the Office of the Governor, the Chairs of the House
2174 and Senate Education Committees, and the Mississippi Association
2175 of State Superintendents by December 1, 2005.

2176 **SECTION 24.** Section 37-21-7, Mississippi Code of 1972, is
2177 amended as follows:

2178 37-21-7. (1) This section shall be referred to as the
2179 "Mississippi Elementary Schools Assistant Teacher Program," the
2180 purpose of which shall be to provide an early childhood education
2181 program that assists in the instruction of basic skills. The
2182 State Board of Education is authorized, empowered and directed to
2183 implement a statewide system of assistant teachers in kindergarten
2184 classes and in the first, second and third grades. The assistant
2185 teacher shall assist pupils in actual instruction under the strict
2186 supervision of a licensed teacher.

2187 (2) (a) Except as otherwise authorized under subsection
2188 (7), each school district shall employ the total number of
2189 assistant teachers funded under subsection (6) of this section.
2190 The superintendent of each district shall assign the assistant
2191 teachers to the kindergarten, first-, second- and third-grade
2192 classes in the district in a manner that will promote the maximum
2193 efficiency, as determined by the superintendent, in the
2194 instruction of skills such as verbal and linguistic skills,
2195 logical and mathematical skills, and social skills.

2196 (b) If a licensed teacher to whom an assistant teacher
2197 has been assigned is required to be absent from the classroom, the
2198 assistant teacher may assume responsibility for the classroom in
2199 lieu of a substitute teacher. However, no assistant teacher shall
2200 assume sole responsibility of the classroom for more than three
2201 (3) consecutive school days. Further, in no event shall any
2202 assistant teacher be assigned to serve as a substitute teacher for
2203 any teacher other than the licensed teacher to whom that assistant
2204 teacher has been assigned.

2205 (3) Assistant teachers shall have, at a minimum, a high
2206 school diploma or a GED equivalent, and shall show demonstratable
2207 proficiency in reading and writing skills. The State Department
2208 of Education shall develop a testing procedure for assistant
2209 teacher applicants to be used in all school districts in the
2210 state.

2211 (4) (a) In order to receive funding, each school district
2212 shall:

2213 (i) Submit a plan on the implementation of a
2214 reading improvement program to the State Department of Education;
2215 and

2216 (ii) Develop a plan of educational accountability
2217 and assessment of performance, including pretests and posttests,
2218 for reading in Grades 1 through 6.

2219 (b) Additionally, each school district shall:

2220 (i) Provide annually a mandatory preservice
2221 orientation session, using an existing in-school service day, for
2222 administrators and teachers on the effective use of assistant
2223 teachers as part of a team in the classroom setting and on the
2224 role of assistant teachers, with emphasis on program goals;

2225 (ii) Hold periodic workshops for administrators
2226 and teachers on the effective use and supervision of assistant
2227 teachers;

2228 (iii) Provide training annually on specific
2229 instructional skills for assistant teachers;

2230 (iv) Annually evaluate their program in accordance
2231 with their educational accountability and assessment of
2232 performance plan; and

2233 (v) Designate the necessary personnel to supervise
2234 and report on their program.

2235 (5) The State Department of Education shall:

2236 (a) Develop and assist in the implementation of a
2237 statewide uniform training module, subject to the availability of
2238 funds specifically appropriated therefor by the Legislature, which
2239 shall be used in all school districts for training administrators,
2240 teachers and assistant teachers. The module shall provide for the
2241 consolidated training of each assistant teacher and teacher to
2242 whom the assistant teacher is assigned, working together as a
2243 team, and shall require further periodical training for

2244 administrators, teachers and assistant teachers regarding the role
2245 of assistant teachers;

2246 (b) Annually evaluate the program on the district and
2247 state level. Subject to the availability of funds specifically
2248 appropriated therefor by the Legislature, the department shall
2249 develop: (i) uniform evaluation reports, to be performed by the
2250 principal or assistant principal, to collect data for the annual
2251 overall program evaluation conducted by the department; or (ii) a
2252 program evaluation model that, at a minimum, addresses process
2253 evaluation; and

2254 (c) Promulgate rules, regulations and such other
2255 standards deemed necessary to effectuate the purposes of this
2256 section. Noncompliance with the provisions of this section and
2257 any rules, regulations or standards adopted by the department may
2258 result in a violation of compulsory accreditation standards as
2259 established by the State Board of Education and Commission on
2260 School Accreditation.

2261 (6) In addition to other funds allotted under the Minimum
2262 Education or Adequate Education Program, each school district
2263 shall be allotted sufficient funding for the purpose of employing
2264 assistant teachers. No assistant teacher shall be paid less than
2265 the amount he or she received in the prior school year. No school
2266 district shall receive any funds under this section for any school
2267 year during which the aggregate amount of the local contribution
2268 to the salaries of assistant teachers by the district shall have
2269 been reduced below such amount for the previous year.

2270 For the 2001-2002 school year, the minimum salary for
2271 assistant teachers shall be Nine Thousand Three Hundred Sixty-five
2272 Dollars (\$9,365.00).

2273 For the 2002-2003 school year, the minimum salary for
2274 assistant teachers shall be Nine Thousand Nine Hundred Dollars
2275 (\$9,900.00).

2276 For the 2003-2004 school year, the minimum salary for
2277 assistant teachers shall be Ten Thousand Five Hundred Dollars
2278 (\$10,500.00).

2279 For the 2004-2005 school year, the minimum salary for
2280 assistant teachers shall be Eleven Thousand Two Hundred Dollars
2281 (\$11,200.00).

2282 For the 2005-2006 school year and school years thereafter,
2283 the minimum salary for assistant teachers shall be Twelve Thousand
2284 Dollars (\$12,000.00).

2285 In addition, for each one percent (1%) that the Sine Die
2286 General Fund Revenue Estimate Growth exceeds five percent (5%) in
2287 fiscal year 2003, 2004, 2005 or 2006, as certified by the
2288 Legislative Budget Office to the State Board of Education and
2289 subject to the specific appropriation therefor by the Legislature,
2290 the State Board of Education shall revise the salary scale in the
2291 appropriate year to provide an additional one percent (1%) across
2292 the board increase in the base salaries for assistant teachers.
2293 The State Board of Education shall revise the salaries prescribed
2294 above for assistant teachers to conform to any adjustments made in
2295 prior fiscal years due to revenue growth over and above five
2296 percent (5%). The assistant teachers shall not be restricted to
2297 working only in the grades for which the funds were allotted, but
2298 may be assigned to other classes as provided in subsection (2)(a)
2299 of this section.

2300 (7) (a) As an alternative to employing assistant teachers,
2301 any school district may use the allotment provided under
2302 subsection (6) of this section for the purpose of employing
2303 licensed teachers for kindergarten, first-, second- and
2304 third-grade classes; however, no school district shall be
2305 authorized to use the allotment for assistant teachers for the
2306 purpose of employing licensed teachers unless the district has
2307 established that the employment of licensed teachers using such
2308 funds will reduce the teacher:student ratio in the kindergarten,

2309 first-, second- and third-grade classes. All state funds for
2310 assistant teachers shall be applied to reducing teacher:student
2311 ratio in Grades K-3.

2312 It is the intent of the Legislature that no school district
2313 shall dismiss any assistant teacher for the purpose of using the
2314 assistant teacher allotment to employ licensed teachers. School
2315 districts may rely only upon normal attrition to reduce the number
2316 of assistant teachers employed in that district.

2317 (b) Schools meeting Level 4 or 5 accreditation
2318 standards shall be exempted from the provisions of this section.

2319 **SECTION 25.** Section 37-41-53, Mississippi Code of 1972, is
2320 amended as follows:

2321 37-41-53. (1) Each school board, person, firm or
2322 corporation transporting public school children on the public
2323 roads, streets and highways of the state with motor vehicles shall
2324 have said motor vehicles inspected according to the laws of the
2325 state * * *. Each motor vehicle shall be inspected by a competent
2326 mechanic to be safe for transporting pupils on the roads, streets
2327 and highways of the state before it is released for such purpose.
2328 If such motor vehicle is found to be unsafe for transporting
2329 pupils, then it shall be properly repaired or adjusted as
2330 necessary before being used to transport pupils. The provisions
2331 of this subsection (1) shall not apply to vehicles owned by
2332 individuals and under private contract to the school district and
2333 used exclusively for transporting members of their immediate
2334 families.

2335 (2) The State Department of Education may, at its
2336 discretion, inspect any school bus used for transporting pupils to
2337 and from the public schools or for activity purposes to determine
2338 the safety of such motor vehicle for operation on the roads,
2339 streets and highways of this state. In the event a vehicle is
2340 inspected and is found to be unsafe for transporting pupils, a
2341 report shall be filed with the appropriate school official

2342 indicating its deficiencies with recommendations for correcting
2343 such deficiencies.

2344 (3) If it is determined that any buses are in such defective
2345 condition as to constitute an emergency safety hazard, those buses
2346 may be condemned and removed from service and shall not be
2347 returned to service until adequate repairs are completed and such
2348 buses are reinspected by the State Department of Education. Any
2349 school official who approves the operation of any school bus that
2350 has been removed from service under the conditions listed above,
2351 prior to being reinspected by the State Department of Education,
2352 shall be guilty of a misdemeanor and upon conviction shall be
2353 punished by imprisonment in the county jail for a period not to
2354 exceed sixty (60) days, or a fine of not less than Five Hundred
2355 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
2356 or by both such fine and imprisonment, in the discretion of the
2357 court.

2358 **SECTION 26.** Section 37-151-77, Mississippi Code of 1972, is
2359 amended as follows:

2360 37-151-77. (1) To qualify for funds provided in this
2361 chapter, each school district shall not exceed a pupil-teacher
2362 ratio based on enrollment in Grades 1, 2, 3 and 4 as follows:
2363 27:1.

2364 (2) For Grades kindergarten and 5 through 12, pupil-teacher
2365 ratio shall be determined based on appropriate accreditation
2366 standards developed by the Mississippi Commission on School
2367 Accreditation.

2368 (3) Any local district may apply to the State Board of
2369 Education for approval of a waiver to this section by submitting
2370 and justifying an alternative educational program to serve the
2371 needs of enrollment in Grades kindergarten and 1 through 4. The
2372 State Board of Education shall approve or disapprove of such
2373 waiver forty-five (45) days after receipt of such application. If
2374 a school district violates the provisions of this section, the

2375 state aid for the ensuing fiscal year to such school district
2376 shall be reduced by the percentage variance that the actual
2377 pupil-teacher ratios in such school district has to the required
2378 pupil-teacher ratios mandated in this section. Provided, that
2379 notwithstanding the provisions of this section, the State Board of
2380 Education is authorized to waive the pupil-teacher requirements
2381 specified herein upon a finding that a good faith effort is being
2382 made by the school district concerned to comply with the ratio
2383 provisions but that for lack of classroom space which was beyond
2384 its control it is physically impossible for the district to
2385 comply, and the cost of temporary classroom space cannot be
2386 justified. * * *

2387 (4) Schools meeting Level 4 or 5 accreditation standards
2388 shall be exempted from the provisions of this section.

2389 **SECTION 27.** Section 37-7-301, Mississippi Code of 1972, is
2390 amended as follows:

2391 37-7-301. The school boards of all school districts shall
2392 have the following powers, authority and duties in addition to all
2393 others imposed or granted by law, to wit:

2394 (a) To organize and operate the schools of the district
2395 and to make such division between the high school grades and
2396 elementary grades as, in their judgment, will serve the best
2397 interests of the school;

2398 (b) To introduce public school music, art, manual
2399 training and other special subjects into either the elementary or
2400 high school grades, as the board shall deem proper;

2401 (c) To be the custodians of real and personal school
2402 property and to manage, control and care for same, both during the
2403 school term and during vacation;

2404 (d) To have responsibility for the erection, repairing
2405 and equipping of school facilities and the making of necessary
2406 school improvements;

2407 (e) To suspend or to expel a pupil or to change the
2408 placement of a pupil to the school district's alternative school
2409 or home-bound program for misconduct in the school or on school
2410 property, as defined in Section 37-11-29, on the road to and from
2411 school, or at any school-related activity or event, or for conduct
2412 occurring on property other than school property or other than at
2413 a school-related activity or event when such conduct by a pupil,
2414 in the determination of the school superintendent or principal,
2415 renders that pupil's presence in the classroom a disruption to the
2416 educational environment of the school or a detriment to the best
2417 interest and welfare of the pupils and teacher of such class as a
2418 whole, and to delegate such authority to the appropriate officials
2419 of the school district;

2420 (f) To visit schools in the district, in their
2421 discretion, in a body for the purpose of determining what can be
2422 done for the improvement of the school in a general way;

2423 (g) To support, within reasonable limits, the
2424 superintendent, principal and teachers where necessary for the
2425 proper discipline of the school;

2426 (h) To exclude from the schools students with what
2427 appears to be infectious or contagious diseases; provided,
2428 however, such student may be allowed to return to school upon
2429 presenting a certificate from a public health officer, duly
2430 licensed physician or nurse practitioner that the student is free
2431 from such disease;

2432 (i) To require those vaccinations specified by the
2433 State Health Officer as provided in Section 41-23-37, Mississippi
2434 Code of 1972;

2435 (j) To see that all necessary utilities and services
2436 are provided in the schools at all times when same are needed;

2437 (k) To authorize the use of the school buildings and
2438 grounds for the holding of public meetings and gatherings of the
2439 people under such regulations as may be prescribed by said board;

2440 (1) To prescribe and enforce rules and regulations not
2441 inconsistent with law or with the regulations of the State Board
2442 of Education for their own government and for the government of
2443 the schools, and to transact their business at regular and special
2444 meetings called and held in the manner provided by law;

2445 (m) To maintain and operate all of the schools under
2446 their control for such length of time during the year as may be
2447 required;

2448 (n) To enforce in the schools the courses of study and
2449 the use of the textbooks prescribed by the proper authorities;

2450 (o) To make orders directed to the superintendent of
2451 schools for the issuance of pay certificates for lawful purposes
2452 on any available funds of the district and to have full control of
2453 the receipt, distribution, allotment and disbursement of all funds
2454 provided for the support and operation of the schools of such
2455 school district whether such funds be derived from state
2456 appropriations, local ad valorem tax collections, or otherwise;

2457 (p) To select all school district personnel in the
2458 manner provided by law, and to provide for such employee fringe
2459 benefit programs, including accident reimbursement plans, as may
2460 be deemed necessary and appropriate by the board;

2461 (q) To provide athletic programs and other school
2462 activities and to regulate the establishment and operation of such
2463 programs and activities;

2464 (r) To join, in their discretion, any association of
2465 school boards and other public school-related organizations, and
2466 to pay from local funds other than minimum foundation funds, any
2467 membership dues;

2468 (s) To expend local school activity funds, or other
2469 available school district funds, other than minimum education
2470 program funds, for the purposes prescribed under this paragraph.
2471 "Activity funds" shall mean all funds received by school officials
2472 in all school districts paid or collected to participate in any

2473 school activity, such activity being part of the school program
2474 and partially financed with public funds or supplemented by public
2475 funds. The term "activity funds" shall not include any funds
2476 raised and/or expended by any organization unless commingled in a
2477 bank account with existing activity funds, regardless of whether
2478 the funds were raised by school employees or received by school
2479 employees during school hours or using school facilities, and
2480 regardless of whether a school employee exercises influence over
2481 the expenditure or disposition of such funds. Organizations shall
2482 not be required to make any payment to any school for the use of
2483 any school facility if, in the discretion of the local school
2484 governing board, the organization's function shall be deemed to be
2485 beneficial to the official or extracurricular programs of the
2486 school. For the purposes of this provision, the term
2487 "organization" shall not include any organization subject to the
2488 control of the local school governing board. Activity funds may
2489 only be expended for any necessary expenses or travel costs,
2490 including advances, incurred by students and their chaperons in
2491 attending any in-state or out-of-state school-related programs,
2492 conventions or seminars and/or any commodities, equipment, travel
2493 expenses, purchased services or school supplies which the local
2494 school governing board, in its discretion, shall deem beneficial
2495 to the official or extracurricular programs of the district,
2496 including items which may subsequently become the personal
2497 property of individuals, including yearbooks, athletic apparel,
2498 book covers and trophies. Activity funds may be used to pay
2499 travel expenses of school district personnel. The local school
2500 governing board shall be authorized and empowered to promulgate
2501 rules and regulations specifically designating for what purposes
2502 school activity funds may be expended. The local school governing
2503 board shall provide (i) that such school activity funds shall be
2504 maintained and expended by the principal of the school generating
2505 the funds in individual bank accounts, or (ii) that such school

2506 activity funds shall be maintained and expended by the
2507 superintendent of schools in a central depository approved by the
2508 board. The local school governing board shall provide that such
2509 school activity funds be audited as part of the annual audit
2510 required in Section 37-9-18. The State Auditor shall prescribe a
2511 uniform system of accounting and financial reporting for all
2512 school activity fund transactions;

2513 (t) To contract, on a shared savings, lease or
2514 lease-purchase basis, for energy efficiency services and/or
2515 equipment as provided for in Section 31-7-14, not to exceed ten
2516 (10) years;

2517 (u) To maintain accounts and issue pay certificates on
2518 school food service bank accounts;

2519 (v) (i) To lease a school building from an individual,
2520 partnership, nonprofit corporation or a private for-profit
2521 corporation for the use of such school district, and to expend
2522 funds therefor as may be available from any nonminimum program
2523 sources. The school board of the school district desiring to
2524 lease a school building shall declare by resolution that a need
2525 exists for a school building and that the school district cannot
2526 provide the necessary funds to pay the cost or its proportionate
2527 share of the cost of a school building required to meet the
2528 present needs. The resolution so adopted by the school board
2529 shall be published once each week for three (3) consecutive weeks
2530 in a newspaper having a general circulation in the school district
2531 involved, with the first publication thereof to be made not less
2532 than thirty (30) days prior to the date upon which the school
2533 board is to act on the question of leasing a school building. If
2534 no petition requesting an election is filed prior to such meeting
2535 as hereinafter provided, then the school board may, by resolution
2536 spread upon its minutes, proceed to lease a school building. If
2537 at any time prior to said meeting a petition signed by not less
2538 than twenty percent (20%) or fifteen hundred (1500), whichever is

2539 less, of the qualified electors of the school district involved
2540 shall be filed with the school board requesting that an election
2541 be called on the question, then the school board shall, not later
2542 than the next regular meeting, adopt a resolution calling an
2543 election to be held within such school district upon the question
2544 of authorizing the school board to lease a school building. Such
2545 election shall be called and held, and notice thereof shall be
2546 given, in the same manner for elections upon the questions of the
2547 issuance of the bonds of school districts, and the results thereof
2548 shall be certified to the school board. If at least three-fifths
2549 (3/5) of the qualified electors of the school district who voted
2550 in such election shall vote in favor of the leasing of a school
2551 building, then the school board shall proceed to lease a school
2552 building. The term of the lease contract shall not exceed twenty
2553 (20) years, and the total cost of such lease shall be either the
2554 amount of the lowest and best bid accepted by the school board
2555 after advertisement for bids or an amount not to exceed the
2556 current fair market value of the lease as determined by the
2557 averaging of at least two (2) appraisals by certified general
2558 appraisers licensed by the State of Mississippi. The term "school
2559 building" as used in this item (v) shall be construed to mean any
2560 building or buildings used for classroom purposes in connection
2561 with the operation of schools and shall include the site therefor,
2562 necessary support facilities, and the equipment thereof and
2563 appurtenances thereto such as heating facilities, water supply,
2564 sewage disposal, landscaping, walks, drives and playgrounds. The
2565 term "lease" as used in this item (v)(i) may include a
2566 lease/purchase contract;

2567 (ii) If two (2) or more school districts propose
2568 to enter into a lease contract jointly, then joint meetings of the
2569 school boards having control may be held but no action taken shall
2570 be binding on any such school district unless the question of
2571 leasing a school building is approved in each participating school

2572 district under the procedure hereinabove set forth in item (v)(i).
2573 All of the provisions of item (v)(i) regarding the term and amount
2574 of the lease contract shall apply to the school boards of school
2575 districts acting jointly. Any lease contract executed by two (2)
2576 or more school districts as joint lessees shall set out the amount
2577 of the aggregate lease rental to be paid by each, which may be
2578 agreed upon, but there shall be no right of occupancy by any
2579 lessee unless the aggregate rental is paid as stipulated in the
2580 lease contract. All rights of joint lessees under the lease
2581 contract shall be in proportion to the amount of lease rental paid
2582 by each;

2583 (w) To employ all noninstructional and noncertificated
2584 employees and fix the duties and compensation of such personnel
2585 deemed necessary pursuant to the recommendation of the
2586 superintendent of schools;

2587 (x) To employ and fix the duties and compensation of
2588 such legal counsel as deemed necessary;

2589 (y) Subject to rules and regulations of the State Board
2590 of Education, to purchase, own and operate trucks, vans and other
2591 motor vehicles, which shall bear the proper identification
2592 required by law;

2593 (z) To expend funds for the payment of substitute
2594 teachers and to adopt reasonable regulations for the employment
2595 and compensation of such substitute teachers;

2596 (aa) To acquire in its own name by purchase all real
2597 property which shall be necessary and desirable in connection with
2598 the construction, renovation or improvement of any public school
2599 building or structure. Whenever the purchase price for such real
2600 property is greater than Fifty Thousand Dollars (\$50,000.00), the
2601 school board shall not purchase the property for an amount
2602 exceeding the fair market value of such property as determined by
2603 the average of at least two (2) independent appraisals by
2604 certified general appraisers licensed by the State of Mississippi.

2605 If the board shall be unable to agree with the owner of any such
2606 real property in connection with any such project, the board shall
2607 have the power and authority to acquire any such real property by
2608 condemnation proceedings pursuant to Section 11-27-1 et seq.,
2609 Mississippi Code of 1972, and for such purpose, the right of
2610 eminent domain is hereby conferred upon and vested in said board.
2611 Provided further, that the local school board is authorized to
2612 grant an easement for ingress and egress over sixteenth section
2613 land or lieu land in exchange for a similar easement upon
2614 adjoining land where the exchange of easements affords substantial
2615 benefit to the sixteenth section land; provided, however, the
2616 exchange must be based upon values as determined by a competent
2617 appraiser, with any differential in value to be adjusted by cash
2618 payment. Any easement rights granted over sixteenth section land
2619 under such authority shall terminate when the easement ceases to
2620 be used for its stated purpose. No sixteenth section or lieu land
2621 which is subject to an existing lease shall be burdened by any
2622 such easement except by consent of the lessee or unless the school
2623 district shall acquire the unexpired leasehold interest affected
2624 by the easement;

2625 (bb) To charge reasonable fees related to the
2626 educational programs of the district, in the manner prescribed in
2627 Section 37-7-335;

2628 (cc) Subject to rules and regulations of the State
2629 Board of Education, to purchase relocatable classrooms for the use
2630 of such school district, in the manner prescribed in Section
2631 37-1-13;

2632 (dd) Enter into contracts or agreements with other
2633 school districts, political subdivisions or governmental entities
2634 to carry out one or more of the powers or duties of the school
2635 board, or to allow more efficient utilization of limited resources
2636 for providing services to the public;

2637 (ee) To provide for in-service training for employees
2638 of the district. Until June 30, 1994, the school boards may
2639 designate two (2) days of the minimum school term, as defined in
2640 Section 37-19-1, for employee in-service training for
2641 implementation of the new statewide testing system as developed by
2642 the State Board of Education. Such designation shall be subject
2643 to approval by the State Board of Education pursuant to uniform
2644 rules and regulations;

2645 (ff) As part of their duties to prescribe the use of
2646 textbooks, to provide that parents and legal guardians shall be
2647 responsible for the textbooks and for the compensation to the
2648 school district for any books which are not returned to the proper
2649 schools upon the withdrawal of their dependent child. If a
2650 textbook is lost or not returned by any student who drops out of
2651 the public school district, the parent or legal guardian shall
2652 also compensate the school district for the fair market value of
2653 the textbooks;

2654 (gg) To conduct fund-raising activities on behalf of
2655 the school district that the local school board, in its
2656 discretion, deems appropriate or beneficial to the official or
2657 extracurricular programs of the district; provided that:

2658 (i) Any proceeds of the fund-raising activities
2659 shall be treated as "activity funds" and shall be accounted for as
2660 are other activity funds under this section; and

2661 (ii) Fund-raising activities conducted or
2662 authorized by the board for the sale of school pictures, the
2663 rental of caps and gowns or the sale of graduation invitations for
2664 which the school board receives a commission, rebate or fee shall
2665 contain a disclosure statement advising that a portion of the
2666 proceeds of the sales or rentals shall be contributed to the
2667 student activity fund;

2668 (hh) To allow individual lessons for music, art and
2669 other curriculum-related activities for academic credit or

2670 nonacademic credit during school hours and using school equipment
2671 and facilities, subject to uniform rules and regulations adopted
2672 by the school board;

2673 (ii) To charge reasonable fees for participating in an
2674 extracurricular activity for academic or nonacademic credit for
2675 necessary and required equipment such as safety equipment, band
2676 instruments and uniforms;

2677 (jj) To conduct or participate in any fund-raising
2678 activities on behalf of or in connection with a tax-exempt
2679 charitable organization;

2680 (kk) To exercise such powers as may be reasonably
2681 necessary to carry out the provisions of this section;

2682 (ll) To expend funds for the services of nonprofit arts
2683 organizations or other such nonprofit organizations who provide
2684 performances or other services for the students of the school
2685 district;

2686 (mm) To expend federal No Child Left Behind Act funds,
2687 or any other available funds that are expressly designated and
2688 authorized for that use, to pay training, educational expenses,
2689 salary incentives and salary supplements to employees of local
2690 school districts; except that incentives shall not be considered
2691 part of the local supplement as defined in Section 37-151-5(o),
2692 nor shall incentives be considered part of the local supplement
2693 paid to an individual teacher for the purposes of Section
2694 37-19-7(1). Mississippi Adequate Education Program funds or any
2695 other state funds may not be used for salary incentives or salary
2696 supplements as provided in this paragraph (mm);

2697 (nn) To use any available funds, not appropriated or
2698 designated for any other purpose, for reimbursement to the
2699 state-licensed employees from both in-state and out-of-state, who
2700 enter into a contract for employment in a school district, for the
2701 expense of moving when the employment necessitates the relocation
2702 of the licensed employee to a different geographical area than

2703 that in which the licensed employee resides before entering into
2704 the contract. The reimbursement shall not exceed One Thousand
2705 Dollars (\$1,000.00) for the documented actual expenses incurred in
2706 the course of relocating, including the expense of any
2707 professional moving company or persons employed to assist with the
2708 move, rented moving vehicles or equipment, mileage in the amount
2709 authorized for county and municipal employees under Section
2710 25-3-41 if the licensed employee used his personal vehicle or
2711 vehicles for the move, meals and such other expenses associated
2712 with the relocation. No licensed employee may be reimbursed for
2713 moving expenses under this section on more than one (1) occasion
2714 by the same school district. Nothing in this section shall be
2715 construed to require the actual residence to which the licensed
2716 employee relocates to be within the boundaries of the school
2717 district that has executed a contract for employment in order for
2718 the licensed employee to be eligible for reimbursement for the
2719 moving expenses. However, the licensed employee must relocate
2720 within the boundaries of the State of Mississippi. Any individual
2721 receiving relocation assistance through the Critical Teacher
2722 Shortage Act as provided in Section 37-159-5 shall not be eligible
2723 to receive additional relocation funds as authorized in this
2724 paragraph;

2725 (oo) To use any available funds, not appropriated or
2726 designated for any other purpose, to reimburse persons who
2727 interview for employment as a licensed employee with the district
2728 for the mileage and other actual expenses incurred in the course
2729 of travel to and from the interview at the rate authorized for
2730 county and municipal employees under Section 25-3-41;

2731 (pp) Consistent with the report of the Task Force to
2732 Conduct a Best Financial Management Practices Review, to improve
2733 school district management and use of resources and identify cost
2734 savings as established in Section 8 of Chapter 610, Laws of 2002,
2735 local school boards are encouraged to conduct independent reviews

2736 of the management and efficiency of schools and school districts.
2737 Such management and efficiency reviews shall provide state and
2738 local officials and the public with the following:

2739 (i) An assessment of a school district's
2740 governance and organizational structure;

2741 (ii) An assessment of the school district's
2742 financial and personnel management;

2743 (iii) An assessment of revenue levels and sources;

2744 (iv) An assessment of facilities utilization,
2745 planning and maintenance;

2746 (v) An assessment of food services, transportation
2747 and safety/security systems;

2748 (vi) An assessment of instructional and
2749 administrative technology;

2750 (vii) A review of the instructional management and
2751 the efficiency and effectiveness of existing instructional
2752 programs; and

2753 (viii) Recommended methods for increasing
2754 efficiency and effectiveness in providing educational services to
2755 the public;

2756 (qq) To enter into agreements with other local school
2757 boards for the establishment of an educational service agency
2758 (ESA) to provide for the cooperative needs of the region in which
2759 the school district is located, as provided in Section 37-7-345.
2760 This paragraph shall repeal on July 1, 2007;

2761 (rr) To implement a financial literacy program for
2762 students in Grades 10 and 11. The board may review the national
2763 programs and obtain free literature from various nationally
2764 recognized programs. After review of the different programs, the
2765 board may certify a program that is most appropriate for the
2766 school districts' needs. If a district implements a financial
2767 literacy program, then any student in Grade 10 or 11 may
2768 participate in the program. The financial literacy program shall

2769 include, but is not limited to, instruction in the same areas of
2770 personal business and finance as required under Section
2771 37-1-3(2)(b). The school board may coordinate with volunteer
2772 teachers from local community organizations, including, but not
2773 limited to, the following: United States Department of
2774 Agriculture Rural Development, United States Department of Housing
2775 and Urban Development, Junior Achievement, bankers and other
2776 nonprofit organizations. Nothing in this paragraph shall be
2777 construed as to require school boards to implement a financial
2778 literacy program;

2779 (ss) To collaborate with the State Board of Education,
2780 Community Action Agencies or the Department of Human Services to
2781 develop and implement a voluntary program to provide services for
2782 a full day prekindergarten program that addresses the cognitive,
2783 social, and emotional needs of four-year-old and three-year-old
2784 children. The school board may utilize nonstate source special
2785 funds, grants, donations or gifts to fund the voluntary program;

2786 (tt) The governing authority of each individual school
2787 district that obtains an average school accreditation ranking of
2788 Level 4 or higher shall have the power to adopt any orders,
2789 resolutions or ordinances with respect to school district affairs,
2790 property and finances which are not inconsistent with the
2791 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
2792 any other statute or law of the State of Mississippi. Except as
2793 otherwise provided, the powers granted to governing authorities of
2794 school districts are complete without the existence of or
2795 reference to any specific authority granted in any other statute
2796 or law of the State of Mississippi and may be exercised unless
2797 specifically prohibited by a statute or law of the State of
2798 Mississippi. Unless such actions are specifically authorized by
2799 another statute or law of the State of Mississippi, this section
2800 shall not authorize the governing authority of a school district
2801 to (i) levy taxes of any kind or increase the levy of any

2802 authorized tax, (ii) issue bonds of any kind, or (iii) the
2803 authority to enter into collective bargaining agreements. All
2804 other powers of the governing authorities of school districts may
2805 be exercised unless specifically prohibited by the statutes or
2806 laws of the State of Mississippi;

2807 (uu) In order to provide for economy, efficiency and
2808 cost effectiveness in the delivery of education local district
2809 school boards are hereby given explicit authority and
2810 encouragement to delegate, privatize or otherwise enter into a
2811 contract with private entities for the operation of any and all
2812 functions of nonacademic school process, procedures and
2813 operations, including, but not limited to, cafeteria workers,
2814 janitorial services, transportation, professional development,,
2815 achievement, and instructional consulting services materials and
2816 products, purchasing cooperatives, insurance, business manager
2817 services, auditing and accounting services, school safety/risk
2818 prevention, data processing and student records, and other staff
2819 services. Local districts, working through their regional
2820 education service agency, are encouraged to enter into buying
2821 consortia with other member districts for the purposes of more
2822 efficient use of state resources as described in Section 37-7-345.

2823 **SECTION 28.** Section 25-11-103, Mississippi Code of 1972, is
2824 amended as follows:

2825 25-11-103. The following words and phrases as used in
2826 Articles 1 and 3, unless a different meaning is plainly required
2827 by the context, have the following meanings:

2828 (a) "Accumulated contributions" means the sum of all
2829 the amounts deducted from the compensation of a member and
2830 credited to his individual account in the annuity savings account,
2831 together with regular interest as provided in Section 25-11-123.

2832 (b) "Actuarial cost" means the amount of funds
2833 presently required to provide future benefits as determined by the

2834 board based on applicable tables and formulas provided by the
2835 actuary.

2836 (c) "Actuarial equivalent" means a benefit of equal
2837 value to the accumulated contributions, annuity or benefit, as the
2838 case may be, when computed upon the basis of such mortality tables
2839 as adopted by the board of trustees, and regular interest.

2840 (d) "Actuarial tables" means such tables of mortality
2841 and rates of interest as adopted by the board in accordance with
2842 the recommendation of the actuary.

2843 (e) "Agency" means any governmental body employing
2844 persons in the state service.

2845 (f) "Average compensation" means the average of the
2846 four (4) highest years of earned compensation reported for an
2847 employee in a fiscal or calendar year period, or combination
2848 thereof that do not overlap, or the last forty-eight (48)
2849 consecutive months of earned compensation reported for an
2850 employee. The four (4) years need not be successive or joined
2851 years of service. In no case shall the average compensation so
2852 determined be in excess of One Hundred Fifty Thousand Dollars
2853 (\$150,000.00). In computing the average compensation, any amount
2854 lawfully paid in a lump sum for personal leave or major medical
2855 leave shall be included in the calculation to the extent that the
2856 amount does not exceed an amount that is equal to thirty (30) days
2857 of earned compensation and to the extent that it does not cause
2858 the employees' earned compensation to exceed the maximum
2859 reportable amount specified in Section 25-11-103(k); however, this
2860 thirty-day limitation shall not prevent the inclusion in the
2861 calculation of leave earned under federal regulations before July
2862 1, 1976, and frozen as of that date as referred to in Section
2863 25-3-99. Only the amount of lump sum pay for personal leave due
2864 and paid upon the death of a member attributable for up to one
2865 hundred fifty (150) days shall be used in the deceased member's
2866 average compensation calculation in determining the beneficiary's

2867 benefits. In computing the average compensation, no amounts shall
2868 be used that are in excess of the amount on which contributions
2869 were required and paid, and no nontaxable amounts paid by the
2870 employer for health or life insurance premiums for the employee
2871 shall be used. If any member who is or has been granted any
2872 increase in annual salary or compensation of more than eight
2873 percent (8%) retires within twenty-four (24) months from the date
2874 that the increase becomes effective, then the board shall exclude
2875 that part of the increase in salary or compensation that exceeds
2876 eight percent (8%) in calculating that member's average
2877 compensation for retirement purposes. The board may enforce this
2878 provision by rule or regulation. However, increases in
2879 compensation in excess of eight percent (8%) per year granted
2880 within twenty-four (24) months of the date of retirement may be
2881 included in the calculation of average compensation if
2882 satisfactory proof is presented to the board showing that the
2883 increase in compensation was the result of an actual change in the
2884 position held or services rendered, or that the compensation
2885 increase was authorized by the State Personnel Board or was
2886 increased as a result of statutory enactment, and the employer
2887 furnishes an affidavit stating that the increase granted within
2888 the last twenty-four (24) months was not contingent on a promise
2889 or agreement of the employee to retire. Nothing in Section
2890 25-3-31 shall affect the calculation of the average compensation
2891 of any member for the purposes of this article. The average
2892 compensation of any member who retires before July 1, 1992, shall
2893 not exceed the annual salary of the Governor.

2894 (g) "Beneficiary" means any person entitled to receive
2895 a retirement allowance, an annuity or other benefit as provided by
2896 Articles 1 and 3. The term "beneficiary" may also include an
2897 organization, estate, trust or entity; however, a beneficiary
2898 designated or entitled to receive monthly payments under an
2899 optional settlement based on life contingency or pursuant to a

2900 statutory monthly benefit may only be a natural person. In the
2901 event of the death before retirement of any member whose spouse
2902 and/or children are not entitled to a retirement allowance on the
2903 basis that the member has less than four (4) years of service
2904 credit and/or has not been married for a minimum of one (1) year
2905 or the spouse has waived his or her entitlement to a retirement
2906 allowance under Section 25-11-114, the lawful spouse of a member
2907 at the time of the death of the member shall be the beneficiary of
2908 the member unless the member has designated another beneficiary
2909 after the date of marriage in writing, and filed that writing in
2910 the office of the executive director of the board of trustees. No
2911 designation or change of beneficiary shall be made in any other
2912 manner.

2913 (h) "Board" means the board of trustees provided in
2914 Section 25-11-15 to administer the retirement system created under
2915 this article.

2916 (i) "Creditable service" means "prior service,"
2917 "retroactive service" and all lawfully credited unused leave not
2918 exceeding the accrual rates and limitations provided in Section
2919 25-3-91 et seq., as of the date of withdrawal from service plus
2920 "membership service" for which credit is allowable as provided in
2921 Section 25-11-109. Except to limit creditable service reported to
2922 the system for the purpose of computing an employee's retirement
2923 allowance or annuity or benefits provided in this article, nothing
2924 in this paragraph shall limit or otherwise restrict the power of
2925 the governing authority of a municipality or other political
2926 subdivision of the state to adopt such vacation and sick leave
2927 policies as it deems necessary.

2928 (j) "Child" means either a natural child of the member,
2929 a child that has been made a child of the member by applicable
2930 court action before the death of the member, or a child under the
2931 permanent care of the member at the time of the latter's death,

2932 which permanent care status shall be determined by evidence
2933 satisfactory to the board.

2934 (k) "Earned compensation" means the full amount earned
2935 by an employee for a given pay period including any maintenance
2936 furnished up to a maximum of One Hundred Fifty Thousand Dollars
2937 (\$150,000.00) per year, and proportionately for less than one (1)
2938 year of service. The value of that maintenance when not paid in
2939 money shall be fixed by the employing state agency, and, in case
2940 of doubt, by the board of trustees as defined in Section 25-11-15.
2941 Earned compensation shall not include any nontaxable amounts paid
2942 by the employer for health or life insurance premiums for an
2943 employee. In any case, earned compensation shall be limited to
2944 the regular periodic compensation paid, exclusive of litigation
2945 fees, bond fees, and other similar extraordinary nonrecurring
2946 payments. In addition, any member in a covered position, as
2947 defined by Public Employees' Retirement System laws and
2948 regulations, who is also employed by another covered agency or
2949 political subdivision shall have the earnings of that additional
2950 employment reported to the Public Employees' Retirement System
2951 regardless of whether the additional employment is sufficient in
2952 itself to be a covered position. In addition, computation of
2953 earned compensation shall be governed by the following:

2954 (i) In the case of constables, the net earnings
2955 from their office after deduction of expenses shall apply, except
2956 that in no case shall earned compensation be less than the total
2957 direct payments made by the state or governmental subdivisions to
2958 the official.

2959 (ii) In the case of chancery or circuit clerks,
2960 the net earnings from their office after deduction of expenses
2961 shall apply as expressed in Section 25-11-123(f)(4).

2962 (iii) In the case of members of the State
2963 Legislature, all remuneration or amounts paid, except mileage
2964 allowance, shall apply.

2965 (iv) The amount by which an eligible employee's
2966 salary is reduced under a salary reduction agreement authorized
2967 under Section 25-17-5 shall be included as earned compensation
2968 under this paragraph, provided this inclusion does not conflict
2969 with federal law, including federal regulations and federal
2970 administrative interpretations under the federal law, pertaining
2971 to the Federal Insurance Contributions Act or to Internal Revenue
2972 Code Section 125 cafeteria plans.

2973 (v) Compensation in addition to an employee's base
2974 salary that is paid to the employee under the vacation and sick
2975 leave policies of a municipality or other political subdivision of
2976 the state that employs him that exceeds the maximums authorized by
2977 Section 25-3-91 et seq. shall be excluded from the calculation of
2978 earned compensation under this article.

2979 (vi) The maximum salary applicable for retirement
2980 purposes before July 1, 1992, shall be the salary of the Governor.

2981 (vii) Nothing in Section 25-3-31 shall affect the
2982 determination of the earned compensation of any member for the
2983 purposes of this article.

2984 (1) "Employee" means any person legally occupying a
2985 position in the state service, and shall include the employees of
2986 the retirement system created under this article. The term
2987 "employee" shall not include any employee of a private entity
2988 which leases staff to a local school board to provide
2989 noninstructional services pursuant to Section 37-7-301(uu).

2990 (m) "Employer" means the State of Mississippi or any of
2991 its departments, agencies or subdivisions from which any employee
2992 receives his compensation.

2993 (n) "Executive director" means the secretary to the
2994 board of trustees, as provided in Section 25-11-15(9), and the
2995 administrator of the Public Employees' Retirement System and all
2996 systems under the management of the board of trustees. Wherever
2997 the term "Executive Secretary of the Public Employees' Retirement

2998 System" or "executive secretary" appears in this article or in any
2999 other provision of law, it shall be construed to mean the
3000 Executive Director of the Public Employees' Retirement System.

3001 (o) "Fiscal year" means the period beginning on July 1
3002 of any year and ending on June 30 of the next succeeding year.

3003 (p) "Medical board" means the board of physicians or
3004 any governmental or nongovernmental disability determination
3005 service designated by the board of trustees that is qualified to
3006 make disability determinations as provided for in Section
3007 25-11-119.

3008 (q) "Member" means any person included in the
3009 membership of the system as provided in Section 25-11-105.

3010 (r) "Membership service" means service as an employee
3011 rendered while a member of the retirement system.

3012 (s) "Position" means any office or any employment in
3013 the state service, or two (2) or more of them, the duties of which
3014 call for services to be rendered by one (1) person, including
3015 positions jointly employed by federal and state agencies
3016 administering federal and state funds. The employer shall
3017 determine upon initial employment and during the course of
3018 employment of an employee who does not meet the criteria for
3019 coverage in the Public Employees' Retirement System based on the
3020 position held, whether the employee is or becomes eligible for
3021 coverage in the Public Employees' Retirement System based upon any
3022 other employment in a covered agency or political subdivision. If
3023 or when the employee meets the eligibility criteria for coverage
3024 in the other position, then the employer must withhold
3025 contributions and report wages from the noncovered position in
3026 accordance with the provisions for reporting of earned
3027 compensation. Failure to deduct and report those contributions
3028 shall not relieve the employee or employer of liability thereof.
3029 The board shall adopt such rules and regulations as necessary to
3030 implement and enforce this provision.

3031 (t) "Prior service" means service rendered before
3032 February 1, 1953, for which credit is allowable under Sections
3033 25-11-105 and 25-11-109, and which shall allow prior service for
3034 any person who is now or becomes a member of the Public Employees'
3035 Retirement System and who does contribute to the system for a
3036 minimum period of four (4) years.

3037 (u) "Regular interest" means interest compounded
3038 annually at such a rate as determined by the board in accordance
3039 with Section 25-11-121.

3040 (v) "Retirement allowance" means an annuity for life as
3041 provided in this article, payable each year in twelve (12) equal
3042 monthly installments beginning as of the date fixed by the board.
3043 The retirement allowance shall be calculated in accordance with
3044 Section 25-11-111. However, any spouse who received a spouse
3045 retirement benefit in accordance with Section 25-11-111(d) before
3046 March 31, 1971, and those benefits were terminated because of
3047 eligibility for a social security benefit, may again receive his
3048 spouse retirement benefit from and after making application with
3049 the board of trustees to reinstate the spouse retirement benefit.

3050 (w) "Retroactive service" means service rendered after
3051 February 1, 1953, for which credit is allowable under Section
3052 25-11-105(b) and Section 25-11-105(k).

3053 (x) "System" means the Public Employees' Retirement
3054 System of Mississippi established and described in Section
3055 25-11-101.

3056 (y) "State" means the State of Mississippi or any
3057 political subdivision thereof or instrumentality of the state.

3058 (z) "State service" means all offices and positions of
3059 trust or employment in the employ of the state, or any political
3060 subdivision or instrumentality of the state, that elect to
3061 participate as provided by Section 25-11-105(f), including the
3062 position of elected or fee officials of the counties and their
3063 deputies and employees performing public services or any

3064 department, independent agency, board or commission thereof, and
3065 also includes all offices and positions of trust or employment in
3066 the employ of joint state and federal agencies administering state
3067 and federal funds and service rendered by employees of the public
3068 schools. Effective July 1, 1973, all nonprofessional public
3069 school employees, such as bus drivers, janitors, maids,
3070 maintenance workers and cafeteria employees, shall have the option
3071 to become members in accordance with Section 25-11-105(b), and
3072 shall be eligible to receive credit for services before July 1,
3073 1973, provided that the contributions and interest are paid by the
3074 employee in accordance with that section; in addition, the county
3075 or municipal separate school district may pay the employer
3076 contribution and pro rata share of interest of the retroactive
3077 service from available funds. From and after July 1, 1998,
3078 retroactive service credit shall be purchased at the actuarial
3079 cost in accordance with Section 25-11-105(b).

3080 (aa) "Withdrawal from service" or "termination from
3081 service" means complete severance of employment in the state
3082 service of any member by resignation, dismissal or discharge.

3083 (bb) The masculine pronoun, wherever used, includes the
3084 feminine pronoun.

3085 **SECTION 29.** Section 25-11-127, Mississippi Code of 1972, is
3086 amended as follows:

3087 25-11-127. (1) (a) No person who is being paid a
3088 retirement allowance or a pension after retirement under this
3089 article shall be employed or paid for any service by the State of
3090 Mississippi, except as provided in this section.

3091 (b) No retiree of this retirement system who is
3092 reemployed or is reelected to office after retirement shall
3093 continue to draw retirement benefits while so reemployed, except
3094 as provided in this section.

3095 (c) No person employed or elected under the exceptions
3096 provided for in this section shall become a member under Article 3
3097 of the retirement system.

3098 (2) Any person who has been retired under the provisions of
3099 Article 3 and who is later reemployed in service covered by this
3100 article shall cease to receive benefits under this article and
3101 shall again become a contributing member of the retirement system.
3102 When the person retires again, if the reemployment exceeds six (6)
3103 months, the person shall have his or her benefit recomputed,
3104 including service after again becoming a member, provided that the
3105 total retirement allowance paid to the retired member in his or
3106 her previous retirement shall be deducted from the member's
3107 retirement reserve and taken into consideration in recalculating
3108 the retirement allowance under a new option selected.

3109 (3) The board shall have the right to prescribe rules and
3110 regulations for carrying out the provisions of this section.

3111 (4) The provisions of this section shall not be construed to
3112 prohibit any retiree, regardless of age, from being employed and
3113 drawing a retirement allowance either:

3114 (a) For a period of time not to exceed one-half (1/2)
3115 of the normal working days for the position in any fiscal year
3116 during which the retiree will receive no more than one-half (1/2)
3117 of the salary in effect for the position at the time of
3118 employment, or

3119 (b) For a period of time in any fiscal year sufficient
3120 in length to permit a retiree to earn not in excess of twenty-five
3121 percent (25%) of retiree's average compensation.

3122 To determine the normal working days for a position under
3123 paragraph (a) of this subsection, the employer shall determine the
3124 required number of working days for the position on a full-time
3125 basis and the equivalent number of hours representing the
3126 full-time position. The retiree then may work up to one-half
3127 (1/2) of the required number of working days or up to one-half

3128 (1/2) of the equivalent number of hours and receive up to one-half
3129 (1/2) of the salary for the position. In the case of employment
3130 with multiple employers, the limitation shall equal one-half (1/2)
3131 of the number of days or hours for a single full-time position.

3132 Notice shall be given in writing to the executive director,
3133 setting forth the facts upon which the employment is being made,
3134 and the notice shall be given within five (5) days from the date
3135 of employment and also from the date of termination of the
3136 employment.

3137 (5) Any member may continue in municipal or county elected
3138 office or be elected to a municipal or county office, provided
3139 that the person:

3140 (a) Files annually, in writing, in the office of the
3141 employer and the office of the executive director of the system
3142 before the person takes office or as soon as possible after
3143 retirement, a waiver of all salary or compensation and elects to
3144 receive in lieu of that salary or compensation a retirement
3145 allowance as provided in this section, in which event no salary or
3146 compensation shall thereafter be due or payable for those
3147 services; however, any such officer or employee may receive, in
3148 addition to the retirement allowance, office expense allowance,
3149 mileage or travel expense authorized by any statute of the State
3150 of Mississippi; or

3151 (b) Elects to receive compensation for that elective
3152 office in an amount not to exceed twenty-five percent (25%) of the
3153 retiree's average compensation. As used in this paragraph, the
3154 term "compensation" shall not include office expense allowance,
3155 mileage or travel expense authorized by a statute of the State of
3156 Mississippi. In order to receive compensation as allowed in this
3157 paragraph, the member shall file annually, in writing, in the
3158 office of the employer and the office of the executive director of
3159 the system, an election to receive, in addition to a retirement
3160 allowance, compensation as allowed in this paragraph.

3161 This section shall not be construed to mean that any employee
3162 of a private entity which leases staff to local school boards to
3163 provide noninstructional services as authorized in Section
3164 37-7-301(uu) shall become a member of the retirement system.

3165 **SECTION 30.** The Legislature declares that the following are
3166 the purposes of this act:

3167 (a) To provide increased opportunities in the public
3168 school system for students to learn in an educational environment
3169 that best meets their needs;

3170 (b) To provide new forms of accountability for schools;

3171 (c) To encourage increased involvement of parents and
3172 teachers in the operation and decision-making of a local public
3173 school;

3174 (d) To encourage innovative and effective teaching
3175 methods; and

3176 (e) To create new professional opportunities for
3177 teachers.

3178 **SECTION 31.** For purposes of this act, the term "charter
3179 school" means a school that is operating under the terms of a
3180 charter granted by a local school district or the State Board of
3181 Education.

3182 **SECTION 32.** (1) A charter school may be formed in one (1)
3183 of the following manners:

3184 (a) By creating a new school, upon application for a
3185 new charter school made by any person, group of persons,
3186 organization or public institution; or

3187 (b) By a local school board, on its own motion,
3188 converting one or more of its schools to charter status.

3189 (2) The organizers of a proposed charter school may apply
3190 to, and the school may be sponsored by, the school board of the
3191 school district in which the proposed charter school is to be
3192 located or the State Board of Education.

3193 **SECTION 33.** In order for a school to be granted charter
3194 status and to maintain charter status, the school must satisfy the
3195 following requirements:

3196 (a) The school may not charge tuition;

3197 (b) The school may not discriminate on the basis of
3198 ethnicity, national origin, gender, income level, disabling
3199 condition or athletic ability;

3200 (c) The school must meet all applicable health, safety
3201 and civil rights requirements;

3202 (d) The school must be subject to financial audits in
3203 the same manner as public school districts;

3204 (e) The school must be nonsectarian in its programs,
3205 admission policies and employment practices;

3206 (f) The school must be accountable to the chartering to
3207 authority for performance as required under this act; and

3208 (g) The school must issue annual reports to parents and
3209 the chartering authority and must make the reports available to
3210 the public. These reports must include a financial statement, a
3211 description of the school's progress in reaching academic goals
3212 and a measure of parental satisfaction. The school shall submit a
3213 copy of the annual report to the State Department of Education.

3214 **SECTION 34.** (1) A charter school sponsored by a local
3215 school district must be open to admission to all students residing
3216 in that district. Students from outside the school district may
3217 be admitted if the chartering district and the charter school
3218 agree to and establish in the school's charter a procedure for the
3219 enrollment and admission of such students. If a student from
3220 outside the school district enrolls in the charter school, the
3221 school district from which the student comes may submit an amount
3222 equal to that student's pro rata share of the school district's
3223 local funds to the charter school.

3224 (2) A charter school sponsored by the State Board of
3225 Education must be open to any student residing in the state.

3226 (3) A school district may not assign students to a charter
3227 school.

3228 (4) A charter school is subject to any desegregation court
3229 orders in effect in the school district in which the charter
3230 school is located.

3231 (5) A charter school must enroll an eligible student who
3232 submits a timely application for enrollment unless the number of
3233 applications for enrollment in a program, class, grade level or
3234 school building exceeds the capacity of that program, class, grade
3235 level or school building. If an excess number of applications are
3236 received by the charter school, all applicants must have an equal
3237 chance of being admitted under the following guidelines:

3238 (a) The school may not limit admission to students on
3239 the basis of intellectual ability, measure of achievement or
3240 aptitude unless directly related to the school's academic mission,
3241 as identified in the charter.

3242 (b) The school may give preference in enrollment in the
3243 school's first year of operation to children of the founders and
3244 teachers of the charter school. In subsequent years, preference
3245 may be given to children of teachers and siblings of students
3246 enrolled at the school during the previous year and who will be
3247 enrolled in the current school year.

3248 (c) The number of students given preference in
3249 enrollment may not exceed fifty percent (50%) of the enrollment
3250 capacity of a program, class, grade level or school building.

3251 (d) Charter schools shall determine enrollment by a
3252 random selection method. An applicant in a preference category is
3253 eligible for inclusion in the general selection process if the
3254 applicant is not selected from the preference category.

3255 **SECTION 35.** (1) A charter school must organize as a
3256 nonprofit corporation and must pursue, with due diligence,
3257 tax-exempt status under 501(c)(3) of the Internal Revenue Code.

3258 (2) A charter school may sue and be sued.

3259 (3) A charter school may borrow funds and invest funds.
3260 Funds received and earnings from investments on gifts from
3261 nongovernmental entities may be accounted for separately. If a
3262 charter school closes, all unspent government funds, unspent
3263 earnings from those funds and assets purchased with government
3264 funds will revert to the state. Unspent funds from
3265 nongovernmental sources, unspent earnings from those funds, assets
3266 purchased with those funds and debts of the school (unless
3267 otherwise provided for in the charter or debt instrument) shall
3268 revert to the nonprofit entity created to operate the school and
3269 may be disposed of according to applicable laws for nonprofit
3270 corporations. A government entity shall not be liable for any
3271 debt of the charter school unless that entity explicitly
3272 authorized the debt and agreed to be liable for nonpayment of the
3273 debt. A sponsor's approval of a charter school budget that
3274 includes debt does not constitute the sponsor's liability for that
3275 debt.

3276 (4) Members of a local school board or the State Board of
3277 Education are immune from civil or criminal liability with respect
3278 to all activities of a charter school approved or sponsored by the
3279 local school board or State Board of Education. The local school
3280 board or the State Board of Education, in its official capacity as
3281 sponsor of a charter school, may be held liable only for matters
3282 with which the respective board has been involved directly.

3283 **SECTION 36.** (1) The term of a charter shall be five (5)
3284 school years.

3285 (2) The charter must include the following:

3286 (a) Assurances that:

3287 (i) The school will not charge tuition or other
3288 fees except in those instances when tuition or fees are allowed by
3289 law to be charged by public school districts;

3290 (ii) The school will comply with federal, state
3291 and local rules, regulations and statutes relating to safety,

3292 civil rights and insurance. The State Department of Education
3293 shall publish a list of relevant rules, regulations and statutes
3294 to notify charter schools of their responsibilities under this
3295 subparagraph;

3296 (iii) The school will be nonsectarian in programs,
3297 admission policies and employment practices;

3298 (iv) The school will comply with the same audit
3299 requirements as public school districts and will cooperate fully
3300 in audits conducted under the direction of the State Auditor; and

3301 (v) The school will comply with all federal and
3302 state laws relating to the education of children with
3303 disabilities;

3304 (b) A description of the governing body that is
3305 responsible for the policy and operational decisions of the
3306 charter school, including the names of that body's initial members
3307 and a description of the method by which subsequent members will
3308 be elected and the method by which fairness and objectivity of
3309 those elections will be assured;

3310 (c) A description of the objective method or methods
3311 that will be used to measure student progress;

3312 (d) A description of the school's plan for the
3313 transportation of students;

3314 (e) A description of the school's plan for handling
3315 disruptive students;

3316 (f) A description of the school's plan to provide
3317 reasonable public notice of the existence, nature and application
3318 requirements of the charter school. This notice must include at
3319 least one (1) informational meeting to which the public is
3320 invited. Local school districts shall provide reasonable
3321 assistance, if requested by the charter school, in providing such
3322 notice in their districts. However, the actual expenses incurred
3323 by the districts in providing the requested assistance must be
3324 paid by the charter school;

3325 (g) Any other matters required by this act to be
3326 included in a charter; and

3327 (h) Any other matters that the sponsor and charter
3328 school agree to include. Failure to agree on such additional
3329 matters shall not constitute grounds for rejection of a charter
3330 application.

3331 (3) The charter must include the following attachments:

3332 (a) A description of the program of instruction. A
3333 charter school must provide a comprehensive program of instruction
3334 for at least one (1) complete grade level of kindergarten,
3335 elementary or secondary education. A school may offer this
3336 program of instruction with an emphasis on a specific learning
3337 philosophy, style or certain subject area. If the school is a
3338 high school, the program of instruction must ensure that in order
3339 to be eligible for graduation, a student must have earned the
3340 minimum number of units required for graduation from public high
3341 schools by the State Board of Education. A school may add grade
3342 levels during any year of the charter, if notice of the additional
3343 grade levels is submitted to the sponsor of the charter school at
3344 least six (6) months before the beginning of the school year in
3345 which those grade levels will be offered; and

3346 (b) A budget encompassing all necessary items for
3347 operating the school, based on one or more projections of the
3348 number of students the school anticipates serving in the year for
3349 which the budget is prepared.

3350 (4) Provisions of the charter may be amended at any time by
3351 agreement between the school and the sponsor of the charter
3352 school. The attachments must be submitted to the sponsor by the
3353 school on an annual basis and may not be revised by the sponsor
3354 unless the information in the submissions indicates a violation of
3355 the charter, this act or any other law.

3356 **SECTION 37.** (1) An application for a charter consists of a
3357 proposed charter and all attachments required under Section 54 of
3358 this act.

3359 (2) The State Board of Education or a local school board to
3360 which an application for a charter has been submitted must respond
3361 to the application within thirty (30) days after receiving the
3362 application. The response may be in the form of approval of the
3363 application as submitted, rejection or approval of the application
3364 subject to negotiation of details, which negotiation must be
3365 conducted in good faith.

3366 (3) An application for a charter must be approved unless:

3367 (a) The application does not contain all items required
3368 by this act;

3369 (b) One or more of the application's provisions are not
3370 in compliance with applicable law; or

3371 (c) The sponsor determines that the applicants are
3372 incompetent to carry out one or more of the plans described in the
3373 application, in which case the incompetence must be documented by
3374 the State Board of Education or the local school district to which
3375 the application was submitted.

3376 (4) If an application for a charter is rejected, the
3377 chartering authority must provide written notice to the applicant
3378 of the basis for the rejection.

3379 (5) The rejection of an application by the State Board of
3380 Education or by a local school district to which the application
3381 was submitted does not bar submission of the same application to a
3382 different chartering authority. The State Board of Education must
3383 provide technical assistance to an applicant whose application has
3384 been rejected.

3385 **SECTION 38.** (1) At the end of a charter school's fourth
3386 year of operation, the sponsor of the school must renew the
3387 agreement, with any modifications that are the product of a good

3388 faith negotiation, for an additional five (5) years if the
3389 following conditions have been met:

3390 (a) The school substantially has met the requirements
3391 for student performance stated in the agreement; and

3392 (b) The school substantially has complied with other
3393 provisions of the charter.

3394 (2) A charter issued under this act may be revoked by the
3395 sponsor, and the charter school must be closed, if the sponsor
3396 determines that one or more of the following have occurred:

3397 (a) Repeated or substantial failure of the charter
3398 school to maintain applicable safety standards;

3399 (b) Substantial failure of the charter school to meet
3400 auditing or other financial standards as required under this act;

3401 (c) Blatant and recurrent violations of provisions of
3402 the charter; or

3403 (d) The existence of one or more grounds for revocation
3404 as specified in the charter.

3405 (3) If a charter is revoked, the charter school must remain
3406 open until the end of the school year in which the revocation
3407 takes effect unless the State Department of Education determines
3408 that an extreme emergency situation that jeopardizes the safety
3409 and security of the students of the school exists.

3410 (4) The revocation or nonrenewal of a charter must be
3411 accompanied by a list of specific reasons for the action. The
3412 charter school may seek judicial review of the decision to revoke
3413 or not to renew a charter.

3414 **SECTION 39.** (1) Except as otherwise provided under
3415 subsection (2) of this section, all schools chartered under this
3416 act are exempt from those statutes applicable to the public
3417 schools and the rules, regulations, policies and procedures of the
3418 State Board of Education and the local school district. A charter
3419 school must comply with general health and safety standards.

3420 (2) Charter schools are not exempt from the following
3421 statutes:

3422 (a) Section 37-9-75, which relates to teacher strikes;

3423 (b) Section 37-11-20, which prohibits acts of
3424 intimidation intended to keep a student from attending school;

3425 (c) Section 37-11-21, which prohibits parental abuse of
3426 school staff;

3427 (d) Section 37-11-23, which prohibits the willful
3428 disruption of school and school meetings;

3429 (e) Sections 37-11-29 and 37-11-31, which relate to
3430 reporting requirements regarding unlawful or violent acts on
3431 school property; and

3432 (f) Section 37-19-53, which prohibits false reporting
3433 of student counts by school officials.

3434 **SECTION 40.** (1) A school district may not assign teachers
3435 employed by the district to a charter school. A charter school
3436 may hire the teachers to be employed by the school and negotiate
3437 contracts.

3438 (2) Teachers in charter schools are employees of the school.

3439 (3) The governing body of a charter school must disclose the
3440 qualifications of the teachers in the charter school to the
3441 students' parents.

3442 (4) Charter school teachers are eligible for the same health
3443 and retirement benefits as other public school teachers. Charter
3444 schools may pay for all or part of a teacher's health insurance
3445 premiums, including family coverage, as part of the teacher's
3446 compensation package.

3447 **SECTION 41.** (1) A school district, school district employee
3448 or any other person who has control over personnel actions may not
3449 take unlawful reprisal against an employee of the school district
3450 because the employee is directly or indirectly involved in an
3451 application to establish a charter school. A school district
3452 employee may not take unlawful reprisal against an educational

3453 program of the school or the school district because an
3454 application to establish a charter school proposes the conversion
3455 of all or a portion of the educational program to a charter
3456 school.

3457 (2) As used in this section, the term "unlawful reprisal"
3458 means:

3459 (a) With respect to a school district employee, an
3460 action that is taken by another school district employee as a
3461 direct result of a lawful application to establish a charter
3462 school and which is adverse to the employee and results in one or
3463 more of the following for the employee:

- 3464 (i) Disciplinary or corrective action;
- 3465 (ii) Detail, transfer or reassignment;
- 3466 (iii) Suspension, demotion or dismissal;
- 3467 (iv) An unfavorable performance evaluation;
- 3468 (v) A reduction in pay, benefits or awards;
- 3469 (vi) Elimination of the employee's position
3470 without a reduction in force by reason of lack of monies or work;
3471 or

3472 (vii) Other significant changes in duties or
3473 responsibilities which are inconsistent with the employee's salary
3474 or employment classification; and

3475 (b) With respect to an educational program, an action
3476 that is taken by a school district employee as a direct result of
3477 a lawful application to establish a charter school and which is
3478 adverse to the educational program and results in one or more of
3479 the following:

- 3480 (i) Suspension or termination of the program;
- 3481 (ii) Transfer or reassignment of the program to a
3482 less favorable department;
- 3483 (iii) Relocation of the program to a less
3484 favorable site within the school or school district; or

3485 (iv) Significant reduction or termination of
3486 funding for the program.

3487 **SECTION 42.** (1) A charter school's funding must be based on
3488 the number of students enrolled in and in attendance at the
3489 school.

3490 (2) For a school sponsored by a local district, local
3491 funding must be negotiated between the school district and the
3492 school. State funding shall be calculated by multiplying the
3493 average daily attendance at the charter school by the state's
3494 portion of the district's per-pupil expenditures two (2) school
3495 years preceding the school year being funded. Federal funds must
3496 be distributed as dictated by federal law.

3497 (3) A charter school sponsored by the State Board of
3498 Education shall notify and request state, local and federal funds
3499 from each school district in which a student attending the school
3500 resides. Those school districts shall include such students in
3501 their average daily attendance reports in a manner determined by
3502 the State Board of Education. The charter school also shall send
3503 a copy of each notification and request for funding to the State
3504 Department of Education. Local and state per-pupil funding shall
3505 be equal to the local and state portion, respectively, of the
3506 per-pupil expenditures two (2) school years preceding the school
3507 year being funded in the district in which the student resides.

3508 (4) The State Board of Education shall define the means by
3509 which a school district may require verification of residency and
3510 attendance at a charter school. A district must remit requested
3511 funds in a timely fashion, as defined by the State Board of
3512 Education. When contributions are not forwarded in a timely
3513 manner, the state shall assess a ten percent (10%) penalty payable
3514 to the charter school for failure to forward the contribution.

3515 (5) For a new charter school, preenrollment or other
3516 reasonable information shall be the basis for initial funding.
3517 The State Board of Education shall define the types of information

3518 that may be used for this purpose, as well as methods of
3519 correcting any discrepancies between the original estimates on
3520 which funding is based and the actual average daily attendance.

3521 (6) The charter school may receive gifts and grants from any
3522 public or private sources.

3523 **SECTION 43.** (1) A school district may lease space or sell
3524 services to a charter school. A school district must make unused
3525 buildings available to a charter school and must bargain in good
3526 faith over the terms of the lease.

3527 (2) A charter school may lease space or secure services from
3528 another public body, nonprofit organization, or private
3529 organization or individual.

3530 (3) A sponsor may issue a charter to a charter school
3531 applicant before the applicant has secured space, equipment and
3532 personnel if the applicant indicates authorization is necessary
3533 for the school to raise working capital.

3534 **SECTION 44.** The charter school must include a transportation
3535 plan for its students as part of the charter. The state will
3536 provide transportation funds to the charter school at the same
3537 rate as provided for other public school students.

3538 **SECTION 45.** (1) There is established in the State Treasury
3539 a fund to be known as the "Charter Schools Stimulus Revolving Loan
3540 Fund." The purpose of the fund is to provide financial support to
3541 charter school applicants and charter schools for start-up costs
3542 and costs associated with renovating or remodeling existing
3543 buildings and structures. The fund shall consist of monies
3544 appropriated by the Legislature, repaid loans from borrowers and
3545 grants, gifts, devises and donations from any public or private
3546 source. The State Board of Education shall administer the fund
3547 and may apply for any grants from the federal government or
3548 private sources.

3549 (2) The State Board of Education shall adopt rules and
3550 regulations necessary for the implementation of this section,

3551 including application and notification requirements. If
3552 sufficient funds are available for this purpose, monies from the
3553 Charter Schools Stimulus Revolving Loan Fund will be distributed
3554 to qualifying charter school applicants and charter schools in the
3555 following manner:

3556 (a) Each qualifying charter school applicant or charter
3557 school will be awarded an initial loan of not more than Fifty
3558 Thousand Dollars (\$50,000.00) before or during the first year of
3559 the charter school's operation. This loan must be repaid over a
3560 period of no more than five (5) years. If any applicant for a
3561 charter school receives an initial loan pursuant to this paragraph
3562 and fails to begin operating a charter school within the following
3563 eighteen (18) months, the applicant shall reimburse the Charter
3564 Schools Stimulus Revolving Loan Fund for the amount of the initial
3565 loan plus interest calculated at a rate of ten percent (10%) per
3566 year.

3567 (b) Applicants for charter schools and charter schools
3568 that receive initial loans pursuant to paragraph (a) of this
3569 subsection may apply for an additional loan of not more than Fifty
3570 Thousand Dollars (\$50,000.00). This loan must be repaid over a
3571 period of no more than five (5) years. If an applicant for a
3572 charter school receives an additional loan pursuant to this
3573 paragraph and fails to begin operating a charter school within the
3574 following eighteen (18) months, the applicant shall reimburse the
3575 Charter Schools Stimulus Revolving Loan Fund for the amount of the
3576 additional loan, plus interest calculated at a rate of ten percent
3577 (10%) per year. A reimbursement required by this paragraph is in
3578 addition to any reimbursement required under paragraph (a).

3579 **SECTION 46.** (1) The initial board of directors of a charter
3580 school must be designated by the applicants who have been granted
3581 the charter. This initial board shall govern the school's first
3582 year of operation.

3583 (2) Not less than six (6) months before the beginning of the
3584 charter school's second school year, the school shall hold an
3585 election for members of the school's board of directors. The term
3586 of office for this board shall be set according to the charter.

3587 (3) Administrative and instructional personnel of the
3588 charter school and all parents of children enrolled in the school
3589 shall be eligible to participate in any election of members of the
3590 board of directors.

3591 (4) Meetings of the charter school's board of directors will
3592 be subject to Sections 25-41-1 through 25-41-17 governing open
3593 meetings.

3594 **SECTION 47.** The State Department of Education must
3595 disseminate information to the public, directly and through
3596 sponsors, on how to form and operate a charter school and how
3597 students can enroll in charter schools once they are created.

3598 **SECTION 48.** A charter school may not levy taxes or issue
3599 bonds secured by tax revenues.

3600 **SECTION 49.** Any charter school that is operating under the
3601 terms of a charter granted under the authority of Sections 37-28-1
3602 through 37-28-21 may continue to operate under the terms of that
3603 charter for the duration of its term, notwithstanding the repeal
3604 of Sections 37-28-1 through 37-28-21. Upon the expiration of the
3605 charter, the charter school's sponsor may seek to renew the
3606 school's charter by modifying the charter so that the school fully
3607 complies with the requirements for being awarded, maintaining and
3608 renewing charter status under Sections 42 through 61 of Senate
3609 Bill No. _____, 2005 Regular Session.

3610 **SECTION 50.** (1) For purposes of the establishment of the
3611 Mississippi Virtual Public School (MVPS):

3612 (a) "Educational activity" means an activity of a
3613 student enrolled in a virtual school that is considered for
3614 purposes of a student's minimum hours of instruction required by a

3615 charter granted under this subchapter or rules adopted under this
3616 subchapter.

3617 (b) "Virtual school" means a school authorized and
3618 operating under this subchapter that uses technology, especially
3619 the Internet, to deliver the school's instruction outside of a
3620 central campus.

3621 (2) The State Board of Education may create one statewide
3622 virtual school serving Grades Kindergarten through 12 to open as
3623 soon as possible.

3624 (a) Students shall have been enrolled at a Mississippi
3625 public school during the prior school year to be eligible to
3626 enroll in the virtual school with the following exceptions:

3627 (i) Students in Kindergarten and first grade do
3628 not have to have been enrolled in Mississippi public schools in
3629 fall of the previous year.

3630 (ii) Other exceptions as provided by the
3631 chartering authorities.

3632 (b) Children enrolled in MVPS will be considered
3633 Mississippi public school students in determining their
3634 eligibility for the subsequent year.

3635 (c) MVPS shall serve all children in the State of
3636 Mississippi. The school shall make reasonable efforts to recruit
3637 in all areas of the state so that the school enrollment shall
3638 reflect the demographics of the state.

3639 (3) The Mississippi Virtual Public School must:

3640 (a) Provide each student enrolled in the school with
3641 access to the Mississippi State Department of Education's
3642 curriculum framework and must meet or exceeds state academic and
3643 graduation standards;

3644 (b) Allow eligible students to work at a grade level
3645 other than the grade level in which the student is enrolled;

3646 (c) An average of at least once each week during the
3647 school year, assess each student's performance in each subject in
3648 the foundation curriculum in which the student is enrolled;

3649 (d) Ensure that a parent or legal guardian of each
3650 student verifies the number of hours of educational activities
3651 completed by the student each school year;

3652 (e) Make available to the parent or legal guardian of
3653 each student:

3654 (i) A computer and printer;

3655 (ii) Physical copies of any instructional
3656 materials related to the student's curriculum; and

3657 (iii) Reimbursement for any fees related to
3658 accessing the Internet for educational activities;

3659 (f) Give preference in enrollment to students with
3660 educational or medical needs that require the student to receive
3661 educational services in a home setting, except that preferential
3662 enrollment status may not be given to a student who is in an
3663 alternative education setting because of the student's suspension
3664 or expulsion under Chapter 37 or local school board policy;

3665 (g) To the extent possible, provide that at least
3666 twenty-five percent (25%) of the students enrolled in the school
3667 are disadvantaged students;

3668 (h) Provide special education services as required by
3669 the federal IDEA guidelines and procedures.

3670

3671 (4) A student enrolled in a virtual charter school shall
3672 complete:

3673 (a) At least seven hundred twenty (720) hours of
3674 educational activities each school year if the student is enrolled
3675 in Grade two or lower; and

3676 (b) At least nine hundred (900) hours of educational
3677 activities each school year if the student is enrolled in Grade
3678 three or higher.

3679 (5) A teacher employed by a virtual school:
3680 (a) Must be appropriately certified;
3681 (b) Shall, at least six (6) times each school year, be
3682 available to meet with the parent or legal guardian of each
3683 student enrolled in the teacher's class; and
3684 (c) Shall be reasonably available each school day by
3685 electronic communication or other means to respond to questions
3686 from a student, parent or legal guardian.

3687 (6) The Mississippi Virtual Public School shall each year
3688 produce a report showing:

3689 (a) Any increase in student achievement, as measured
3690 using state academic standards and standards described by the
3691 charter;

3692 (b) The academic, fiscal and operational performance of
3693 the school.

3694 (7) State Funding. For each enrolled student in average
3695 daily attendance, The Mississippi Virtual Public School is
3696 entitled to funding at a level equal to the funding for each
3697 student in average daily attendance in the school district where
3698 the student resides.

3699 **SECTION 51.** Sections 37-28-1, 37-28-3, 37-28-5, 37-28-7,
3700 37-28-9, 37-28-11, 37-28-13, 37-28-15, 37-28-17, 37-28-19 and
3701 37-28-21, Mississippi Code of 1972, which establish a means for
3702 existing public schools to apply for charter status, are repealed.

3703 **SECTION 52.** Section 37-151-7, Mississippi Code of 1972, is
3704 amended as follows:

3705 37-151-7. The annual allocation to each school district for
3706 the operation of the adequate education program shall be
3707 determined as follows:

3708 (1) **Computation of the basic amount to be included for**
3709 **current operation in the adequate education program.** The
3710 following procedure shall be followed in determining the annual
3711 allocation to each school district:

3712 (a) **Determination of average daily attendance.** During
3713 months two (2) and three (3) of the current school year, the
3714 average daily attendance of a school district shall be computed,
3715 or the average daily attendance for the prior school year shall be
3716 used, whichever is greater. The district's average daily
3717 attendance shall be computed and currently maintained in
3718 accordance with regulations promulgated by the State Board of
3719 Education.

3720 (b) **Determination of base student cost.** The State
3721 Board of Education, on or before August 1, with adjusted estimate
3722 no later than January 2, shall annually submit to the Legislative
3723 Budget Office and the Governor a proposed base student cost
3724 adequate to provide the following cost components of educating a
3725 pupil in an average school district meeting Level III
3726 accreditation standards required by the Commission on School
3727 Accreditation: (i) Instructional Cost; (ii) Administrative Cost;
3728 (iii) Operation and Maintenance of Plant; and (iv) Ancillary
3729 Support Cost. The department shall utilize a statistical
3730 methodology which considers such factors as, but not limited to,
3731 (i) school size; (ii) assessed valuation per pupil; (iii) the
3732 percentage of students receiving free lunch; (iv) the local
3733 district maintenance tax levy; (v) other local school district
3734 revenues; and (vi) the district's accreditation level, in the
3735 selection of the representative Mississippi school districts for
3736 which cost information shall be obtained for each of the above
3737 listed cost areas.

3738 For the instructional cost component, the department shall
3739 determine the instructional cost of each of the representative
3740 school districts selected above, excluding instructional cost of
3741 self-contained special education programs and vocational education
3742 programs, and the average daily attendance in the selected school
3743 districts. The instructional cost is then totaled and divided by
3744 the total average daily attendance for the selected school

3745 districts to yield the instructional cost component. For the
3746 administrative cost component, the department shall determine the
3747 administrative cost of each of the representative school districts
3748 selected above, excluding administrative cost of self-contained
3749 special education programs and vocational education programs, and
3750 the average daily attendance in the selected school districts.
3751 The administrative cost is then totaled and divided by the total
3752 average daily attendance for the selected school districts to
3753 yield the administrative cost component. For the plant and
3754 maintenance cost component, the department shall determine the
3755 plant and maintenance cost of each of the representative school
3756 districts selected above, excluding plant and maintenance cost of
3757 self-contained special education programs and vocational education
3758 programs, and the average daily attendance in the selected school
3759 districts. The plant and maintenance cost is then totaled and
3760 divided by the total average daily attendance for the selected
3761 school districts to yield the plant and maintenance cost
3762 component. For the ancillary support cost component, the
3763 department shall determine the ancillary support cost of each of
3764 the representative school districts selected above, excluding
3765 ancillary support cost of self-contained special education
3766 programs and vocational education programs, and the average daily
3767 attendance in the selected school districts. The ancillary
3768 support cost is then totaled and divided by the total average
3769 daily attendance for the selected school districts to yield the
3770 ancillary support cost component. The total base cost for each
3771 year shall be the sum of the instructional cost component,
3772 administrative cost component, plant and maintenance cost
3773 component and ancillary support cost component, and any estimated
3774 adjustments for additional state requirements as determined by the
3775 State Board of Education. Provided, however, that the base
3776 student cost in fiscal year 1998 shall be Two Thousand Six Hundred
3777 Sixty-four Dollars (\$2,664.00).

3778 (c) **Determination of the basic adequate education**

3779 **program cost.** The basic amount for current operation to be
3780 included in the Mississippi Adequate Education Program for each
3781 school district shall be computed as follows:

3782 Multiply the average daily attendance of the district by the
3783 base student cost as established by the Legislature, which yields
3784 the total base program cost for each school district.

3785 Beginning with fiscal year 2005-2006 and each fiscal year
3786 thereafter, the annual appropriation bill to fund the Mississippi
3787 Adequate Education Program shall identify the amount appropriated
3788 to fund each component of instructional cost, including teacher
3789 salaries, administrative cost, plant and maintenance and ancillary
3790 support, as provided under paragraphs (b) and (c).

3791 (d) **Adjustment to the base student cost for at-risk**

3792 **pupils.** The amount to be included for at-risk pupil programs for
3793 each school district shall be computed as follows: Multiply the
3794 base student cost for the appropriate fiscal year as determined
3795 under paragraph (b) by five percent (5%), and multiply that
3796 product by the number of pupils participating in the federal free
3797 school lunch program in such school district, which yields the
3798 total adjustment for at-risk pupil programs for such school
3799 district. Beginning with fiscal year 2005-2006 and each fiscal
3800 year thereafter, the appropriation bill to fund the Mississippi
3801 Adequate Education Program shall identify the amount appropriated
3802 to fund the at-risk pupil program component provided under this
3803 paragraph (d).

3804 (e) **Add-on program cost.** The amount to be allocated to
3805 school districts in addition to the adequate education program
3806 cost for add-on programs for each school district shall be
3807 computed as follows:

3808 (i) Transportation cost shall be the amount
3809 allocated to such school district for the operational support of
3810 the district transportation system from state funds.

3811 (ii) Vocational or technical education program
3812 cost shall be the amount allocated to such school district from
3813 state funds for the operational support of such programs.

3814 (iii) Special education program cost shall be the
3815 amount allocated to such school district from state funds for the
3816 operational support of such programs.

3817 (iv) Gifted education program cost shall be the
3818 amount allocated to such school district from state funds for the
3819 operational support of such programs.

3820 (v) Alternative school program cost shall be the
3821 amount allocated to such school district from state funds for the
3822 operational support of such programs.

3823 (vi) Extended school year programs shall be the
3824 amount allocated to school districts for those programs authorized
3825 by law which extend beyond the normal school year.

3826 (vii) University-based programs shall be the
3827 amount allocated to school districts for those university-based
3828 programs for handicapped children as defined and provided for in
3829 Section 37-23-131 et seq., Mississippi Code of 1972.

3830 (viii) Bus driver training programs shall be the
3831 amount provided for those driver training programs as provided for
3832 in Section 37-41-1, Mississippi Code of 1972.

3833 The sum of the items listed above (i) transportation, (ii)
3834 vocational or technical education, (iii) special education, (iv)
3835 gifted education, (v) alternative school, (vi) extended school
3836 year, (vii) university-based, and (viii) bus driver training shall
3837 yield the add-on cost for each school district. Beginning with
3838 fiscal year 2005-2006 and each fiscal year thereafter, the
3839 appropriation bill to fund the Mississippi Adequate Education
3840 Program shall identify the amount appropriated to fund each add-on
3841 cost component provided under this paragraph (e).

3842 (f) **Total projected adequate education program cost.**

3843 The total Mississippi Adequate Education Program Cost shall be the

3844 sum of the total basic adequate education program cost (paragraph
3845 (c)), and the adjustment to the base student cost for at-risk
3846 pupils (paragraph (d)) for each school district.

3847 (g) **Supplemental grant to school districts.** In
3848 addition to the adequate education program grant, the State
3849 Department of Education shall annually distribute an additional
3850 amount as follows: Multiply the base student cost for the
3851 appropriate fiscal year as determined under paragraph (b) by
3852 thirteen one-hundredths percent (.13%) and multiply that product
3853 by the average daily attendance of each school district. Such
3854 grant shall not be subject to the local revenue requirement
3855 provided in subsection (2).

3856 (2) **Computation of the required local revenue in support of**
3857 **the adequate education program.** The amount that each district
3858 shall provide toward the cost of the adequate education program
3859 shall be calculated as follows:

3860 (a) The State Board of Education shall certify to each
3861 school district that twenty-eight (28) mills, less the estimated
3862 amount of the yield of the School Ad Valorem Tax Reduction Fund
3863 grants as determined by the State Department of Education, is the
3864 millage rate required to provide the district required local
3865 effort for that year, or twenty-seven percent (27%) of the basic
3866 adequate education program cost for such school district as
3867 determined under subsection (c), whichever is a lesser amount. In
3868 the case of an agricultural high school the millage requirement
3869 shall be set at a level which generates an equitable amount per
3870 pupil to be determined by the State Board of Education.

3871 (b) The State Board of Education shall determine (i)
3872 the total assessed valuation of nonexempt property for school
3873 purposes in each school district; (ii) assessed value of exempt
3874 property owned by homeowners aged sixty-five (65) or older or
3875 disabled as defined in Section 27-33-67(2), Mississippi Code of
3876 1972; (iii) the school district's tax loss from exemptions

3877 provided to applicants under the age of sixty-five (65) and not
3878 disabled as defined in Section 27-33-67(1), Mississippi Code of
3879 1972; and (iv) the school district's homestead reimbursement
3880 revenues.

3881 (c) The amount of the total adequate education program
3882 funding which shall be contributed by each school district shall
3883 be the sum of the ad valorem receipts generated by the millage
3884 required under this subsection plus the following local revenue
3885 sources for the appropriate fiscal year which are or may be
3886 available for current expenditure by the school district:

3887 One hundred percent (100%) of Grand Gulf income as prescribed
3888 in Section 27-35-309.

3889 (3) **Computation of the required state effort in support of**
3890 **the adequate education program.**

3891 (a) The required state effort in support of the
3892 adequate education program shall be determined by subtracting the
3893 sum of the required local tax effort as set forth in subsection
3894 (2)(a) of this section and the other local revenue sources as set
3895 forth in subsection (2)(c) of this section in an amount not to
3896 exceed twenty-seven percent (27%) of the total projected adequate
3897 education program cost as set forth in subsection (1)(f) of this
3898 section from the total projected adequate education program cost
3899 as set forth in subsection (1)(f) of this section.

3900 (b) Provided, however, that in fiscal year 1998 and in
3901 the fiscal year in which the adequate education program is fully
3902 funded by the Legislature, any increase in the said state
3903 contribution, including the supplemental grant to school districts
3904 provided under subsection (1)(g), to any district calculated under
3905 this section shall be not less than eight percent (8%) in excess
3906 of the amount received by said district from state funds for the
3907 fiscal year immediately preceding. For purposes of this paragraph
3908 (b), state funds shall include minimum program funds less the
3909 add-on programs, state Uniform Millage Assistance Grant funds,

3910 Education Enhancement Funds appropriated for Uniform Millage
3911 Assistance Grants and state textbook allocations, and State
3912 General Funds allocated for textbooks.

3913 (c) If the appropriation is less than full funding for
3914 fiscal year 2003, allocations for state contributions to school
3915 districts in support of the adequate education program will be
3916 determined by the State Department of Education in the following
3917 manner:

3918 (i) Calculation of the full funding amount under
3919 this chapter, with proportionate reductions as required by the
3920 appropriation level.

3921 (ii) Calculation of the amount equal to the state
3922 funds allocated to school districts for fiscal year 2002 plus the
3923 estimated amount to fund the adequate education program salary
3924 schedule for fiscal year 2003. For purposes of this item (ii),
3925 state funds shall be those described in paragraph (b) and an
3926 amount equal to the allocation for the adequate education program
3927 in fiscal year 2002, plus any additional amount required to
3928 satisfy fiscal year 2003 pledges in accordance with paragraphs
3929 (d), (e) and (f) of subsection (5) of this section. If a school
3930 district's fiscal year 2003 pledge is different than the pledge
3931 amount for fiscal year 2002, the district shall receive an amount
3932 equal to the fiscal year 2003 pledge or the amount of funds
3933 calculated under the adequate education formula for fiscal year
3934 2002 before any pledge guarantee for fiscal year 2002, whichever
3935 is greater. If the pledge is no longer in effect, the district
3936 shall receive the amount of funds calculated under the formula for
3937 fiscal year 2002 before any pledge guarantee for fiscal year 2002.

3938 (iii) The portion of any district's allocation
3939 calculated in item (i) of this paragraph which exceeds amounts as
3940 calculated in item (ii) shall be reduced by an amount not to
3941 exceed twenty-one percent (21%). The amount of funds generated by
3942 this reduction of funds shall be redistributed proportionately

3943 among those districts receiving insufficient funds to meet the
3944 amount calculated in item (ii). In no case may any district
3945 receive funds in an amount greater than the amount that the
3946 district would have received under full funding of the program for
3947 fiscal year 2003.

3948 (d) (i) If the school board of any school district
3949 shall determine that it is not economically feasible or
3950 practicable to operate any school within the district for the full
3951 one hundred eighty (180) days required for a school term of a
3952 scholastic year as required in Section 37-13-63, Mississippi Code
3953 of 1972, due to an enemy attack, a manmade, technological or
3954 natural disaster in which the Governor has declared a disaster
3955 emergency under the laws of this state or the President of the
3956 United States has declared an emergency or major disaster to exist
3957 in this state, said school board may notify the State Department
3958 of Education of such disaster and submit a plan for altering the
3959 school term. If the State Board of Education finds such disaster
3960 to be the cause of the school not operating for the contemplated
3961 school term and that such school was in a school district covered
3962 by the Governor's or President's disaster declaration, it may
3963 permit said school board to operate the schools in its district
3964 for less than one hundred eighty (180) days and, in such case, the
3965 State Department of Education shall not reduce the state
3966 contributions to the adequate education program allotment for such
3967 district, because of the failure to operate said schools for one
3968 hundred eighty (180) days.

3969 (ii) Schools meeting Level 4 or 5 accreditation
3970 standards shall be exempted from the provisions of this section.

3971 (4) If during the year for which adequate education program
3972 funds are appropriated, any school district experiences a three
3973 percent (3%) or greater increase in average daily attendance
3974 during the second and third month over the preceding year's second
3975 and third month and the school district has requested a minimum

3976 increase of four percent (4%) in local ad valorem revenues over
3977 the previous year as authorized in Sections 37-57-104 and
3978 37-57-105, an additional allocation of adequate education program
3979 funds calculated in the following manner shall be granted to that
3980 district, using any additional funds available to the Department
3981 of Education that exceed the amount of funds due to the school
3982 districts under the basic adequate education program distribution
3983 as provided for in this chapter:

3984 (a) Determine the percentage increase in average daily
3985 attendance for the second and third months of the year for which
3986 adequate education program funds are appropriated over the
3987 preceding year's second and third month average daily attendance.

3988 (b) For those districts that have a three percent (3%)
3989 or greater increase as calculated in paragraph (a) of this
3990 subsection, multiply the total increase in students in average
3991 daily attendance for the second and third months of the year for
3992 which adequate education program funds are appropriated over the
3993 preceding year's second and third month average daily attendance
3994 times the base student cost used in the appropriation.

3995 (c) Subtract the percentage of the district's local
3996 contribution arrived at in subsection (2) of this section from the
3997 amount calculated in paragraph (b) of this subsection. The
3998 remainder is the additional allocation in adequate education
3999 program funds for that district.

4000 If the funds available to the Department of Education are not
4001 sufficient to fully fund the additional allocations to school
4002 districts eligible for those allocations, then the department
4003 shall prorate the available funds among the eligible school
4004 districts, using the same percentage of the total funds that the
4005 school district would have received if the allocations were fully
4006 funded. The State Department of Education shall study and develop
4007 a report to the Chairmen of the Senate and House Committees on
4008 Education by January 1, 2005, with options for legislative

4009 consideration that will insure that the Mississippi Adequate
4010 Education Program funds are distributed to school districts based
4011 on current year student attendance or enrollment.

4012 This subsection (4) shall stand repealed on July 1, 2006.

4013 (5) The Interim School District Capital Expenditure Fund is
4014 hereby established in the State Treasury which shall be used to
4015 distribute any funds specifically appropriated by the Legislature
4016 to such fund to school districts entitled to increased allocations
4017 of state funds under the adequate education program funding
4018 formula prescribed in Sections 37-151-3 through 37-151-7,
4019 Mississippi Code of 1972, until such time as the said adequate
4020 education program is fully funded by the Legislature. The
4021 following percentages of the total state cost of increased
4022 allocations of funds under the adequate education program funding
4023 formula shall be appropriated by the Legislature into the Interim
4024 School District Capital Expenditure Fund to be distributed to all
4025 school districts under the formula: Nine and two-tenths percent
4026 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
4027 (20%) shall be appropriated in fiscal year 1999, forty percent
4028 (40%) shall be appropriated in fiscal year 2000, sixty percent
4029 (60%) shall be appropriated in fiscal year 2001, eighty percent
4030 (80%) shall be appropriated in fiscal year 2002, and one hundred
4031 percent (100%) shall be appropriated in fiscal year 2003 into the
4032 State Adequate Education Program Fund created in subsection (4).
4033 Until July 1, 2002, such money shall be used by school districts
4034 for the following purposes:

4035 (a) Purchasing, erecting, repairing, equipping,
4036 remodeling and enlarging school buildings and related facilities,
4037 including gymnasiums, auditoriums, lunchrooms, vocational training
4038 buildings, libraries, school barns and garages for transportation
4039 vehicles, school athletic fields and necessary facilities
4040 connected therewith, and purchasing land therefor. Any such
4041 capital improvement project by a school district shall be approved

4042 by the State Board of Education, and based on an approved
4043 long-range plan. The State Board of Education shall promulgate
4044 minimum requirements for the approval of school district capital
4045 expenditure plans.

4046 (b) Providing necessary water, light, heating, air
4047 conditioning, and sewerage facilities for school buildings, and
4048 purchasing land therefor.

4049 (c) Paying debt service on existing capital improvement
4050 debt of the district or refinancing outstanding debt of a district
4051 if such refinancing will result in an interest cost savings to the
4052 district.

4053 (d) From and after October 1, 1997, through June 30,
4054 1998, pursuant to a school district capital expenditure plan
4055 approved by the State Department of Education, a school district
4056 may pledge such funds until July 1, 2002, plus funds provided for
4057 in paragraph (e) of this subsection (5) that are not otherwise
4058 permanently pledged under such paragraph (e) to pay all or a
4059 portion of the debt service on debt issued by the school district
4060 under Sections 37-59-1 through 37-59-45, 37-59-101 through
4061 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
4062 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
4063 issued by boards of supervisors for agricultural high schools
4064 pursuant to Section 37-27-65, Mississippi Code of 1972, or
4065 lease-purchase contracts entered into pursuant to Section 31-7-13,
4066 Mississippi Code of 1972, or to retire or refinance outstanding
4067 debt of a district, if such pledge is accomplished pursuant to a
4068 written contract or resolution approved and spread upon the
4069 minutes of an official meeting of the district's school board or
4070 board of supervisors. It is the intent of this provision to allow
4071 school districts to irrevocably pledge their Interim School
4072 District Capital Expenditure Fund allotments as a constant stream
4073 of revenue to secure a debt issued under the foregoing code
4074 sections. To allow school districts to make such an irrevocable

4075 pledge, the state shall take all action necessary to ensure that
4076 the amount of a district's Interim School District Capital
4077 Expenditure Fund allotments shall not be reduced below the amount
4078 certified by the department or the district's total allotment
4079 under the Interim Capital Expenditure Fund if fully funded, so
4080 long as such debt remains outstanding.

4081 (e) From and after October 1, 1997, through June 30,
4082 1998, in addition to any other authority a school district may
4083 have, any school district may issue State Aid Capital Improvement
4084 Bonds secured in whole by a continuing annual pledge of any
4085 Mississippi Adequate Education Program funds available to the
4086 district, in an amount not to exceed One Hundred Sixty Dollars
4087 (\$160.00) per pupil based on the latest completed average daily
4088 attendance count certified by the department prior to the issuance
4089 of the bonds. Such State Aid Capital Improvement Bonds may be
4090 issued for the purposes enumerated in paragraphs (a), (b), (c) and
4091 (g) of this section. Prior to issuing such bonds, the school
4092 board of the district shall adopt a resolution declaring the
4093 necessity for and its intention of issuing such bonds and
4094 borrowing such money, specifying the approximate amount to be so
4095 borrowed, how such money is to be used and how such indebtedness
4096 is to be evidenced. Any capital improvement project financed with
4097 State Aid Capital Improvement Bonds shall be approved by the
4098 department, and based on an approved long-range plan. The State
4099 Board of Education shall promulgate minimum requirements for the
4100 approval of such school district capital expenditure plans. The
4101 State Board of Education shall not approve any capital expenditure
4102 plan for a pledge of funds under this paragraph unless it
4103 determines (i) that the quality of instruction in such district
4104 will not be reduced as a result of this pledge, and (ii) the
4105 district has other revenue available to attain and maintain at
4106 least Level III accreditation.

4107 A district issuing State Aid Capital Improvement Bonds may
4108 pledge for the repayment of such bonds all funds received by the
4109 district from the state, in an amount not to exceed One Hundred
4110 Sixty Dollars (\$160.00) per pupil in average daily attendance in
4111 the school district as set forth above, and not otherwise
4112 permanently pledged under paragraph (d) of this subsection or
4113 under Section 37-61-33(2)(d), Mississippi Code of 1972. The
4114 district's school board shall specify by resolution the amount of
4115 state funds, which are being pledged by the district for the
4116 repayment of the State Aid Capital Improvement Bonds. Once such a
4117 pledge is made to secure the bonds, the district shall notify the
4118 department of such pledge. Upon making such a pledge, the school
4119 district may request the department which may agree to irrevocably
4120 transfer a specified amount or percentage of the district's state
4121 revenue pledged to repay the district's State Aid Capital
4122 Improvement Bonds directly to a state or federally chartered bank
4123 serving as a trustee or paying agent on such bonds for the payment
4124 of all or portion of such State Aid Capital Improvement Bonds.
4125 Such instructions shall be incorporated into a resolution by the
4126 school board for the benefit of holders of the bonds and may
4127 provide that such withholding and transfer of such other available
4128 funds shall be made only upon notification by a trustee or paying
4129 agent on such bonds that the amounts available to pay such bonds
4130 on any payment date will not be sufficient. It is the intent of
4131 this provision to allow school districts to irrevocably pledge a
4132 certain, constant stream of revenue as security for State Aid
4133 Capital Improvement Bonds issued hereunder. To allow school
4134 districts to make such an irrevocable pledge, the state shall take
4135 all action necessary to ensure that the amount of a district's
4136 state revenues up to an amount equal to One Hundred Sixty Dollars
4137 (\$160.00) per pupil as set forth above which have been pledged to
4138 repay debt as set forth herein shall not be reduced so long as any
4139 State Aid Capital Improvement Bonds are outstanding.

4140 Any such State Aid Capital Improvement bonds shall mature as
4141 determined by the district's school bond over a period not to
4142 exceed twenty (20) years. Such bonds shall not bear a greater
4143 overall maximum interest rate to maturity than that allowed in
4144 Section 75-17-101, Mississippi Code of 1972. The further details
4145 and terms of such bonds shall be as determined by the school board
4146 of the district.

4147 The provisions of this subsection shall be cumulative and
4148 supplemental to any existing funding programs or other authority
4149 conferred upon school districts or school boards. Debt of a
4150 school district secured in whole by a pledge of revenue pursuant
4151 to this section shall not be subject to any debt limitation.

4152 For purposes of this paragraph (e), "State Aid Capital
4153 Improvement Bond" shall mean any bond, note, or other certificate
4154 of indebtedness issued by a school district under the provisions
4155 hereof.

4156 This paragraph (e) shall stand repealed from and after June
4157 30, 1998.

4158 (f) As an alternative to the authority granted under
4159 paragraph (e), a school district, in its discretion, may authorize
4160 the State Board of Education to withhold an amount of the
4161 district's adequate education program allotment equal to up to One
4162 Hundred Sixty Dollars (\$160.00) per student in average daily
4163 attendance in the district to be allocated to the State Public
4164 School Building Fund to the credit of such school district. A
4165 school district may choose the option provided under this
4166 paragraph (e) or paragraph (f), but not both. In addition to the
4167 grants made by the state pursuant to Section 37-47-9, a school
4168 district shall be entitled to grants based on the allotments to
4169 the State Public School Building Fund credited to such school
4170 district under this paragraph. This paragraph (f) shall stand
4171 repealed from and after June 30, 1998.

4172 (g) The State Board of Education may authorize the
4173 school district to expend not more than twenty percent (20%) of
4174 its annual allotment of such funds or Twenty Thousand Dollars
4175 (\$20,000.00), whichever is greater, for technology needs of the
4176 school district, including computers, software,
4177 telecommunications, cable television, interactive video, film
4178 low-power television, satellite communications, microwave
4179 communications, technology-based equipment installation and
4180 maintenance, and the training of staff in the use of such
4181 technology-based instruction. Any such technology expenditure
4182 shall be reflected in the local district technology plan approved
4183 by the State Board of Education under Section 37-151-17,
4184 Mississippi Code of 1972.

4185 (h) To the extent a school district has not utilized
4186 twenty percent (20%) of its annual allotment for technology
4187 purposes under paragraph (g), a school district may expend not
4188 more than twenty percent (20%) of its annual allotment or Twenty
4189 Thousand Dollars (\$20,000.00), whichever is greater, for
4190 instructional purposes. The State Board of Education may
4191 authorize a school district to expend more than said twenty
4192 percent (20%) of its annual allotment for instructional purposes
4193 if it determines that such expenditures are needed for
4194 accreditation purposes.

4195 (i) The State Department of Education or the State
4196 Board of Education may require that any project commenced pursuant
4197 to this section with an estimated project cost of not less than
4198 Five Million Dollars (\$5,000,000.00) shall be done only pursuant
4199 to program management of the process with respect to design and
4200 construction. Any individuals, partnerships, companies or other
4201 entities acting as a program manager on behalf of a local school
4202 district and performing program management services for projects
4203 covered under this subsection shall be approved by the State
4204 Department of Education.

4205 Any interest accruing on any unexpended balance in the
4206 Interim School District Capital Expenditure Fund shall be invested
4207 by the State Treasurer and placed to the credit of each school
4208 district participating in such fund in its proportionate share.

4209 The provisions of this subsection (5) shall be cumulative and
4210 supplemental to any existing funding programs or other authority
4211 conferred upon school districts or school boards.

4212 **SECTION 53.** Section 37-61-9, Mississippi Code of 1972, is
4213 amended as follows:

4214 37-61-9. (1) On or before the fifteenth day of August of
4215 each year, the local school board of each school district, with
4216 the assistance of the superintendent of schools, shall prepare and
4217 file with the levying authority for the school district, as
4218 defined in Section 37-57-1, Mississippi Code of 1972, at least two
4219 (2) copies of a budget of estimated expenditures for the support,
4220 maintenance and operation of the public schools of the school
4221 district for the fiscal year commencing on July 1 of such year.
4222 Such budget shall be prepared on forms prescribed and provided by
4223 the State Auditor and shall contain such information as the State
4224 Auditor may require. Beginning with fiscal year 2005-2006 and
4225 fiscal years thereafter, each school district's budget shall
4226 contain a detailed statement of the estimated amounts to be
4227 expended for each instructional program and add-on program
4228 component identified in the annual legislative appropriation bill
4229 to fund the Mississippi Adequate Education Program as provided in
4230 Section 37-151-7(1)(b), (d) and (e), and it shall show separately
4231 the amounts of such expenses to be paid from adequate education
4232 program funds, local school district maintenance funds and other
4233 available funds. The budget shall also contain a detailed
4234 statement of the revenues which will be available for defraying
4235 the expenses of and maintaining and operating the schools of such
4236 district during the fiscal year for which the budget is prepared,
4237 which statement of estimated revenues shall be divided as to

4238 sources and shall show the amount available from each source. The
4239 State Board of Education shall prescribe and provide forms to each
4240 school district for this purpose. When an operating budget has
4241 been approved by the local school board and Mississippi Adequate
4242 Education Program funds have been provided by appropriation of the
4243 Legislature, the amount approved shall be available by budget
4244 category and each budget category shall constitute the maximum
4245 amount of obligations or indebtedness which may be incurred by the
4246 school district for such purpose during the fiscal year. In the
4247 event any emergency or unforeseen circumstances shall arise, the
4248 local school superintendent, with the approval of the local school
4249 board, may authorize increases in major objects of expenditure
4250 within such school district's allocation of each specific budget
4251 category within the appropriation bill for the current year,
4252 provided that other major objects of expenditure are decreased by
4253 a corresponding dollar amount. The superintendent of schools for
4254 such school district requesting a transfer shall submit written
4255 justification for the transfer to the local school board on or
4256 before the fifteenth of the month prior to the effective date of
4257 the transfer and the transfer shall be effective the first working
4258 day of the month following timely submissions required herein.

4259 (2) In addition, on or before the fifteenth day of August of
4260 each year, the local school board of each school district, with
4261 the assistance of the superintendent of schools, shall prepare and
4262 file with the State Department of Education such budgetary
4263 information as the State Board of Education may require. The
4264 State Board of Education shall prescribe and provide forms to each
4265 school district for this purpose.

4266 (3) Prior to the adoption of a budget pursuant to this
4267 section, the school board of each school district shall hold at
4268 least one (1) public hearing to provide the general public with an
4269 opportunity to comment on the taxing and spending plan
4270 incorporated in the proposed budget. The public hearing shall be

4271 held at least one (1) week prior to the adoption of the budget
4272 with advance notice. After final adoption of the budget, a
4273 synopsis of such budget in a form prescribed by the State
4274 Department of Audit shall be published in a newspaper having
4275 general circulation in the school district on a date different
4276 from the date on which the county or any municipality therein may
4277 publish its budget.

4278 (4) Beginning with the fiscal year 1995-1996, there shall be
4279 imposed limitations on budgeted expenditures for certain
4280 administration costs, as defined hereinafter, in an amount not
4281 greater than One Hundred Fifty Thousand Dollars (\$150,000.00) plus
4282 four percent (4%) of the expenditures of all school districts each
4283 year. For purposes of this subsection, "administration costs"
4284 shall be defined as expenditures for salaries and fringe benefits
4285 paid for central administration costs from all sources of revenue
4286 in the following expenditure functions as defined in the
4287 MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

- 4288 2300 = Support Services - General Administration
- 4289 2310 = Board of Education Services
- 4290 2320 = Executive Administration Services
- 4291 2330 = Special Area Administration Services
- 4292 2500 = Business Services
- 4293 2510 = Fiscal Services
- 4294 2520 = Purchasing Services
- 4295 2530 = Warehousing and Distributing Services
- 4296 2540 = Printing, Publishing and Duplicating Services
- 4297 2590 = Other Support Services - Business
- 4298 2800 = Support Services - Central
- 4299 2810 = Planning, Research, Development and Evaluation
- 4300 2820 = Information Services
- 4301 2830 = Staff Services
- 4302 2840 = Data Processing Services

4303 Any costs classified as "administration costs" for purposes
4304 of this subsection which can be demonstrated by the local school
4305 district to be an expenditure that results in a net cost savings
4306 to the district that may otherwise require budget expenditures for
4307 functions not covered under the definition of administration costs
4308 herein may be excluded from the limitations imposed herein. The
4309 local school board shall make a specific finding of such costs and
4310 spread such finding upon its minutes, which shall be subject to
4311 the approval of the Office of Educational Accountability of the
4312 State Department of Education. Any school district required to
4313 make expenditure cuts, as a result of application of this
4314 subsection, shall not be required to reduce such expenditures more
4315 than twenty-five percent (25%) in any year in order to comply with
4316 this mandate.

4317 The State Auditor shall ensure that functions in all
4318 expenditure categories to which this administrative limitation
4319 applies shall be properly classified.

4320 This section shall not apply to central administration with
4321 five (5) or less full-time employees, or to those school districts
4322 which can substantiate that comparable reductions have occurred in
4323 administrative costs for the five-year period immediately prior to
4324 school year 1993-1994. In the event the application of this
4325 section may jeopardize the fiscal integrity or operations of the
4326 school district, have an adverse impact on the ability of the
4327 district to deliver educational services, or otherwise restrict
4328 the district from achieving or maintaining a quality education
4329 program, the State Board of Education shall be authorized to
4330 exempt the application of this section to such school district
4331 pursuant to rules and regulations of the State Board of Education
4332 consistent with the intent of this section.

4333 **SECTION 54.** Section 37-61-19, Mississippi Code of 1972, is
4334 amended as follows:

4335 37-61-19. It shall be the duty of the superintendents of
4336 schools and the school boards of all school districts to limit the
4337 expenditure of school funds during the fiscal year to the
4338 resources available. It shall be unlawful for any school district
4339 to budget expenditures from a fund or specific budget category as
4340 provided in Section 37-61-9(1), in excess of the resources
4341 available within that fund. Furthermore, it shall be unlawful for
4342 any contract to be entered into or any obligation incurred or
4343 expenditure made in excess of the resources available for such
4344 fiscal year. Any member of the school board, superintendent of
4345 schools, or other school official, who shall knowingly enter into
4346 any contract, incur any obligation, or make any expenditure in
4347 excess of the amount available in a specific budget category for
4348 the fiscal year shall be personally liable for the amount of such
4349 excess. However, no school board member, superintendent or other
4350 school official shall be personally liable (a) in the event of any
4351 reduction in adequate education program payments by action of the
4352 Governor acting through the Department of Finance and
4353 Administration, or (b) for claims, damages, awards or judgments,
4354 on account of any wrongful or tortious act or omission or breach
4355 of implied term or condition of any warranty or contract;
4356 provided, however, that the foregoing immunity provisions shall
4357 not be a defense in cases of fraud, criminal action or an
4358 intentional breach of fiduciary obligations imposed by statute.

4359 **SECTION 55.** Section 37-15-37, Mississippi Code of 1972, is
4360 amended as follows:

4361 37-15-37. The local school boards of public school districts
4362 and the Board of Trustees of State Institutions of Higher Learning
4363 are authorized to establish a dual enrollment and dual credit
4364 program under which high school students meeting the requirements
4365 prescribed in this section may enroll at an institution of higher
4366 learning in Mississippi while they are still attending high school
4367 and enrolled in high school courses, with tuition and costs to be

4368 negotiated between school districts and the state institutions of
4369 higher learning and may be paid by grants, foundations or other
4370 private sources. Students may be admitted to enroll in
4371 university-level courses under the dual enrollment program if they
4372 meet the following recommended admission requirements:

4373 (a) Students must have completed a minimum of fourteen
4374 (14) core high school units;

4375 (b) Students must have a 2.5 grade point average on a
4376 4.0 scale, or better, on all high school courses, as documented by
4377 an official high school transcript; a home-schooled student must
4378 submit a transcript prepared by a parent, guardian or custodian
4379 with a signed, sworn affidavit to meet the requirement of this
4380 paragraph; and

4381 (c) Students must have an unconditional written
4382 recommendation from their high school principal and/or guidance
4383 counselor. A home-schooled student must submit a parent, legal
4384 guardian or custodian's written recommendation to meet the
4385 requirement of this paragraph.

4386 Students may be considered for the dual enrollment program
4387 who have not completed the minimum of fourteen (14) core high
4388 school units if they have a minimum ACT composite score of
4389 twenty-eight (28) or the equivalent SAT score, and have the
4390 required grade point average and recommendations prescribed above.

4391 Tuition and costs for university-level courses under this
4392 program shall be negotiated between school districts and state
4393 institutions of higher learning and may be paid from grants,
4394 foundations or other private sources, to be paid directly to the
4395 participating university. Students admitted in the dual
4396 enrollment program shall be counted for adequate education program
4397 funding purposes in the average daily attendance of the public
4398 school district in which they attend high school. Any additional
4399 transportation required by a student to participate in the dual
4400 enrollment program shall be the responsibility of the parents or

4401 legal guardians of the student, but may be paid for from private
4402 sources. Grades and college credits earned by students admitted
4403 to the dual enrollment program shall be recorded on the college
4404 transcript at the university where the student attends classes and
4405 where appropriate, as prescribed by the Mississippi Department of
4406 Education's high school graduation requirements, the state
4407 institutions of higher learning's admission requirements, and as
4408 described in the articulation agreement authorized in Section
4409 37-101-28, shall be counted as dual credit. The transcript of
4410 such university course work may be released to another institution
4411 or used for college graduation requirements only after the student
4412 has received his high school diploma.

4413 **SECTION 56.** Section 37-29-1, Mississippi Code of 1972, is
4414 amended as follows:

4415 37-29-1. (1) The creation, establishment, maintenance and
4416 operation of community and junior colleges is authorized.
4417 Community and junior colleges may admit students if they have
4418 earned one (1) unit less than the number of units required for
4419 high school graduation established by State Board of Education
4420 policy or have earned a General Education Diploma (GED) in courses
4421 correlated to those of senior colleges or professional schools.
4422 They shall offer education and training preparatory for
4423 occupations such as agriculture, industry, business, homemaking
4424 and for other occupations on the semiprofessional and
4425 vocational-technical level. They may offer courses and services
4426 to students regardless of their previous educational attainment or
4427 further academic plans.

4428 (2) The boards of trustees of the community and junior
4429 college districts are authorized to establish a dual enrollment
4430 program under which high school students meeting the requirements
4431 prescribed in this section may enroll and receive dual credit at a
4432 community or junior college while they are still attending high
4433 school and enrolled in high school courses. Students may be

4434 admitted to enroll in community or junior college courses under
4435 the dual enrollment program if they meet the following recommended
4436 admission requirements:

4437 (a) Students must have completed a minimum of fourteen
4438 (14) core high school units;

4439 (b) Students must have a 2.5 grade point average on a
4440 4.0 scale, or better, on all high school courses, as documented by
4441 an official high school transcript; a home-schooled student must
4442 submit a transcript prepared by a parent, guardian or custodian
4443 with a signed, sworn affidavit to meet the requirement of this
4444 paragraph; and

4445 (c) Students must have an unconditional written
4446 recommendation from their high school principal and/or guidance
4447 counselor. A home-schooled student must submit a parent, legal
4448 guardian or custodian's written recommendation to meet the
4449 requirement of this paragraph.

4450 Students may be considered for the dual enrollment program
4451 who have not completed the minimum of fourteen (14) core high
4452 school units if they have a minimum ACT composite score of
4453 twenty-eight (28) or the equivalent SAT score, and have the
4454 required grade point average and recommendations prescribed above.

4455 Students admitted in the dual enrollment program shall be
4456 counted for adequate education program funding purposes in the
4457 average daily attendance of the public school district in which
4458 they attend high school. Any additional transportation required
4459 by a student to participate in the dual enrollment program shall
4460 be the responsibility of the parents or legal guardians of the
4461 student. Grades and college credits earned by students admitted
4462 to the dual enrollment program shall be recorded on the college
4463 transcript at the community or junior college where the student
4464 attends classes. The transcript of such college course work may
4465 be released to another institution or used for college graduation

4466 requirements only after the student has received his high school
4467 diploma.

4468 (3) The boards of trustees of the community and junior
4469 college districts are authorized to establish an early admission
4470 program under which applicants meeting all requirements prescribed
4471 in subsection (2)(a) through (c) and having a minimum ACT
4472 composite score of twenty-four (24) or the equivalent SAT score
4473 may be admitted as full-time college students if the principal or
4474 guidance counselor of the student recommends in writing that it is
4475 in the best educational interest of the student. Such
4476 recommendation shall also state that the student's age will not
4477 keep him from being a successful full-time college student.
4478 Students admitted in the early admission program shall not be
4479 counted for adequate education program funding purposes in the
4480 average daily attendance of the school district in which they
4481 reside, and transportation required by a student to participate in
4482 the early admission program shall be the responsibility of the
4483 parents or legal guardians of the student. Grades and college
4484 credits earned by students admitted to the early admission program
4485 shall be recorded on the college transcript at the community or
4486 junior college where the student attends classes, and may be
4487 released to another institution or used for college graduation
4488 requirements only after the student has successfully completed one
4489 (1) full semester of course work.

4490 (4) The community and junior colleges shall provide, through
4491 courses or other acceptable educational measures, the general
4492 education necessary to individuals and groups which will tend to
4493 make them capable of living satisfactory lives consistent with the
4494 ideals of a democratic society.

4495 **SECTION 57.** The following provision shall be codified as
4496 Section 37-15-39, Mississippi Code of 1972:

4497 37-15-39. (1) The purpose of this section is to ensure that
4498 each student has a sufficient education for success after high

4499 school and that all students have equal access to a substantive
4500 and rigorous curriculum that is designed to challenge their minds
4501 and enhance their knowledge skill.

4502 (2) For purposes of this section:

4503 (a) "Advanced placement course" means any high school
4504 level preparatory course for a college advanced placement test
4505 that:

4506 (i) Incorporates all topics specified by
4507 recognized advanced placement authorities on standards for a given
4508 subject area; and

4509 (ii) Is approved by recognized advanced placement
4510 authorities;

4511 (b) "Dual enrollment course" means a postsecondary
4512 level course(s) offered by state institutions of higher learning
4513 and community or junior colleges, upon successful completion would
4514 qualify for academic credit in both the postsecondary institution
4515 and public high school;

4516 (c) "Pre-advanced placement course" means a middle
4517 school, junior high school or high school level course that
4518 specifically prepares students to enroll and to participate in an
4519 advanced placement course;

4520 (d) "Vertical team" means a group of educators from
4521 different grade levels in a given discipline who work
4522 cooperatively to develop and implement a vertically aligned
4523 program aimed at helping students from diverse backgrounds acquire
4524 the academic skills necessary for success in the advanced
4525 placement program and other challenging course work; and

4526 (e) "High concentration of low-income students," used
4527 with respect to a public school or public school district, means a
4528 public school or public school district that serves a student
4529 population fifty percent (50%) or more of whom are low-income
4530 individuals ages five (5) through seventeen (17) years from a
4531 low-income family on the basis data on children eligible for the

4532 free or reduced-price lunches under the National School Lunch Act,
4533 data on children in families receiving assistance under Part A of
4534 Title IV of the Social Security Act, or data on children eligible
4535 to receive medical assistance under the Medicaid program under
4536 Title XIX of the Social Security Act, or through an alternate
4537 method that combines or extrapolates from those data sets.

4538 (3) (a) A teacher of an advanced placement and/or
4539 pre-advanced placement course must obtain appropriate training.

4540 (b) The State Board of Education shall establish clear,
4541 specific, and challenging training guidelines that require
4542 teachers of advanced placement courses and teachers of
4543 pre-advanced placement courses to obtain a recognized advanced
4544 placement authority endorsed training.

4545 (4) (a) In order to ensure that each student has a
4546 sufficient education for success after high school and that all
4547 students have equal access to a substantive and rigorous
4548 curriculum that is designed to challenge their minds and enhance
4549 their knowledge skill, school districts should offer pre-advanced
4550 placement courses to prepare students for the demands of advanced
4551 placement course work.

4552 (b) Funding shall be made available for the 2007-2008
4553 school year so that all sophomores in Mississippi's public schools
4554 shall take a recognized advance placement authority approved
4555 examination that measures students' ability to succeed in an
4556 advance placement course.

4557 (c) The State Department of Education shall:

4558 (i) Approve all classes designated as pre-advanced
4559 placement courses;

4560 (ii) Develop rules necessary for the
4561 implementation of advanced placement courses;

4562 (iii) Seek federal funding through the Advanced
4563 Placement Incentive Grant Program and other available funding; and

4564 (iv) Focus funding with the intent to carry out
4565 activities that target school districts serving a high
4566 concentration of low-income students.

4567 (5) Beginning with the 2007-2008 school year, all school
4568 districts shall offer at least one (1) advanced placement course
4569 in each of the four (4) core areas of math, English, science and
4570 social studies for a total of four (4) courses. The use of the
4571 state's on-line Advanced Placement Instructional Program is an
4572 appropriate alternative.

4573 (6) Any high school offering the International Baccalaureate
4574 Diploma Programme shall be exempt from the provisions of
4575 subsection 5 of this section but shall have the right to
4576 participate in teacher training and program funding as any high
4577 school offering advanced placement courses.

4578 **SECTION 58.** Section 37-16-7, Mississippi Code of 1972, is
4579 amended as follows:

4580 37-16-7. (1) Each district school board shall establish
4581 standards for graduation from its schools which shall include as a
4582 minimum:

4583 (a) Mastery of minimum academic skills as measured by
4584 assessments developed and administered by the State Board of
4585 Education.

4586 (b) Completion of a minimum number of academic credits,
4587 and all other applicable requirements prescribed by the district
4588 school board.

4589 (2) A student who meets all requirements prescribed in
4590 subsection (1) of this section shall be awarded a standard diploma
4591 in a form prescribed by the state board.

4592 (3) The State Board of Education may establish student
4593 proficiency standards for promotion to grade levels leading to
4594 graduation.

4595 (4) In developing an industry-recognized certification
4596 program pursuant to Section 37-31-61, 37-31-69, 37-31-205 and

4597 37-31-207, the State Board of Education, working with its Division
4598 of Vocational and Technical Education and the State Board for
4599 Community and Junior Colleges, shall:

4600 (a) For the purposes of awarding credit for graduation,
4601 approve the use of additional or substitute tests for the
4602 correlated Mississippi Curriculum Framework assessment, such as
4603 academic achievement tests, industry certifications or state
4604 licensure examinations; and

4605 (b) Permit students participating in vocational and
4606 technical education programs designed to enable such students to
4607 pass such industry certification examinations or state licensure
4608 examinations to be awarded, upon obtaining satisfactory scores on
4609 such industry certification or licensure examinations, the
4610 appropriate verified units of credit for one or more vocational
4611 and technical education classes which have been integrated into
4612 the Mississippi Curriculum Framework. Such industry certification
4613 and state licensure examinations may cover relevant classes
4614 related to the Mississippi Curriculum Framework and may, at the
4615 discretion of the board, address some Mississippi Curriculum
4616 Framework for required classes.

4617 **SECTION 59.** Section 37-31-61, Mississippi Code of 1972, is
4618 amended as follows:

4619 37-31-61. (1) For the development of industry-recognized
4620 certifications, the State Board of Education shall incorporate
4621 into its vocational education program a comparable curriculum
4622 framework for mathematics, science, English and social studies,
4623 including history, and other subject areas as may be appropriate.
4624 The board may also authorize, in its regulations for accrediting
4625 public schools in Mississippi, the substitution of industry
4626 certification and state licensure examinations for the curriculum
4627 framework assessments for the purpose of awarding verified units
4628 of credit for vocational education courses, where appropriate.

4629 (2) In coordination with the Department of Employment
4630 Security, there shall be established, within the Department of
4631 Education, a unit of specialists in vocational education. The
4632 unit shall (a) assist in developing and revising local vocational
4633 education programs to integrate into the Mississippi Department of
4634 Education's curriculum framework, (b) provide professional
4635 development for vocational education personnel to improve the
4636 quality of vocational education, and (c) seek the input of
4637 business and industry representatives regarding the content and
4638 direction of the vocational education programs in the public
4639 schools of Mississippi.

4640 (3) The trustees of such school district, as classified and
4641 defined by law, including those already having this authority, and
4642 the trustees of agricultural high schools and community/junior
4643 colleges may, with the consent in writing of the State Board of
4644 Education, establish and conduct such schools, classes or courses,
4645 under the provisions herein stated and under the general
4646 supervision of the board.

4647 **SECTION 60.** Section 37-31-69, Mississippi Code of 1972, is
4648 amended as follows:

4649 37-31-69. (1) The school board of a local school district,
4650 in its discretion, may establish and implement a vocational
4651 apprenticeship program in the high schools in that district
4652 through which students may earn high school units for vocational
4653 experience or an industry-recognized certification as defined in
4654 Section 37-31-61 as an alternative to those high school units
4655 required by the school district in addition to the core curriculum
4656 defined by the State Board of Education. The purpose of a
4657 vocational apprenticeship program established pursuant to this
4658 section shall be to provide those students with skills and
4659 training that will lead to gainful employment in a trade or other
4660 specialized vocation or an industry-recognized certification.

4661 (2) Students who participate in the vocational
4662 apprenticeship or an industry-recognized certification program
4663 shall be required to complete all high school units comprising the
4664 core curriculum, as defined by the State Board of Education
4665 pursuant to Section 37-31-61. In addition, a student in the
4666 vocational apprenticeship program may be awarded credit for an
4667 additional eight (8) high school units earned through the
4668 vocational apprenticeship or an industry-recognized certification
4669 program, which units shall apply toward, and must be recognized by
4670 the State Board of Education in fulfillment of, the local school
4671 district's graduation requirements. Units may be awarded in the
4672 vocational apprenticeship program, whereby a student gains actual
4673 work experience through employment in a job approved by the local
4674 school district. The local school district shall adopt policies
4675 governing the participation of students in the vocational
4676 apprenticeship or an industry-recognized certification program.

4677 (3) Students successfully completing a vocational
4678 apprenticeship or an industry-recognized certification program
4679 established pursuant to this section are entitled to a diploma
4680 evidencing graduation from a high school in Mississippi.

4681 **SECTION 61.** Section 37-31-205, Mississippi Code of 1972, is
4682 amended as follows:

4683 37-31-205. (1) The State Board of Education shall have the
4684 authority to:

4685 (a) Expend funds received either by appropriation or
4686 directly from federal or private sources;

4687 (b) Channel funds to secondary schools, community and
4688 junior colleges and regional vocational-technical facilities
4689 according to priorities set by the board;

4690 (c) Allocate funds on an annual budgetary basis;

4691 (d) Set standards for and approve all vocational and
4692 technical education programs or an industry-recognized
4693 certification program in the public school system and community

4694 and junior colleges or other agencies or institutions which
4695 receive state funds and federal funds for such purposes,
4696 including, but not limited to, the following vocational and
4697 technical education programs: agriculture, trade and industry,
4698 occupational home economics, consumer and homemaking education,
4699 distributive education, business and office, health, industrial
4700 arts, guidance services, technical education, cooperative
4701 education, and all other specialized training not requiring a
4702 bachelor's degree, with the exception of programs of nursing
4703 education regulated under the provisions of Section 37-129-1. The
4704 State Board of Education shall authorize local school boards,
4705 within such school board's discretion, to offer distributive
4706 education as a one-hour or two-hour block course. There shall be
4707 no reduction of payments from state funding for distributive
4708 education due to the selection of either the one-hour or two-hour
4709 course offering;

4710 (e) Set and publish licensure standards for vocational
4711 and technical education personnel. The State Board of Education
4712 shall recognize a vocational and technical education teacher's
4713 work when school is not in session which is in the teacher's
4714 particular field of instruction as a means for the teacher to
4715 fulfill the requirements for renewal of the teacher's license.
4716 The board shall establish, by rules and regulations, the
4717 documentation of such work which must be submitted to the board
4718 and the number of actual working hours required to fulfill renewal
4719 requirements. If a vocational and technical education teacher who
4720 does not have a bachelor's degree takes classes in fulfillment of
4721 licensure renewal requirements, such classes must be in
4722 furtherance of a bachelor's degree;

4723 (f) Require data and information on program performance
4724 from those programs receiving state funds;

4725 (g) Expend funds to expand career information;

4726 (h) Supervise and maintain the Division of Vocational
4727 and Technical Education and to utilize, to the greatest extent
4728 possible, the division as the administrative unit of the board
4729 responsible for coordinating programs and services with local
4730 institutions;

4731 (i) Utilize appropriate staff of the State Department
4732 of Education to perform services for the vocational student
4733 organizations, including, but not limited to, procurement,
4734 accounting services, tax services and banking services. The
4735 department may also procure and pay for annual audits of the
4736 vocational student organizations using vocational funds or other
4737 available funds of the State Department of Education. It is the
4738 intent of this provision that any related costs be paid with
4739 vocational funds appropriated by the Legislature;

4740 (j) Promulgate such rules and regulations necessary to
4741 carry out the provisions of this chapter in accordance with
4742 Section 25-43-1 et seq.;

4743 (k) Set standards and approve all vocational and
4744 technical education equipment and facilities purchased and/or
4745 leased with state and federal vocational funds;

4746 (l) Encourage provisions for lifelong learning and
4747 changing personal career preferences and advancement of vocational
4748 and technical education students through articulated programs
4749 between high schools and community and junior colleges;

4750 (m) Encourage the establishment of new linkages with
4751 business and industry which will provide for a better
4752 understanding of essential labor market concepts;

4753 (n) Periodically review the funding and reporting
4754 processes required of local school districts by the board or
4755 division with the aim of simplifying or eliminating inefficient
4756 practices and procedures;

4757 (o) Assist in the development of high technology
4758 programs and resource centers to support current and projected
4759 industrial needs;

4760 (p) Assist in the development of a technical assistance
4761 program for business and industry which will provide for
4762 industrial training and services, including the transfer of
4763 information relative to new applications and advancements in
4764 technology; and

4765 (q) Enter into contracts and agreements with the State
4766 Board for Community and Junior Colleges for conditions under which
4767 vocational and technical education programs in community and
4768 junior colleges shall receive state and federal funds which flow
4769 through the State Board of Education for such purposes.

4770 (2) It is the intent of the Legislature that no vocational
4771 and technical education course or program existing on June 30,
4772 1982, shall be eliminated by the State Board of Education under
4773 the authority vested in paragraph (d) of subsection (1) of this
4774 section prior to June 30, 1985. It is further the intent of the
4775 Legislature that no vocational and technical education teacher or
4776 other personnel employed on June 30, 1983, shall be discharged due
4777 to licensure standards promulgated by the board under paragraph
4778 (e) of subsection (1) of this section, if any such teacher or
4779 personnel shall have complied with any newly published licensure
4780 standards by June 30, 1985. Nothing contained in this section
4781 shall be construed to abrogate or affect in any manner the
4782 authority of local public school districts or community and junior
4783 colleges to eliminate vocational and technical education courses
4784 or programs or to discharge any vocational and technical education
4785 teacher or other personnel.

4786 (3) The State Board of Education and the State Board for
4787 Community and Junior Colleges may provide that every vocational
4788 and technical education course or program in Mississippi may
4789 integrate academic and vocational-technical education through

4790 coherent sequences of courses, so that students in such programs
4791 achieve both academic and occupational competencies or an
4792 industry-recognized certification. The boards may expend federal
4793 funds available from the 1990 Perkins Act, or other available
4794 federal funds, for an industry-recognized certification through
4795 the accreditation process and the teacher licensure process.

4796 **SECTION 62.** Section 37-31-207, Mississippi Code of 1972, is
4797 amended as follows:

4798 37-31-207. (1) The State Board of Education shall have the
4799 following duties:

4800 (a) To seek the best available projections of
4801 employment and occupations for Mississippians;

4802 (b) To utilize these projections and other
4803 considerations to set vocational and technical education
4804 priorities;

4805 (c) To utilize the services of all state agencies
4806 having information regarding the purposes of this chapter;

4807 (d) To cooperate with the Governor's Office of Job
4808 Development and Training and the Board of Economic Development to
4809 prevent duplication and provide continuity of employment and
4810 training services;

4811 (e) To conduct evaluations of the success or failure of
4812 vocational-technical programs, including the extent to which
4813 training actually leads to jobs in the field in which the student
4814 was trained;

4815 (f) Obtain and publish data and information on program
4816 performance from those vocational-technical programs receiving
4817 state funds; and

4818 (g) To notify local school districts and public
4819 community/junior colleges prior to March 1 annually of any
4820 discontinuation of ongoing vocational programs which would affect
4821 the renewing of contracts with vocational personnel.

4822 (2) The State Board of Education is directed to partner with
4823 the State Board for Community and Junior Colleges and the
4824 representatives of the business community appointed by the
4825 Governor to establish the "Industry Certification Partnership"
4826 program whose mission it will be to develop and implement a
4827 program designed to encourage businesses in Mississippi to offer
4828 potential high school dropout students a semester scholarship at a
4829 community or junior college for industry specific training after
4830 their graduation in return for their promise or compact to stay in
4831 school.

4832 **SECTION 63.** (1) There is established a commission to be
4833 known as the "Mississippi High School Redesign Commission."

4834 (2) The commission shall consist of four (4) members, who
4835 shall serve ex officio, as follows:

4836 (a) The Governor of the State of Mississippi, who shall
4837 serve as Chairman;

4838 (b) The State Superintendent of Education;

4839 (c) The Commissioner of the State Board for Community
4840 and Junior Colleges; and

4841 (d) The Commissioner of Higher Education.

4842 (3) The mission of the Mississippi High School Redesign
4843 Commission shall include, but not be limited to, the following:

4844 (a) Assess the dropout crisis in Mississippi and
4845 recommend action steps to address it;

4846 (b) Create a set of common definitions for graduation
4847 and dropout rates that can be used to compare their progress
4848 relative to other states;

4849 (c) Facilitate agreements to make the Mississippi high
4850 school experience more meaningful;

4851 (d) To encourage more rigor and relevance in the high
4852 school experience;

4853 (e) Facilitate the transferability of education from
4854 secondary to postsecondary institutions;

4855 (f) Raise state awareness on the need for improving
4856 Mississippi's high schools;

4857 (g) Develop a series of best practices policy actions
4858 state policymakers and legislators can implement to achieve
4859 system-wide high school reform; and

4860 (h) Convene town hall meetings around the state where
4861 students, teachers, administrators and parents can talk about high
4862 school, the senior year and impediments to greater success.

4863 (4) The commission may prepare an annual report for the
4864 consideration of the Chairmen of the House and Senate Education
4865 and University and College Committees pertaining to the
4866 information gathered in pursuit of their mission.

4867 (5) The commission members shall meet at times and places
4868 they deem necessary and use all available resources to fulfill its
4869 mission.

4870 **SECTION 64.** Section 37-21-55, Mississippi Code of 1972, is
4871 amended as follows:

4872 37-21-55. (1) The Interagency Advisory Committee for Early
4873 Childhood Services is created to develop and make recommendations
4874 to the Early Childhood Services Interagency Coordinating Council
4875 established under Section 37-21-53 as deemed necessary to
4876 implement the council's responsibilities relating to all programs
4877 serving preschool children and their families in Mississippi.

4878 (2) The membership of the Interagency Advisory Committee for
4879 Early Childhood Services shall be as follows:

4880 (a) The Chairmen of the Senate Education, Public Health
4881 and Welfare and Appropriations Committees, or their Senate
4882 designees;

4883 (b) The Chairmen of the House Education, Public Health
4884 and Welfare and Appropriations Committees, or their House
4885 designees;

4886 (c) A representative of the Governor;

4887 (d) A representative of the State Department of
4888 Education;
4889 (e) A representative of the State Department of Health;
4890 (f) A representative of the Department of Human
4891 Services;
4892 (g) A representative of the State Department of Mental
4893 Health;
4894 (h) A representative of the State Department of
4895 Rehabilitation Services;
4896 (i) The following representatives of the early
4897 childhood profession:
4898 (i) The President of the Mississippi Head Start
4899 Association;
4900 (ii) A representative from a regulated family
4901 child care home network appointed by the Governor;
4902 (iii) A representative from a licensed child care
4903 center appointed by the President of the Senate;
4904 (iv) A representative from a public school
4905 prekindergarten program appointed by the Speaker of the House;
4906 (v) A representative from a private school
4907 prekindergarten program appointed by the Governor;
4908 (vi) A representative from a half-day church
4909 sponsored prekindergarten program appointed by the Speaker of the
4910 House;
4911 (vii) A representative from a university or
4912 college early childhood program appointed by the President of the
4913 Senate;
4914 (viii) A representative of a tribal early
4915 childhood program appointed by the Governor;
4916 (ix) A representative of an early childhood
4917 professional organization appointed by the President of the
4918 Senate;

4919 (x) A representative of an advocacy organization
4920 appointed by the Speaker of the House; and

4921 (xi) A representative of a community or junior
4922 college early childhood program appointed by the Governor;

4923 (j) A parent of a preschool-age child appointed by the
4924 Governor;

4925 (k) A parent of a preschool-age child with special
4926 needs appointed by the Speaker of the House;

4927 (l) A representative of the cooperative extension
4928 services appointed by the President of the Senate;

4929 (m) A physician who is a member of the Mississippi
4930 Chapter of the American Academy of Pediatrics, appointed by the
4931 Director of the University Medical Center;

4932 (n) The Director of the Mississippi Public Education
4933 Forum, or his designee; and

4934 (o) The Executive Director of the Mississippi Economic
4935 Council, or his designee.

4936 To the extent possible, any representative of a state agency
4937 designated to serve on the Interagency Advisory Committee shall be
4938 the same individual designated to assist the Interagency
4939 Coordinating Council in performing its duties and
4940 responsibilities.

4941 (3) The advisory committee shall meet upon call of the Early
4942 Childhood Services Interagency Coordinating Council before August
4943 1, 2000, and the council shall appoint a chairman from among the
4944 membership of the advisory committee. The chairman shall serve
4945 for a one-year term and may be reappointed for subsequent terms.
4946 The advisory committee shall adopt internal organizational
4947 procedures necessary for efficient operation of the advisory
4948 committee and may establish subcommittees for conducting specific
4949 programs and activities. Advisory committee procedures must
4950 include duties of officers, a process for selecting officers,
4951 duties of subcommittees, quorum requirements for conducting

4952 business and policies for any staff. The members of the Early
4953 Childhood Services Interagency Coordinating Council shall
4954 designate necessary staff of their departments to assist the
4955 advisory committee in performing its duties and responsibilities.
4956 The advisory committee shall meet and conduct business at least
4957 quarterly. Quarterly meetings of the advisory committee shall be
4958 open to the public, and opportunity for public comment must be
4959 made available at each meeting. The staff of the advisory
4960 committee shall notify all persons who request such notice as to
4961 the date, time and place of each meeting.

4962 (4) The Interagency Advisory Committee for Early Childhood
4963 Services, in addition to responsibilities assigned by the Early
4964 Childhood Services Interagency Coordinating Council, shall perform
4965 each of the following duties:

4966 (a) Assist in the implementation of the study conducted
4967 by the Task Force on the Development and Implementation of
4968 Comprehensive Early Childhood Services in Mississippi established
4969 under Laws, 1999, Chapter 584;

4970 (b) Identify services to children which impact early
4971 childhood development and education;

4972 (c) Identify and recommend methods to facilitate
4973 interagency coordination of service programs for preschool
4974 children; and

4975 (d) Serve as a forum for information exchange regarding
4976 recommendations and priorities in early childhood development and
4977 education. * * *

4978 (5) The Advisory Board of the Interagency Council, with the
4979 consent of a majority of its members, shall have the authority to
4980 compel any state entity with early childhood responsibilities to
4981 be coordinated through the Office of Children and Youth for the
4982 purposes of alignment of the State of Mississippi's early
4983 childhood educational efforts.

4984 (6) Beginning in July 1, 2005, the Advisory Board of the
4985 Interagency Council shall meet at the discretion of the Director
4986 of the Office of Children and Youth to assess the appropriate
4987 criteria for determining, and implementation of, the educational
4988 components of the state's tiered reimbursement structure.

4989 **SECTION 65.** This act shall take effect and be in force from
4990 and after July 1, 2005.