

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2504

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

93 (2) The Legislature finds and determines that the quality
94 and accountability of public education and its effect upon the
95 social, cultural and economic enhancement of the people of
96 Mississippi is a matter of public policy, the object of which is
97 the education and performance of its children and youth.

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

100 37-19-7. (1) This section shall be known and may be cited
101 as the Mississippi "Teacher Opportunity Program (TOP)." The
102 allowance in the minimum education program and the Mississippi
103 Adequate Education Program for teachers' salaries in each county
104 and separate school district shall be determined and paid in
105 accordance with the scale for teachers' salaries as provided in
106 this subsection. For teachers holding the following types of
107 licenses or the equivalent as determined by the State Board of
108 Education, and the following number of years of teaching
109 experience, the scale shall be as follows:

110	2004-2005 School Year	
111	Less Than 25 Years of Teaching Experience	
112	AAAA.....	\$ 31,775.00
113	AAA.....	30,850.00
114	AA.....	29,925.00
115	A.....	28,000.00

116	25 or More Years of Teaching Experience	
117	AAAA.....	\$ 33,775.00
118	AAA.....	32,850.00
119	AA.....	31,925.00
120	A.....	30,000.00

121 The State Board of Education shall revise the salary scale
122 prescribed above for the 2004-2005 school year to conform to any
123 adjustments made to the salary scale in prior fiscal years due to
124 revenue growth over and above five percent (5%). For each one
125 percent (1%) that the Sine Die General Fund Revenue Estimate
126 Growth exceeds five percent (5%) for fiscal year 2005, as
127 certified by the Legislative Budget Office to the State Board of
128 Education and subject to specific appropriation therefor by the
129 Legislature, the State Board of Education shall revise the salary
130 scale to provide an additional one percent (1%) across the board
131 increase in the base salaries for each type of license.

132	2005-2006 School Year and School Years Thereafter	
133	Less Than 25 Years of Teaching Experience	
134	AAAA.....	\$ 34,000.00
135	AAA.....	33,000.00
136	AA.....	32,000.00
137	A.....	30,000.00
138	25 or More Years of Teaching Experience	
139	AAAA.....	\$ 36,000.00
140	AAA.....	35,000.00
141	AA.....	34,000.00

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

179 For teachers holding a Class AAA license, the minimum base
180 pay specified in this subsection shall be increased by the sum of
181 Six Hundred Seventy-five Dollars (\$675.00) for each year of
182 teaching experience possessed by the person holding such license
183 until such person shall have twenty-five (25) years of teaching
184 experience.

185 For teachers holding a Class AA license, the minimum base pay
186 specified in this subsection shall be increased by the sum of Six
187 Hundred Ten Dollars (\$610.00) for each year of teaching experience
188 possessed by the person holding such license until such person
189 shall have twenty-five (25) years of teaching experience.

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

195 **2005-2006 School Year**

196 **and School Years Thereafter Annual Increments**

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

202 For teachers holding a Class AAA license, the minimum base
203 pay specified in this subsection shall be increased by the sum of
204 Seven Hundred Five Dollars (\$705.00) 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 AA license, the minimum base pay
208 specified in this subsection shall be increased by the sum of Six
209 Hundred Forty Dollars (\$640.00) for each year of teaching
210 experience possessed by the person holding such license until such
211 person shall have twenty-five (25) years of teaching experience.

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

217 The level of professional training of each teacher to be used
218 in establishing the salary allotment for the teachers for each
219 year shall be determined by the type of valid teacher's license
220 issued to those teachers on or before October 1 of the current
221 school year.

222 (2) (a) The following employees shall receive an annual
223 salary supplement in the amount of Six Thousand Dollars
224 (\$6,000.00), plus fringe benefits, in addition to any other
225 compensation to which the employee may be entitled:

226 (i) Any licensed teacher who has met the
227 requirements and acquired a Master Teacher certificate from the
228 National Board for Professional Teaching Standards and who is
229 employed by a local school board or the State Board of Education
230 as a teacher and not as an administrator. Such teacher shall
231 submit documentation to the State Department of Education that the
232 certificate was received prior to October 15 in order to be
233 eligible for the full salary supplement in the current school
234 year, or the teacher shall submit such documentation to the State
235 Department of Education prior to February 15 in order to be

236 eligible for a prorated salary supplement beginning with the
237 second term of the school year.

238 (ii) A licensed nurse who has met the requirements
239 and acquired a certificate from the National Board for
240 Certification of School Nurses, Inc., and who is employed by a
241 local school board or the State Board of Education as a school
242 nurse and not as an administrator. The licensed school nurse
243 shall submit documentation to the State Department of Education
244 that the certificate was received before October 15 in order to be
245 eligible for the full salary supplement in the current school
246 year, or the licensed school nurse shall submit the documentation
247 to the State Department of Education before February 15 in order
248 to be eligible for a prorated salary supplement beginning with the
249 second term of the school year. Provided, however, that the total
250 number of licensed school nurses eligible for a salary supplement
251 under this paragraph (ii) shall not exceed twenty (20).

252 (iii) Any licensed school counselor who has met
253 the requirements and acquired a National Certified School
254 Counselor (NCSC) endorsement from the National Board of Certified
255 Counselors and who is employed by a local school board or the
256 State Board of Education as a counselor and not as an
257 administrator. Such licensed school counselor shall submit
258 documentation to the State Department of Education that the
259 endorsement was received prior to October 15 in order to be
260 eligible for the full salary supplement in the current school
261 year, or the licensed school counselor shall submit such
262 documentation to the State Department of Education prior to
263 February 15 in order to be eligible for a prorated salary
264 supplement beginning with the second term of the school year.
265 However, any school counselor who started the National Board for
266 Professional Teaching Standards process for school counselors
267 between June 1, 2003, and June 30, 2004, and completes the

268 requirements and acquires the master teacher certificate shall be
269 entitled to the master teacher supplement, and those counselors
270 who complete the process shall be entitled to a one (1) time
271 reimbursement for the actual cost of the process as outlined in
272 paragraph (b) of this subsection.

273 (iv) Any licensed speech-language pathologist and
274 audiologist who has met the requirements and acquired a
275 Certificate of Clinical Competence from the American
276 Speech-Language-Hearing Association and who is employed by a local
277 school board. Such licensed speech-language pathologist and
278 audiologist shall submit documentation to the State Department of
279 Education that the certificate or endorsement was received prior
280 to October 15 in order to be eligible for the full salary
281 supplement in the current school year, or the licensed
282 speech-language pathologist and audiologist shall submit such
283 documentation to the State Department of Education prior to
284 February 15 in order to be eligible for a prorated salary
285 supplement beginning with the second term of the school year.

286 (b) An employee shall be reimbursed one (1) time for
287 the actual cost of completing the process of acquiring the
288 certificate or endorsement, excluding any costs incurred for
289 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
290 for a school counselor or speech-language pathologist and
291 audiologist, regardless of whether or not the process resulted in
292 the award of the certificate or endorsement. A local school
293 district or any private individual or entity may pay the cost of
294 completing the process of acquiring the certificate or endorsement
295 for any employee of the school district described under paragraph
296 (a), and the State Department of Education shall reimburse the
297 school district for such cost, regardless of whether or not the
298 process resulted in the award of the certificate or endorsement.
299 If a private individual or entity has paid the cost of completing

300 the process of acquiring the certificate or endorsement for an
301 employee, the local school district may agree to directly
302 reimburse the individual or entity for such cost on behalf of the
303 employee.

304 (c) All salary supplements, fringe benefits and process
305 reimbursement authorized under this subsection shall be paid
306 directly by the State Department of Education to the local school
307 district and shall be in addition to its minimum education program
308 allotments and not a part thereof in accordance with regulations
309 promulgated by the State Board of Education, and subject to
310 appropriation by the Legislature. Local school districts shall
311 not reduce the local supplement paid to any employee receiving
312 such salary supplement, and the employee shall receive any local
313 supplement to which employees with similar training and experience
314 otherwise are entitled.

315 (d) The State Department of Education may not pay any
316 process reimbursement to a school district for an employee who
317 does not complete the certification or endorsement process
318 required to be eligible for the certificate or endorsement. If an
319 employee for whom such cost has been paid in full or in part by a
320 local school district or private individual or entity fails to
321 complete the certification or endorsement process, the employee
322 shall be liable to the school district or individual or entity for
323 all amounts paid by the school district or individual or entity on
324 behalf of that employee toward his or her certificate or
325 endorsement.

326 (3) Effective July 1, 2007, if funds are available for that
327 purpose, the Legislature may authorize state funds for additional
328 base compensation to be evenly divided for teachers holding
329 licenses in critical subject areas and who teach at least a
330 majority of their courses in a critical subject area, as
331 determined by the State Board of Education.

332 (4) (a) This section shall be known and may be cited as the
333 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
334 the minimum base pay described in this section, if funds are
335 available for that purpose, the State of Mississippi may provide
336 monies from state funds to school districts as defined below for
337 the purposes of rewarding certified teachers, administrators and
338 nonlicensed personnel at individual schools showing improvement in
339 student test scores. The MPBP plan shall be developed by the
340 Mississippi Department of Education based on the following
341 criteria:

342 (i) It is the express intent of this legislation
343 that the MPBP plan shall utilize only existing standards of
344 accreditation and assessment as established by the State Board of
345 Education.

346 (ii) To ensure that all of Mississippi's teachers,
347 administrators and nonlicensed personnel at all schools have equal
348 access to the monies set aside in this section, the MPBP program
349 shall be designed to calculate each school's performance as
350 determined by said school's increase in scores from the prior
351 school year. The MPBP program shall be based on a standardized
352 scores rating where all levels of schools can be judged in a
353 statistically fair and reasonable way upon implementation. At the
354 end of each year, after all student achievement scores have been
355 standardized, the Mississippi Department of Education shall
356 implement the MPBP plan.

357 (iii) To ensure all teachers cooperate in the
358 spirit of teamwork, individual schools shall submit a plan to the
359 local school educational authority to be approved prior to the
360 beginning of each school year beginning July 1, 2007. The plan
361 shall include, but not be limited to, how all teachers, regardless
362 of subject area, and administrators will be responsible for
363 improving student achievement for their individual school.

364 (b) The State Board of Education shall develop the
365 processes and procedures for designating schools eligible to
366 participate in the MPBP. State assessment results, growth in
367 student achievement at individual schools and other measures
368 deemed appropriate in designating successful student achievement
369 shall be used in establishing MPBP criteria. The State Board of
370 Education shall develop the MPBP policies and procedures and
371 report to the Legislature and Governor by December 1, 2005.

372 (c) The State Board of Education shall explore the
373 feasibility of developing a model for evaluating the effectiveness
374 of individual teachers. The State Board of Education shall report
375 their findings to the Legislature and Governor's Office beginning
376 in January 2006.

377 (5) (a) Beginning on July 1, 2007, if funds are available
378 for that purpose, each middle school in Mississippi shall have at
379 least two (2) mentor teachers, as defined by Sections 37-9-201
380 through 37-9-213, that shall receive additional base compensation
381 provided for by the State Legislature in the amount of One
382 Thousand Dollars (\$1,000.00).

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

386 (c) If funds are available for that purpose, the state
387 shall provide additional funding under this subsection (5) for two
388 (2) mentor teachers per middle school, however, this shall not
389 prohibit local school districts from providing additional salary
390 supplements for more than two (2) teacher mentors from nonadequate
391 education program funds.

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

394 37-3-2. (1) There is established within the State
395 Department of Education the Commission on Teacher and

396 Administrator Education, Certification and Licensure and
397 Development. It shall be the purpose and duty of the commission
398 to make recommendations to the State Board of Education regarding
399 standards for the certification and licensure and continuing
400 professional development of those who teach or perform tasks of an
401 educational nature in the public schools of Mississippi.

402 (2) The commission shall be composed of fifteen (15)
403 qualified members. The membership of the commission shall be
404 composed of the following members to be appointed, three (3) from
405 each congressional district: four (4) classroom teachers; three
406 (3) school administrators; one (1) representative of schools of
407 education of institutions of higher learning located within the
408 state to be recommended by the Board of Trustees of State
409 Institutions of Higher Learning; one (1) representative from the
410 schools of education of independent institutions of higher
411 learning to be recommended by the Board of the Mississippi
412 Association of Independent Colleges; one (1) representative from
413 public community and junior colleges located within the state to
414 be recommended by the State Board for Community and Junior
415 Colleges; one (1) local school board member; and four (4) lay
416 persons. All appointments shall be made by the State Board of
417 Education after consultation with the State Superintendent of
418 Public Education. The first appointments by the State Board of
419 Education shall be made as follows: five (5) members shall be
420 appointed for a term of one (1) year; five (5) members shall be
421 appointed for a term of two (2) years; and five (5) members shall
422 be appointed for a term of three (3) years. Thereafter, all
423 members shall be appointed for a term of four (4) years.

424 (3) The State Board of Education when making appointments
425 shall designate a chairman. The commission shall meet at least
426 once every two (2) months or more often if needed. Members of the
427 commission shall be compensated at a rate of per diem as

428 authorized by Section 25-3-69 and be reimbursed for actual and
429 necessary expenses as authorized by Section 25-3-41.

430 (4) An appropriate staff member of the State Department of
431 Education shall be designated and assigned by the State
432 Superintendent of Public Education to serve as executive secretary
433 and coordinator for the commission. No less than two (2) other
434 appropriate staff members of the State Department of Education
435 shall be designated and assigned by the State Superintendent of
436 Public Education to serve on the staff of the commission.

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

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

441 (b) Recommend to the State Board of Education each year
442 approval or disapproval of each educator preparation program in
443 the state;

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

447 (d) Establish, subject to the approval of the State
448 Board of Education, standards for the renewal of teacher licenses
449 in all fields;

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

453 (f) Review all existing requirements for certification
454 and licensure;

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

457 (h) Prepare reports from time to time on current
458 practices and issues in the general area of teacher education and
459 certification and licensure;

460 (i) Hold hearings concerning standards for teachers'
461 and administrators' education and certification and licensure with
462 approval of the State Board of Education;

463 (j) Hire expert consultants with approval of the State
464 Board of Education;

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

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

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

483 Applicants for a standard license shall submit to the department:

484 (i) An application on a department form;

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

488 Licensure to teach in Mississippi prekindergarten through
489 kindergarten classrooms shall require completion of a teacher
490 education program or a bachelor of science degree with child
491 development emphasis from a program accredited by the American

492 Association of Family and Consumer Sciences (AAFCS) or by the
493 National Association for Education of Young Children (NAEYC) or by
494 the National Council for Accreditation of Teacher Education
495 (NCATE). Licensure to teach in Mississippi kindergarten, for
496 those applicants who have completed a teacher education program,
497 and in Grade 1 through Grade 4 shall require the completion of an
498 interdisciplinary program of studies. Licenses for Grades 4
499 through 8 shall require the completion of an interdisciplinary
500 program of studies with two (2) or more areas of concentration.
501 Licensure to teach in Mississippi Grades 7 through 12 shall
502 require a major in an academic field other than education, or a
503 combination of disciplines other than education. Students
504 preparing to teach a subject shall complete a major in the
505 respective subject discipline. All applicants for standard
506 licensure shall demonstrate that such person's college preparation
507 in those fields was in accordance with the standards set forth by
508 the National Council for Accreditation of Teacher Education
509 (NCATE) or the National Association of State Directors of Teacher
510 Education and Certification (NASDTEC) or, for those applicants who
511 have a bachelor of science degree with child development emphasis,
512 the American Association of Family and Consumer Sciences (AAFCS);

513 (iii) A copy of test scores evidencing
514 satisfactory completion of nationally administered examinations of
515 achievement, such as the Educational Testing Service's teacher
516 testing examinations; and

517 (iv) Any other document required by the State
518 Board of Education.

519 (b) **Standard License - Nontraditional Teaching Route.**
520 Beginning January 1, 2004, an individual who has a passing score
521 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
522 the requested area of endorsement may apply for the Teach
523 Mississippi Institute (TMI) program to teach students in Grades 7

524 through 12 if the individual meets the requirements of this
525 paragraph (b). The State Board of Education shall adopt rules
526 requiring that teacher preparation institutions which provide the
527 Teach Mississippi Institute (TMI) program for the preparation of
528 nontraditional teachers shall meet the standards and comply with
529 the provisions of this paragraph.

530 (i) The Teach Mississippi Institute (TMI) shall
531 include an intensive eight-week, nine-semester-hour summer program
532 or a curriculum of study in which the student matriculates in the
533 fall or spring semester, which shall include, but not be limited
534 to, instruction in education, effective teaching strategies,
535 classroom management, state curriculum requirements, planning and
536 instruction, instructional methods and pedagogy, using test
537 results to improve instruction, and a one (1) semester three-hour
538 supervised internship to be completed while the teacher is
539 employed as a full-time teacher intern in a local school district.
540 The TMI shall be implemented on a pilot program basis, with
541 courses to be offered at up to four (4) locations in the state,
542 with one (1) TMI site to be located in each of the three (3)
543 Mississippi Supreme Court districts.

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

555 (iii) Upon completion of the nine-semester-hour
556 TMI or the fall or spring semester option, the individual shall
557 submit his transcript to the commission for provisional licensure
558 of the intern teacher, and the intern teacher shall be issued a
559 provisional teaching license by the commission, which will allow
560 the individual to legally serve as a teacher while the person
561 completes a nontraditional teacher preparation internship program.

562 (iv) During the semester of internship in the
563 school district, the teacher preparation institution shall monitor
564 the performance of the intern teacher. The school district that
565 employs the provisional teacher shall supervise the provisional
566 teacher during the teacher's intern year of employment under a
567 nontraditional provisional license, and shall, in consultation
568 with the teacher intern's mentor at the school district of
569 employment, submit to the commission a comprehensive evaluation of
570 the teacher's performance sixty (60) days prior to the expiration
571 of the nontraditional provisional license. If the comprehensive
572 evaluation establishes that the provisional teacher intern's
573 performance fails to meet the standards of the approved
574 nontraditional teacher preparation internship program, the
575 individual shall not be approved for a standard license.

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

581 (vi) Upon successful completion of the TMI and the
582 internship provisional license period, applicants for a Standard
583 License-Nontraditional Route shall submit to the commission a
584 transcript of successful completion of the twelve (12) semester
585 hours required in the internship program, and the employing school
586 district shall submit to the commission a recommendation for

587 standard licensure of the intern. If the school district
588 recommends licensure, the applicant shall be issued a Standard
589 License-Nontraditional Route which shall be valid for a five-year
590 period and be renewable.

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

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

603 Implementation of the TMI program provided for under this
604 paragraph (b) shall be contingent upon the availability of funds
605 appropriated specifically for such purpose by the Legislature.
606 Such implementation of the TMI program may not be deemed to
607 prohibit the State Board of Education from developing and
608 implementing additional alternative route teacher licensure
609 programs, as deemed appropriate by the board. The emergency
610 certification program in effect prior to July 1, 2002, shall
611 remain in effect.

612 The State Department of Education shall compile and report,
613 in consultation with the commission, information relating to
614 nontraditional teacher preparation internship programs, including
615 the number of programs available and geographic areas in which
616 they are available, the number of individuals who apply for and
617 possess a nontraditional conditional license, the subject areas in
618 which individuals who possess nontraditional conditional licenses

619 are teaching and where they are teaching, and shall submit its
620 findings and recommendations to the legislative committees on
621 education by December 1, 2004.

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

628 (c) **Special License - Expert Citizen.** In order to
629 allow a school district to offer specialized or technical courses,
630 the State Department of Education, in accordance with rules and
631 regulations established by the State Board of Education, may grant
632 a one-year expert citizen-teacher license to local business or
633 other professional personnel to teach in a public school or
634 nonpublic school accredited or approved by the state. Such person
635 may begin teaching upon his employment by the local school board
636 and licensure by the Mississippi Department of Education. The
637 board shall adopt rules and regulations to administer the expert
638 citizen-teacher license. A special license - expert citizen may
639 be renewed in accordance with the established rules and
640 regulations of the State Department of Education.

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

647 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
648 person may teach for a maximum of three (3) periods per teaching
649 day in a public school or a nonpublic school accredited/approved
650 by the state. Such person shall submit to the department a

651 transcript or record of his education and experience which
652 substantiates his preparation for the subject to be taught and
653 shall meet other qualifications specified by the commission and
654 approved by the State Board of Education. In no case shall any
655 local school board hire nonlicensed personnel as authorized under
656 this paragraph in excess of five percent (5%) of the total number
657 of licensed personnel in any single school.

658 (f) **Special License - Transitional Bilingual Education.**
659 Beginning July 1, 2003, the commission shall grant special
660 licenses to teachers of transitional bilingual education who
661 possess such qualifications as are prescribed in this section.
662 Teachers of transitional bilingual education shall be compensated
663 by local school boards at not less than one (1) step on the
664 regular salary schedule applicable to permanent teachers licensed
665 under this section. The commission shall grant special licenses
666 to teachers of transitional bilingual education who present the
667 commission with satisfactory evidence that they (i) possess a
668 speaking and reading ability in a language, other than English, in
669 which bilingual education is offered and communicative skills in
670 English; (ii) are in good health and sound moral character; (iii)
671 possess a bachelor's degree or an associate's degree in teacher
672 education from an accredited institution of higher education; (iv)
673 meet such requirements as to courses of study, semester hours
674 therein, experience and training as may be required by the
675 commission; and (v) are legally present in the United States and
676 possess legal authorization for employment. A teacher of
677 transitional bilingual education serving under a special license
678 shall be under an exemption from standard licensure if he achieves
679 the requisite qualifications therefor. Two (2) years of service
680 by a teacher of transitional bilingual education under such an
681 exemption shall be credited to the teacher in acquiring a Standard
682 Educator License. Nothing in this paragraph shall be deemed to

683 prohibit a local school board from employing a teacher licensed in
684 an appropriate field as approved by the State Department of
685 Education to teach in a program in transitional bilingual
686 education.

687 (g) **Highly Qualified Teachers.** Beginning July 1, 2005,
688 any teacher from any state meeting the federal definition of
689 highly qualified, as described in the No Child Left Behind Act,
690 shall be granted a standard five-year license by the Mississippi
691 Department of Education in the equivalent endorsement area.

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

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

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

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

710 (d) **Administrator License - Nontraditional Route.** The
711 board may establish a nontraditional route for licensing
712 administrative personnel. Such nontraditional route for
713 administrative licensure shall be available for persons holding,
714 but not limited to, a master of business administration degree, a

715 master of public administration degree, a master of public
716 planning and policy degree or a doctor of jurisprudence degree
717 from an accredited college or university, with five (5) years of
718 administrative or supervisory experience. Successful completion
719 of the requirements of alternate route licensure for
720 administrators shall qualify the person for a standard
721 administrator license.

722 The State Department of Education shall compile and report,
723 in consultation with the commission, information relating to
724 nontraditional administrator preparation internship programs,
725 including the number of programs available and geographic areas in
726 which they are available, the number of individuals who apply for
727 and possess a nontraditional conditional license and where they
728 are employed, and shall submit its findings and recommendations to
729 the legislative committees on education by December 1, 2004.

730 Beginning with the 1997-1998 school year, individuals seeking
731 school administrator licensure under paragraph (b), (c) or (d)
732 shall successfully complete a training program and an assessment
733 process prescribed by the State Board of Education. Applicants
734 seeking school administrator licensure prior to June 30, 1997, and
735 completing all requirements for provisional or standard
736 administrator certification and who have never practiced, shall be
737 exempt from taking the Mississippi Assessment Battery Phase I.
738 Applicants seeking school administrator licensure during the
739 period beginning July 1, 1997, through June 30, 1998, shall
740 participate in the Mississippi Assessment Battery, and upon
741 request of the applicant, the department shall reimburse the
742 applicant for the cost of the assessment process required. After
743 June 30, 1998, all applicants for school administrator licensure
744 shall meet all requirements prescribed by the department under
745 paragraph (b), (c) or (d), and the cost of the assessment process
746 required shall be paid by the applicant.

747 (8) **Reciprocity.** (a) The department shall grant a standard
748 license to any individual who possesses a valid standard license
749 from another state and who meets the federal definition of highly
750 qualified.

751 (b) The department shall grant a nonrenewable special
752 license to any individual who possesses a credential which is less
753 than a standard license or certification from another state * * *.
754 Such special license shall be valid for the current school year
755 plus one (1) additional school year to expire on June 30 of the
756 second year, not to exceed a total period of twenty-four (24)
757 months, during which time the applicant shall be required to
758 complete the requirements for a standard license in Mississippi.

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

771 (10) All controversies involving the issuance, revocation,
772 suspension or any change whatsoever in the licensure of an
773 educator required to hold a license shall be initially heard in a
774 hearing de novo, by the commission or by a subcommittee
775 established by the commission and composed of commission members
776 for the purpose of holding hearings. Any complaint seeking the
777 denial of issuance, revocation or suspension of a license shall be
778 by sworn affidavit filed with the Commission of Teacher and

779 Administrator Education, Certification and Licensure and
780 Development. The decision thereon by the commission or its
781 subcommittee shall be final, unless the aggrieved party shall
782 appeal to the State Board of Education, within ten (10) days, of
783 the decision of the committee or its subcommittee. An appeal to
784 the State Board of Education shall be on the record previously
785 made before the commission or its subcommittee unless otherwise
786 provided by rules and regulations adopted by the board. The State
787 Board of Education in its authority may reverse, or remand with
788 instructions, the decision of the committee or its subcommittee.
789 The decision of the State Board of Education shall be final.

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

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

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

799 (c) The applicant is actively addicted to or actively
800 dependent on alcohol or other habit-forming drugs or is a habitual
801 user of narcotics, barbiturates, amphetamines, hallucinogens or
802 other drugs having similar effect, at the time of application for
803 a license;

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

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

808 (f) Failing or refusing to furnish reasonable evidence
809 of identification;

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

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

816 (12) The State Board of Education, acting on the
817 recommendation of the commission, may revoke or suspend any
818 teacher or administrator license for specified periods of time for
819 one or more of the following:

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

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

826 (c) Suspension or revocation of a certificate or
827 license by another state shall result in immediate suspension or
828 revocation and shall continue until records in the prior state
829 have been cleared;

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

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

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

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

842 shall be determined by the commission and based upon the severity
843 of the offense.

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

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

854 (14) A person whose license has been suspended on any
855 grounds except criminal grounds may petition for reinstatement of
856 the license after one (1) year from the date of suspension, or
857 after one-half (1/2) of the suspended time has lapsed, whichever
858 is greater. A license suspended or revoked on the criminal
859 grounds may be reinstated upon petition to the commission filed
860 after expiration of the sentence and parole or probationary period
861 imposed upon conviction. A revoked, suspended or surrendered
862 license may be reinstated upon satisfactory showing of evidence of
863 rehabilitation. The commission shall require all who petition for
864 reinstatement to furnish evidence satisfactory to the commission
865 of good character, good mental, emotional and physical health and
866 such other evidence as the commission may deem necessary to
867 establish the petitioner's rehabilitation and fitness to perform
868 the duties authorized by the license.

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

874 revocation. The commission shall immediately notify the
875 superintendent of the school district or school board where the
876 teacher or administrator is employed of any disciplinary action
877 and also notify the teacher or administrator of such revocation or
878 suspension and shall maintain records of action taken. The State
879 Board of Education may reverse or remand with instructions any
880 decision of the commission regarding a petition for reinstatement
881 of a license, and any such decision of the State Board of
882 Education shall be final.

883 (16) An appeal from the action of the State Board of
884 Education in denying an application, revoking or suspending a
885 license or otherwise disciplining any person under the provisions
886 of this section shall be filed in the Chancery Court of the First
887 Judicial District of Hinds County on the record made, including a
888 verbatim transcript of the testimony at the hearing. The appeal
889 shall be filed within thirty (30) days after notification of the
890 action of the board is mailed or served and the proceedings in
891 chancery court shall be conducted as other matters coming before
892 the court. The appeal shall be perfected upon filing notice of
893 the appeal and by the prepayment of all costs, including the cost
894 of preparation of the record of the proceedings by the State Board
895 of Education, and the filing of a bond in the sum of Two Hundred
896 Dollars (\$200.00) conditioned that if the action of the board be
897 affirmed by the chancery court, the applicant or license holder
898 shall pay the costs of the appeal and the action of the chancery
899 court.

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

904 (18) The granting of a license shall not be deemed a
905 property right nor a guarantee of employment in any public school

906 district. A license is a privilege indicating minimal eligibility
907 for teaching in the public schools of Mississippi. This section
908 shall in no way alter or abridge the authority of local school
909 districts to require greater qualifications or standards of
910 performance as a prerequisite of initial or continued employment
911 in such districts.

912 (19) In addition to the reasons specified in subsections
913 (12) and (13) of this section, the board shall be authorized to
914 suspend the license of any licensee for being out of compliance
915 with an order for support, as defined in Section 93-11-153. The
916 procedure for suspension of a license for being out of compliance
917 with an order for support, and the procedure for the reissuance or
918 reinstatement of a license suspended for that purpose, and the
919 payment of any fees for the reissuance or reinstatement of a
920 license suspended for that purpose, shall be governed by Section
921 93-11-157 or 93-11-163, as the case may be. Actions taken by the
922 board in suspending a license when required by Section 93-11-157
923 or 93-11-163 are not actions from which an appeal may be taken
924 under this section. Any appeal of a license suspension that is
925 required by Section 93-11-157 or 93-11-163 shall be taken in
926 accordance with the appeal procedure specified in Section
927 93-11-157 or 93-11-163, as the case may be, rather than the
928 procedure specified in this section. If there is any conflict
929 between any provision of Section 93-11-157 or 93-11-163 and any
930 provision of this chapter, the provisions of Section 93-11-157 or
931 93-11-163, as the case may be, shall control.

932 **SECTION 4.** Section 37-3-81, Mississippi Code of 1972, is
933 amended as follows:

934 37-3-81. The Department of Education, using only existing
935 staff and resources, shall work in coordination with the state's
936 education service agencies, as defined in Section 37-7-345, to
937 establish and maintain a School Safety Center, which shall operate

938 a statewide information clearinghouse that: (a) provides
939 assistance to school districts and communities during school
940 crises; and (b) provides technical assistance, training and
941 current resources to public school officials and parents who need
942 assistance in researching, developing and implementing school
943 safety plans and in maintaining a safe school environment.
944 However, no monies from the Temporary Assistance for Needy
945 Families grant may be used for the School Safety Center.

946 **SECTION 5.** Section 37-11-53, Mississippi Code of 1972, is
947 amended as follows:

948 37-11-53. (1) A copy of the school district's discipline
949 plan shall be distributed to each student enrolled in the
950 district, and the parents, guardian or custodian of such student
951 shall sign a statement verifying that they have been given notice
952 of the discipline policies of their respective school district.
953 The school board shall have its official discipline plan and code
954 of student conduct legally audited on an annual basis to insure
955 that its policies and procedures are currently in compliance with
956 applicable statutes, case law and state and federal constitutional
957 provisions. As part of the first legal audit occurring after July
958 1, 2001, the provisions of this section, Section 37-11-55 and
959 Section 37-11-18.1 shall be fully incorporated into the school
960 district's discipline plan and code of student conduct.

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

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

967 (b) A parent, guardian or custodian of a
968 compulsory-school-age child enrolled in a public school district
969 may be requested to appear at school by the school attendance

970 officer or an appropriate school official for a conference
971 regarding acts of the child specified in paragraph (a) of this
972 subsection, or for any other discipline conference regarding the
973 acts of the child;

974 (c) Any parent, guardian or custodian of a
975 compulsory-school-age child enrolled in a school district who
976 refuses or willfully fails to attend such discipline conference
977 specified in paragraph (b) of this section may be summoned by
978 proper notification by the superintendent of schools or the school
979 attendance officer and be required to attend such discipline
980 conference; and

981 (d) A parent, guardian or custodian of a
982 compulsory-school-age child enrolled in a public school district
983 shall be responsible for any criminal fines brought against such
984 student for unlawful activity occurring on school grounds or
985 buses.

986 (3) Any parent, guardian or custodian of a
987 compulsory-school-age child who * * * fails to attend a discipline
988 conference within three (3) school days of official school
989 notification defined for the purposes of this section as verbal,
990 person-to-person communication except in such cases where the
991 parent, guardian or custodian presents documentation of illness or
992 work-related conflicts, the school district shall, in conjunction
993 with the parent, guardian or custodian, establish an alternative
994 discipline conference date, to which such parent, guardian or
995 custodian has been summoned under the provisions of this section,
996 or who refuses or willfully fails to perform any other duties
997 imposed upon him or her under the provisions of this section,
998 shall be guilty of a misdemeanor and, upon conviction, shall be:

999 (a) Fined an amount not to exceed Two Hundred Fifty
1000 Dollars (\$250.00); and/or

1001 (b) Perform education related community service of up
1002 to twenty-five (25) hours to be conducted outside the hours of
1003 employment.

1004 (4) Any public school district shall be entitled to recover
1005 damages in an amount not to exceed Twenty Thousand Dollars
1006 (\$20,000.00), plus necessary court costs, from the parents of any
1007 minor under the age of eighteen (18) years and over the age of six
1008 (6) years, who maliciously and willfully damages or destroys
1009 property belonging to such school district. However, this section
1010 shall not apply to parents whose parental control of such child
1011 has been removed by court order or decree. The action authorized
1012 in this section shall be in addition to all other actions which
1013 the school district is entitled to maintain and nothing in this
1014 section shall preclude recovery in a greater amount from the minor
1015 or from a person, including the parents, for damages to which such
1016 minor or other person would otherwise be liable.

1017 (5) A school district's discipline plan may provide that as
1018 an alternative to suspension, a student may remain in school by
1019 having the parent, guardian or custodian, with the consent of the
1020 student's teacher or teachers, attend class with the student for a
1021 period of time specifically agreed upon by the reporting teacher
1022 and school principal. * * *

1023 **SECTION 6.** Section 37-3-4, Mississippi Code of 1972, is
1024 amended as follows:

1025 37-3-4. (1) There is established within the State
1026 Department of Education, the School Executive Management
1027 Institute. The director shall be appointed by the State Board of
1028 Education upon recommendation by the State Superintendent of
1029 Public Education. The State Superintendent of Public Education,
1030 with the approval of the State Board of Education, shall assign
1031 sufficient staff members from the State Department of Education to
1032 the institute.

1033 (2) It shall be the purpose and duty of the institute to
1034 conduct thorough empirical studies and analyses of the school
1035 management needs of the local school districts throughout the
1036 state, to make recommendations to the State Board of Education
1037 regarding standards and programs of training that aid in the
1038 development of administrative and management skills of local
1039 school administrators, and to conduct such programs related to
1040 these purposes as they are implemented under guidelines
1041 established by the State Board of Education.

1042 (3) The State Board of Education shall develop and implement
1043 through the School Executive Management Institute a program for
1044 the development of administrative and management skills of local
1045 school administrators under which all local school administrators
1046 shall be required to participate. Subject to the extent of
1047 appropriations available for such purpose, the School Executive
1048 Management Institute or the Mississippi School Boards Association
1049 shall be required to offer courses at least twice a year on the
1050 uses of technology to principals, superintendents and other
1051 administrative personnel. These courses shall relate to the
1052 application of technology to learning, as well as administrative
1053 problems.

1054 (4) (a) The institute shall have an advisory board composed
1055 of ten (10) qualified members appointed by the State Board of
1056 Education after consultation with the State Superintendent of
1057 Public Education. This advisory board will offer recommendations
1058 to the institute on the types of training to be instituted and
1059 supported. The membership of the advisory board shall be composed
1060 of the following members, two (2) to be appointed from each
1061 congressional district: three (3) school administrators; one (1)
1062 representative of public community/junior colleges within the
1063 state; one (1) representative of a school of education in an
1064 institution of higher learning within the state; two (2) local

1065 school board members; one (1) classroom teacher; and two (2) lay
1066 persons. In making the initial appointments, three (3) members
1067 shall be appointed for a term of one (1) year, three (3) members
1068 shall be appointed for a term of two (2) years, two (2) members
1069 shall be appointed for a term of three (3) years, and two (2)
1070 members shall be appointed for a term of four (4) years.
1071 Thereafter, all members shall be appointed for a term of four (4)
1072 years. The advisory board shall meet when called by the director,
1073 but in no event fewer than three (3) times per year. The members
1074 of the advisory board shall be compensated at the per diem rate
1075 authorized by Section 25-3-69 and reimbursed for actual and
1076 necessary expenses as authorized by Section 25-3-41.

1077 (b) Board members of the Oxford-Lafayette Business and
1078 Industrial Complex shall be paid per diem and reimbursed for
1079 expenses and mileage from local funds in accordance with Section
1080 37-6-13.

1081 (5) (a) Basic Education Course. Subject to the extent of
1082 appropriations available for such purpose, the School Executive
1083 Management Institute of the State Department of Education shall
1084 prepare and conduct a course of training for basic education for
1085 the local school board members of this state, in order for board
1086 members to carry out their duties more effectively and be exposed
1087 to new ideas involving school restructuring. The basic course
1088 shall be known as the "School Board Member Training Course" and
1089 shall consist of at least twelve (12) hours of training. The
1090 School Executive Management Institute shall issue certificates of
1091 completion to those school board members who complete the basic
1092 education course.

1093 (b) Continuing Education Course. The Mississippi
1094 School Boards Association shall be responsible for preparing and
1095 conducting a course of training for continuing education for the
1096 local school board members of this state, in order for board

1097 members to carry out their duties more effectively and be exposed
1098 to new ideas involving school restructuring. The continuing
1099 education course shall be known as the "Continuing Education
1100 Course for School Board Members" and shall consist of at least six
1101 (6) hours of training.

1102 The Mississippi School Boards Association shall issue
1103 certificates of completion to those school board members who
1104 complete the continuing education course. All costs and expenses
1105 for preparing and conducting the continuing education course
1106 provided for in this paragraph shall be paid out of any funds
1107 which are made available to the Mississippi School Boards
1108 Association upon authorization and appropriation by the
1109 Legislature to the State Department of Education.

1110 (6) The Mississippi School Boards Association shall prepare
1111 and submit a report each year to the State Board of Education and
1112 to the respective Chairs of the House and Senate Education
1113 Committees describing the activities and providing an evaluation
1114 of the continuing education programs offered by the association
1115 each year.

1116 (7) The School Executive Management Institute of the State
1117 Department of Education, or the Mississippi School Boards
1118 Association with the oversight of the State Board of Education, at
1119 least twice a year, shall prepare and conduct required courses of
1120 training for continuing education for the elementary and secondary
1121 school principals of this state, in order for principals to carry
1122 out their duties more effectively and be exposed to new ideas
1123 involving school management. The continuing education course
1124 shall be known as the "Continuing Education Course for Principals"
1125 and shall consist of at least six (6) hours of training. The
1126 content of the continuing education courses and the time and place
1127 such courses are to be conducted shall be determined by the School
1128 Executive Management Institute or the Mississippi School Boards

1129 Association; however, to the extent practicable, such training
1130 sessions shall be held within geographical proximity of local
1131 districts in order that travel times and costs shall not be
1132 prohibitive.

1133 The institute shall issue certificates of completion to those
1134 principals who complete such courses. All costs and expenses for
1135 preparing and conducting the basic and continuing education
1136 courses provided for in this subsection shall be paid out of any
1137 funds which are made available to the institute upon authorization
1138 and appropriation by the Legislature.

1139 (8) The State Board of Education is directed to establish
1140 standards and guidelines that are acceptable alternatives to the
1141 provisions of this section for required continuing education for
1142 Level 4 and 5 schools.

1143 **SECTION 7.** Section 37-3-46, Mississippi Code of 1972, is
1144 amended as follows:

1145 37-3-46. From and after July 1, 1983, the State Department
1146 of Education shall:

1147 (a) Provide to local school districts financial,
1148 training and other assistance to implement and maintain a state
1149 program of educational accountability and assessment of
1150 performance.

1151 (b) Provide to local school districts technical
1152 assistance and training in the development, implementation and
1153 administration of a personnel appraisal and compensation system
1154 for all school employees. The State Board of Education shall
1155 report to the Legislature on January 5, 1986, with recommendations
1156 based upon the personnel appraisal and compensation system
1157 developed under this subsection.

1158 (c) Provide to local school districts technical
1159 assistance in the development, implementation and administration

1160 of programs designed to keep children in school voluntarily and to
1161 prevent dropouts.

1162 (d) Districts meeting the exemption criterion, as
1163 defined in Section 37-17-11, are exempted from the provisions of
1164 this section.

1165 **SECTION 8.** Section 37-7-337, Mississippi Code of 1972, is
1166 amended as follows:

1167 37-7-337. The governing authorities of the county, counties
1168 or city in which a school district is located and the school board
1169 of each school district shall develop a five-year plan to
1170 encourage community involvement with the schools in such
1171 district. * * *

1172 **SECTION 9.** Section 37-13-61, Mississippi Code of 1972, is
1173 amended as follows:

1174 37-13-61. The local school board shall have the power and
1175 authority to fix the date for the opening and closing of the
1176 school term, subject to the full one hundred eighty (180) days
1177 required for a school term of a scholastic year in Section
1178 37-13-63. * * * Provided, however, that local school boards are
1179 authorized to keep school in session in excess of the minimum
1180 number of days prescribed in Section 37-13-63.

1181 **SECTION 10.** Section 37-13-67, Mississippi Code of 1972, is
1182 amended as follows:

1183 37-13-67. * * * The number of hours of actual teaching which
1184 shall constitute a school day shall be determined and fixed by the
1185 board of trustees of the school district at not less than five (5)
1186 hours * * *.

1187 **SECTION 11.** Section 37-13-69, Mississippi Code of 1972, is
1188 amended as follows:

1189 37-13-69. (1) All public schools of this state may observe
1190 such legal holidays as may be designated by the local school
1191 board, and no sessions of school shall be held on holidays so

1192 designated and observed. However, all schools shall operate for
1193 the full minimum term required by law exclusive of the holidays
1194 authorized by this section. The holidays thus observed shall not
1195 be deducted from the reports of the superintendents, principals
1196 and teachers, and such superintendents, principals and teachers
1197 shall be allowed pay for full time as though they had taught on
1198 said holidays. However, such holidays shall not be counted or
1199 included in any way in determining the average daily attendance of
1200 the school.

1201 **SECTION 12.** Section 37-15-9, Mississippi Code of 1972, is
1202 amended as follows:

1203 37-15-9. (1) (a) Except as provided in subsection (2) and
1204 subject to the provisions of subsection (3) of this section, no
1205 child shall be enrolled or admitted to any kindergarten which is a
1206 part of the free public school system during any school year
1207 unless such child will reach his fifth birthday on or before
1208 September 1 of said school year, and no child shall be enrolled or
1209 admitted to the first grade in any school which is a part of the
1210 free public school system during any school year unless such child
1211 will reach his sixth birthday on or before September 1 of said
1212 school year. No pupil shall be permanently enrolled in a school
1213 in the State of Mississippi who formerly was enrolled in another
1214 public or private school within the state until the cumulative
1215 record of the pupil shall have been received from the school from
1216 which he transferred. Should such record have become lost or
1217 destroyed, then it shall be the duty of the superintendent or
1218 principal of the school where the pupil last attended school to
1219 initiate a new record.

1220 (b) The State Board of Education shall recommend by
1221 December 1, 2005, to the State Legislature a policy designed to
1222 allow the state's academically capable students to be exempted
1223 from this process standard including any fees or costs for tests

1224 or assessments; however, no child shall be denied early admission
1225 because the child cannot afford the cost of the test or
1226 assessments.

1227 (2) Subject to the provisions of subsection (3) of this
1228 section, any child who transfers from an out-of-state public or
1229 private school in which that state's law provides for a
1230 first-grade or kindergarten enrollment date subsequent to
1231 September 1, shall be allowed to enroll in the public schools of
1232 Mississippi, at the same grade level as their prior out-of-state
1233 enrollment, if:

1234 (a) The parent, legal guardian or custodian of such
1235 child was a legal resident of the state from which the child is
1236 transferring;

1237 (b) The out-of-state school from which the child is
1238 transferring is duly accredited by that state's appropriate
1239 accrediting authority;

1240 (c) Such child was legally enrolled in a public or
1241 private school for a minimum of four (4) weeks in the previous
1242 state; and

1243 (d) The superintendent of schools in the applicable
1244 Mississippi school district has determined that the child was
1245 making satisfactory educational progress in the previous state.

1246 (3) When any child applies for admission or enrollment in
1247 any public school in the state, the parent, guardian or child, in
1248 the absence of an accompanying parent or guardian, shall indicate
1249 on the school registration form if the enrolling child has been
1250 expelled from any public or private school or is currently a party
1251 to an expulsion proceeding. If it is determined from the child's
1252 cumulative record or application for admission or enrollment that
1253 the child has been expelled, the school district may deny the
1254 student admission and enrollment until the superintendent of the
1255 school, or his designee, has reviewed the child's cumulative

1256 record and determined that the child has participated in
1257 successful rehabilitative efforts including, but not limited to,
1258 progress in an alternative school or similar program. If the
1259 child is a party to an expulsion proceeding, the child may be
1260 admitted to a public school pending final disposition of the
1261 expulsion proceeding. If the expulsion proceeding results in the
1262 expulsion of the child, the public school may revoke such
1263 admission to school. If the child was expelled or is a party to
1264 an expulsion proceeding for an act involving violence, weapons,
1265 alcohol, illegal drugs or other activity that may result in
1266 expulsion, the school district shall not be required to grant
1267 admission or enrollment to the child before one (1) calendar year
1268 after the date of the expulsion.

1269 **SECTION 13.** Section 37-17-11, Mississippi Code of 1972, is
1270 amended as follows:

1271 37-17-11. (1) The State Department of Education is directed
1272 to provide a report of all exempted process standards and
1273 nonexempted process standards to the Office of the Governor, the
1274 Chairs of the House and Senate Education Committees, and the
1275 Mississippi Association of Local Superintendents by December 1,
1276 2005.

1277 (2) The State Board of Education, acting through the
1278 Commission on School Accreditation, shall no later than July 1,
1279 2006, establish policies and procedures relating to the exemption
1280 status of school districts and/or schools, the time frame for
1281 reevaluation of exemption statuses, and other appropriate related
1282 guidelines.

1283 **SECTION 14.** Section 37-21-7, Mississippi Code of 1972, is
1284 amended as follows:

1285 37-21-7. (1) This section shall be referred to as the
1286 "Mississippi Elementary Schools Assistant Teacher Program," the
1287 purpose of which shall be to provide an early childhood education

1288 program that assists in the instruction of basic skills. The
1289 State Board of Education is authorized, empowered and directed to
1290 implement a statewide system of assistant teachers in kindergarten
1291 classes and in the first, second and third grades. The assistant
1292 teacher shall assist pupils in actual instruction under the strict
1293 supervision of a licensed teacher.

1294 (2) (a) Except as otherwise authorized under subsection
1295 (7), each school district shall employ the total number of
1296 assistant teachers funded under subsection (6) of this section.
1297 The superintendent of each district shall assign the assistant
1298 teachers to the kindergarten, first-, second- and third-grade
1299 classes in the district in a manner that will promote the maximum
1300 efficiency, as determined by the superintendent, in the
1301 instruction of skills such as verbal and linguistic skills,
1302 logical and mathematical skills, and social skills.

1303 (b) If a licensed teacher to whom an assistant teacher
1304 has been assigned is required to be absent from the classroom, the
1305 assistant teacher may assume responsibility for the classroom in
1306 lieu of a substitute teacher. However, no assistant teacher shall
1307 assume sole responsibility of the classroom for more than three
1308 (3) consecutive school days. Further, in no event shall any
1309 assistant teacher be assigned to serve as a substitute teacher for
1310 any teacher other than the licensed teacher to whom that assistant
1311 teacher has been assigned.

1312 (3) Assistant teachers shall have, at a minimum, a high
1313 school diploma or a GED equivalent, and shall show demonstratable
1314 proficiency in reading and writing skills. The State Department
1315 of Education shall develop a testing procedure for assistant
1316 teacher applicants to be used in all school districts in the
1317 state.

1318 (4) (a) In order to receive funding, each school district
1319 shall:

1320 (i) Submit a plan on the implementation of a
1321 reading improvement program to the State Department of Education;
1322 and

1323 (ii) Develop a plan of educational accountability
1324 and assessment of performance, including pretests and posttests,
1325 for reading in Grades 1 through 6.

1326 (b) Additionally, each school district shall:

1327 (i) Provide annually a mandatory preservice
1328 orientation session, using an existing in-school service day, for
1329 administrators and teachers on the effective use of assistant
1330 teachers as part of a team in the classroom setting and on the
1331 role of assistant teachers, with emphasis on program goals;

1332 (ii) Hold periodic workshops for administrators
1333 and teachers on the effective use and supervision of assistant
1334 teachers;

1335 (iii) Provide training annually on specific
1336 instructional skills for assistant teachers;

1337 (iv) Annually evaluate their program in accordance
1338 with their educational accountability and assessment of
1339 performance plan; and

1340 (v) Designate the necessary personnel to supervise
1341 and report on their program.

1342 (c) Level 4 and 5 schools shall be exempt from the
1343 provisions of Section 37-21-7(4)(b)(i), (ii), (iii) and (v).

1344 (5) The State Department of Education shall:

1345 (a) Develop and assist in the implementation of a
1346 statewide uniform training module, subject to the availability of
1347 funds specifically appropriated therefor by the Legislature, which
1348 shall be used in all school districts for training administrators,
1349 teachers and assistant teachers. The module shall provide for the
1350 consolidated training of each assistant teacher and teacher to
1351 whom the assistant teacher is assigned, working together as a

1352 team, and shall require further periodical training for
1353 administrators, teachers and assistant teachers regarding the role
1354 of assistant teachers;

1355 (b) Annually evaluate the program on the district and
1356 state level. Subject to the availability of funds specifically
1357 appropriated therefor by the Legislature, the department shall
1358 develop: (i) uniform evaluation reports, to be performed by the
1359 principal or assistant principal, to collect data for the annual
1360 overall program evaluation conducted by the department; or (ii) a
1361 program evaluation model that, at a minimum, addresses process
1362 evaluation; and

1363 (c) Promulgate rules, regulations and such other
1364 standards deemed necessary to effectuate the purposes of this
1365 section. Noncompliance with the provisions of this section and
1366 any rules, regulations or standards adopted by the department may
1367 result in a violation of compulsory accreditation standards as
1368 established by the State Board of Education and Commission on
1369 School Accreditation.

1370 (d) Level 4 and 5 schools shall be exempt from the
1371 provisions of Section 37-21-7(5).

1372 (6) In addition to other funds allotted under the * * *
1373 Adequate Education Program, each school district shall be allotted
1374 sufficient funding for the purpose of employing assistant
1375 teachers. No assistant teacher shall be paid less than the amount
1376 he or she received in the prior school year. No school district
1377 shall receive any funds under this section for any school year
1378 during which the aggregate amount of the local contribution to the
1379 salaries of assistant teachers by the district shall have been
1380 reduced below such amount for the previous year.

1381 For the 2001-2002 school year, the minimum salary for
1382 assistant teachers shall be Nine Thousand Three Hundred Sixty-five
1383 Dollars (\$9,365.00).

1384 For the 2002-2003 school year, the minimum salary for
1385 assistant teachers shall be Nine Thousand Nine Hundred Dollars
1386 (\$9,900.00).

1387 For the 2003-2004 school year, the minimum salary for
1388 assistant teachers shall be Ten Thousand Five Hundred Dollars
1389 (\$10,500.00).

1390 For the 2004-2005 school year, the minimum salary for
1391 assistant teachers shall be Eleven Thousand Two Hundred Dollars
1392 (\$11,200.00).

1393 For the 2005-2006 school year and school years thereafter,
1394 the minimum salary for assistant teachers shall be Twelve Thousand
1395 Dollars (\$12,000.00).

1396 In addition, for each one percent (1%) that the Sine Die
1397 General Fund Revenue Estimate Growth exceeds five percent (5%) in
1398 fiscal year 2003, 2004, 2005 or 2006, as certified by the
1399 Legislative Budget Office to the State Board of Education and
1400 subject to the specific appropriation therefor by the Legislature,
1401 the State Board of Education shall revise the salary scale in the
1402 appropriate year to provide an additional one percent (1%) across
1403 the board increase in the base salaries for assistant teachers.
1404 The State Board of Education shall revise the salaries prescribed
1405 above for assistant teachers to conform to any adjustments made in
1406 prior fiscal years due to revenue growth over and above five
1407 percent (5%). The assistant teachers shall not be restricted to
1408 working only in the grades for which the funds were allotted, but
1409 may be assigned to other classes as provided in subsection (2)(a)
1410 of this section.

1411 (7) (a) As an alternative to employing assistant teachers,
1412 any school district may use the allotment provided under
1413 subsection (6) of this section for the purpose of employing
1414 licensed teachers for kindergarten, first-, second- and
1415 third-grade classes; however, no school district shall be

1416 authorized to use the allotment for assistant teachers for the
1417 purpose of employing licensed teachers unless the district has
1418 established that the employment of licensed teachers using such
1419 funds will reduce the teacher:student ratio in the kindergarten,
1420 first-, second- and third-grade classes. All state funds for
1421 assistant teachers shall be applied to reducing teacher:student
1422 ratio in Grades K-3.

1423 It is the intent of the Legislature that no school district
1424 shall dismiss any assistant teacher for the purpose of using the
1425 assistant teacher allotment to employ licensed teachers. School
1426 districts may rely only upon normal attrition to reduce the number
1427 of assistant teachers employed in that district.

1428 (b) In the event any school district meets Level 4 or 5
1429 accreditation requirements, the State Board of Education, in its
1430 discretion, may exempt such school district from any accreditation
1431 requirements for the district's early childhood education program
1432 or reading improvement program.

1433 **SECTION 15.** Section 37-41-53, Mississippi Code of 1972, is
1434 amended as follows:

1435 37-41-53. (1) Each school board, person, firm or
1436 corporation transporting public school children on the public
1437 roads, streets and highways of the state with motor vehicles shall
1438 have said motor vehicles inspected according to the laws of the
1439 state * * *. Each motor vehicle shall be inspected by a competent
1440 mechanic to be safe for transporting pupils on the roads, streets
1441 and highways of the state before it is released for such purpose.
1442 If such motor vehicle is found to be unsafe for transporting
1443 pupils, then it shall be properly repaired or adjusted as
1444 necessary before being used to transport pupils. The provisions
1445 of this subsection (1) shall not apply to vehicles owned by
1446 individuals and under private contract to the school district and

1447 used exclusively for transporting members of their immediate
1448 families.

1449 (2) The State Department of Education may, at its
1450 discretion, inspect any school bus used for transporting pupils to
1451 and from the public schools or for activity purposes to determine
1452 the safety of such motor vehicle for operation on the roads,
1453 streets and highways of this state. In the event a vehicle is
1454 inspected and is found to be unsafe for transporting pupils, a
1455 report shall be filed with the appropriate school official
1456 indicating its deficiencies with recommendations for correcting
1457 such deficiencies.

1458 (3) If it is determined that any buses are in such defective
1459 condition as to constitute an emergency safety hazard, those buses
1460 may be condemned and removed from service and shall not be
1461 returned to service until adequate repairs are completed and such
1462 buses are reinspected by the State Department of Education. Any
1463 school official who approves the operation of any school bus that
1464 has been removed from service under the conditions listed above,
1465 prior to being reinspected by the State Department of Education,
1466 shall be guilty of a misdemeanor and upon conviction shall be
1467 punished by imprisonment in the county jail for a period not to
1468 exceed sixty (60) days, or a fine of not less than Five Hundred
1469 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
1470 or by both such fine and imprisonment, in the discretion of the
1471 court.

1472 **SECTION 16.** Section 37-7-301, Mississippi Code of 1972, is
1473 amended as follows:

1474 37-7-301. The school boards of all school districts shall
1475 have the following powers, authority and duties in addition to all
1476 others imposed or granted by law, to wit:

1477 (a) To organize and operate the schools of the district
1478 and to make such division between the high school grades and

1479 elementary grades as, in their judgment, will serve the best
1480 interests of the school;

1481 (b) To introduce public school music, art, manual
1482 training and other special subjects into either the elementary or
1483 high school grades, as the board shall deem proper;

1484 (c) To be the custodians of real and personal school
1485 property and to manage, control and care for same, both during the
1486 school term and during vacation;

1487 (d) To have responsibility for the erection, repairing
1488 and equipping of school facilities and the making of necessary
1489 school improvements;

1490 (e) To suspend or to expel a pupil or to change the
1491 placement of a pupil to the school district's alternative school
1492 or home-bound program for misconduct in the school or on school
1493 property, as defined in Section 37-11-29, on the road to and from
1494 school, or at any school-related activity or event, or for conduct
1495 occurring on property other than school property or other than at
1496 a school-related activity or event when such conduct by a pupil,
1497 in the determination of the school superintendent or principal,
1498 renders that pupil's presence in the classroom a disruption to the
1499 educational environment of the school or a detriment to the best
1500 interest and welfare of the pupils and teacher of such class as a
1501 whole, and to delegate such authority to the appropriate officials
1502 of the school district;

1503 (f) To visit schools in the district, in their
1504 discretion, in a body for the purpose of determining what can be
1505 done for the improvement of the school in a general way;

1506 (g) To support, within reasonable limits, the
1507 superintendent, principal and teachers where necessary for the
1508 proper discipline of the school;

1509 (h) To exclude from the schools students with what
1510 appears to be infectious or contagious diseases; provided,

1511 however, such student may be allowed to return to school upon
1512 presenting a certificate from a public health officer, duly
1513 licensed physician or nurse practitioner that the student is free
1514 from such disease;

1515 (i) To require those vaccinations specified by the
1516 State Health Officer as provided in Section 41-23-37, Mississippi
1517 Code of 1972;

1518 (j) To see that all necessary utilities and services
1519 are provided in the schools at all times when same are needed;

1520 (k) To authorize the use of the school buildings and
1521 grounds for the holding of public meetings and gatherings of the
1522 people under such regulations as may be prescribed by said board;

1523 (l) To prescribe and enforce rules and regulations not
1524 inconsistent with law or with the regulations of the State Board
1525 of Education for their own government and for the government of
1526 the schools, and to transact their business at regular and special
1527 meetings called and held in the manner provided by law;

1528 (m) To maintain and operate all of the schools under
1529 their control for such length of time during the year as may be
1530 required;

1531 (n) To enforce in the schools the courses of study and
1532 the use of the textbooks prescribed by the proper authorities;

1533 (o) To make orders directed to the superintendent of
1534 schools for the issuance of pay certificates for lawful purposes
1535 on any available funds of the district and to have full control of
1536 the receipt, distribution, allotment and disbursement of all funds
1537 provided for the support and operation of the schools of such
1538 school district whether such funds be derived from state
1539 appropriations, local ad valorem tax collections, or otherwise;

1540 (p) To select all school district personnel in the
1541 manner provided by law, and to provide for such employee fringe

1542 benefit programs, including accident reimbursement plans, as may
1543 be deemed necessary and appropriate by the board;

1544 (q) To provide athletic programs and other school
1545 activities and to regulate the establishment and operation of such
1546 programs and activities;

1547 (r) To join, in their discretion, any association of
1548 school boards and other public school-related organizations, and
1549 to pay from local funds other than minimum foundation funds, any
1550 membership dues;

1551 (s) To expend local school activity funds, or other
1552 available school district funds, other than minimum education
1553 program funds, for the purposes prescribed under this paragraph.
1554 "Activity funds" shall mean all funds received by school officials
1555 in all school districts paid or collected to participate in any
1556 school activity, such activity being part of the school program
1557 and partially financed with public funds or supplemented by public
1558 funds. The term "activity funds" shall not include any funds
1559 raised and/or expended by any organization unless commingled in a
1560 bank account with existing activity funds, regardless of whether
1561 the funds were raised by school employees or received by school
1562 employees during school hours or using school facilities, and
1563 regardless of whether a school employee exercises influence over
1564 the expenditure or disposition of such funds. Organizations shall
1565 not be required to make any payment to any school for the use of
1566 any school facility if, in the discretion of the local school
1567 governing board, the organization's function shall be deemed to be
1568 beneficial to the official or extracurricular programs of the
1569 school. For the purposes of this provision, the term
1570 "organization" shall not include any organization subject to the
1571 control of the local school governing board. Activity funds may
1572 only be expended for any necessary expenses or travel costs,
1573 including advances, incurred by students and their chaperons in

1574 attending any in-state or out-of-state school-related programs,
1575 conventions or seminars and/or any commodities, equipment, travel
1576 expenses, purchased services or school supplies which the local
1577 school governing board, in its discretion, shall deem beneficial
1578 to the official or extracurricular programs of the district,
1579 including items which may subsequently become the personal
1580 property of individuals, including yearbooks, athletic apparel,
1581 book covers and trophies. Activity funds may be used to pay
1582 travel expenses of school district personnel. The local school
1583 governing board shall be authorized and empowered to promulgate
1584 rules and regulations specifically designating for what purposes
1585 school activity funds may be expended. The local school governing
1586 board shall provide (i) that such school activity funds shall be
1587 maintained and expended by the principal of the school generating
1588 the funds in individual bank accounts, or (ii) that such school
1589 activity funds shall be maintained and expended by the
1590 superintendent of schools in a central depository approved by the
1591 board. The local school governing board shall provide that such
1592 school activity funds be audited as part of the annual audit
1593 required in Section 37-9-18. The State Auditor shall prescribe a
1594 uniform system of accounting and financial reporting for all
1595 school activity fund transactions;

1596 (t) To contract, on a shared savings, lease or
1597 lease-purchase basis, for energy efficiency services and/or
1598 equipment as provided for in Section 31-7-14, not to exceed ten
1599 (10) years;

1600 (u) To maintain accounts and issue pay certificates on
1601 school food service bank accounts;

1602 (v) (i) To lease a school building from an individual,
1603 partnership, nonprofit corporation or a private for-profit
1604 corporation for the use of such school district, and to expend
1605 funds therefor as may be available from any nonminimum program

1606 sources. The school board of the school district desiring to
1607 lease a school building shall declare by resolution that a need
1608 exists for a school building and that the school district cannot
1609 provide the necessary funds to pay the cost or its proportionate
1610 share of the cost of a school building required to meet the
1611 present needs. The resolution so adopted by the school board
1612 shall be published once each week for three (3) consecutive weeks
1613 in a newspaper having a general circulation in the school district
1614 involved, with the first publication thereof to be made not less
1615 than thirty (30) days prior to the date upon which the school
1616 board is to act on the question of leasing a school building. If
1617 no petition requesting an election is filed prior to such meeting
1618 as hereinafter provided, then the school board may, by resolution
1619 spread upon its minutes, proceed to lease a school building. If
1620 at any time prior to said meeting a petition signed by not less
1621 than twenty percent (20%) or fifteen hundred (1500), whichever is
1622 less, of the qualified electors of the school district involved
1623 shall be filed with the school board requesting that an election
1624 be called on the question, then the school board shall, not later
1625 than the next regular meeting, adopt a resolution calling an
1626 election to be held within such school district upon the question
1627 of authorizing the school board to lease a school building. Such
1628 election shall be called and held, and notice thereof shall be
1629 given, in the same manner for elections upon the questions of the
1630 issuance of the bonds of school districts, and the results thereof
1631 shall be certified to the school board. If at least three-fifths
1632 (3/5) of the qualified electors of the school district who voted
1633 in such election shall vote in favor of the leasing of a school
1634 building, then the school board shall proceed to lease a school
1635 building. The term of the lease contract shall not exceed twenty
1636 (20) years, and the total cost of such lease shall be either the
1637 amount of the lowest and best bid accepted by the school board

1638 after advertisement for bids or an amount not to exceed the
1639 current fair market value of the lease as determined by the
1640 averaging of at least two (2) appraisals by certified general
1641 appraisers licensed by the State of Mississippi. The term "school
1642 building" as used in this item (v) shall be construed to mean any
1643 building or buildings used for classroom purposes in connection
1644 with the operation of schools and shall include the site therefor,
1645 necessary support facilities, and the equipment thereof and
1646 appurtenances thereto such as heating facilities, water supply,
1647 sewage disposal, landscaping, walks, drives and playgrounds. The
1648 term "lease" as used in this item (v)(i) may include a
1649 lease/purchase contract;

1650 (ii) If two (2) or more school districts propose
1651 to enter into a lease contract jointly, then joint meetings of the
1652 school boards having control may be held but no action taken shall
1653 be binding on any such school district unless the question of
1654 leasing a school building is approved in each participating school
1655 district under the procedure hereinabove set forth in item (v)(i).
1656 All of the provisions of item (v)(i) regarding the term and amount
1657 of the lease contract shall apply to the school boards of school
1658 districts acting jointly. Any lease contract executed by two (2)
1659 or more school districts as joint lessees shall set out the amount
1660 of the aggregate lease rental to be paid by each, which may be
1661 agreed upon, but there shall be no right of occupancy by any
1662 lessee unless the aggregate rental is paid as stipulated in the
1663 lease contract. All rights of joint lessees under the lease
1664 contract shall be in proportion to the amount of lease rental paid
1665 by each;

1666 (w) To employ all noninstructional and noncertificated
1667 employees and fix the duties and compensation of such personnel
1668 deemed necessary pursuant to the recommendation of the
1669 superintendent of schools;

1670 (x) To employ and fix the duties and compensation of
1671 such legal counsel as deemed necessary;

1672 (y) Subject to rules and regulations of the State Board
1673 of Education, to purchase, own and operate trucks, vans and other
1674 motor vehicles, which shall bear the proper identification
1675 required by law;

1676 (z) To expend funds for the payment of substitute
1677 teachers and to adopt reasonable regulations for the employment
1678 and compensation of such substitute teachers;

1679 (aa) To acquire in its own name by purchase all real
1680 property which shall be necessary and desirable in connection with
1681 the construction, renovation or improvement of any public school
1682 building or structure. Whenever the purchase price for such real
1683 property is greater than Fifty Thousand Dollars (\$50,000.00), the
1684 school board shall not purchase the property for an amount
1685 exceeding the fair market value of such property as determined by
1686 the average of at least two (2) independent appraisals by
1687 certified general appraisers licensed by the State of Mississippi.
1688 If the board shall be unable to agree with the owner of any such
1689 real property in connection with any such project, the board shall
1690 have the power and authority to acquire any such real property by
1691 condemnation proceedings pursuant to Section 11-27-1 et seq.,
1692 Mississippi Code of 1972, and for such purpose, the right of
1693 eminent domain is hereby conferred upon and vested in said board.
1694 Provided further, that the local school board is authorized to
1695 grant an easement for ingress and egress over sixteenth section
1696 land or lieu land in exchange for a similar easement upon
1697 adjoining land where the exchange of easements affords substantial
1698 benefit to the sixteenth section land; provided, however, the
1699 exchange must be based upon values as determined by a competent
1700 appraiser, with any differential in value to be adjusted by cash
1701 payment. Any easement rights granted over sixteenth section land

1702 under such authority shall terminate when the easement ceases to
1703 be used for its stated purpose. No sixteenth section or lieu land
1704 which is subject to an existing lease shall be burdened by any
1705 such easement except by consent of the lessee or unless the school
1706 district shall acquire the unexpired leasehold interest affected
1707 by the easement;

1708 (bb) To charge reasonable fees related to the
1709 educational programs of the district, in the manner prescribed in
1710 Section 37-7-335;

1711 (cc) Subject to rules and regulations of the State
1712 Board of Education, to purchase relocatable classrooms for the use
1713 of such school district, in the manner prescribed in Section
1714 37-1-13;

1715 (dd) Enter into contracts or agreements with other
1716 school districts, political subdivisions or governmental entities
1717 to carry out one or more of the powers or duties of the school
1718 board, or to allow more efficient utilization of limited resources
1719 for providing services to the public;

1720 (ee) To provide for in-service training for employees
1721 of the district. Until June 30, 1994, the school boards may
1722 designate two (2) days of the minimum school term, as defined in
1723 Section 37-19-1, for employee in-service training for
1724 implementation of the new statewide testing system as developed by
1725 the State Board of Education. Such designation shall be subject
1726 to approval by the State Board of Education pursuant to uniform
1727 rules and regulations;

1728 (ff) As part of their duties to prescribe the use of
1729 textbooks, to provide that parents and legal guardians shall be
1730 responsible for the textbooks and for the compensation to the
1731 school district for any books which are not returned to the proper
1732 schools upon the withdrawal of their dependent child. If a
1733 textbook is lost or not returned by any student who drops out of

1734 the public school district, the parent or legal guardian shall
1735 also compensate the school district for the fair market value of
1736 the textbooks;

1737 (gg) To conduct fund-raising activities on behalf of
1738 the school district that the local school board, in its
1739 discretion, deems appropriate or beneficial to the official or
1740 extracurricular programs of the district; provided that:

1741 (i) Any proceeds of the fund-raising activities
1742 shall be treated as "activity funds" and shall be accounted for as
1743 are other activity funds under this section; and

1744 (ii) Fund-raising activities conducted or
1745 authorized by the board for the sale of school pictures, the
1746 rental of caps and gowns or the sale of graduation invitations for
1747 which the school board receives a commission, rebate or fee shall
1748 contain a disclosure statement advising that a portion of the
1749 proceeds of the sales or rentals shall be contributed to the
1750 student activity fund;

1751 (hh) To allow individual lessons for music, art and
1752 other curriculum-related activities for academic credit or
1753 nonacademic credit during school hours and using school equipment
1754 and facilities, subject to uniform rules and regulations adopted
1755 by the school board;

1756 (ii) To charge reasonable fees for participating in an
1757 extracurricular activity for academic or nonacademic credit for
1758 necessary and required equipment such as safety equipment, band
1759 instruments and uniforms;

1760 (jj) To conduct or participate in any fund-raising
1761 activities on behalf of or in connection with a tax-exempt
1762 charitable organization;

1763 (kk) To exercise such powers as may be reasonably
1764 necessary to carry out the provisions of this section;

1765 (11) To expend funds for the services of nonprofit arts
1766 organizations or other such nonprofit organizations who provide
1767 performances or other services for the students of the school
1768 district;

1769 (mm) To expend federal No Child Left Behind Act funds,
1770 or any other available funds that are expressly designated and
1771 authorized for that use, to pay training, educational expenses,
1772 salary incentives and salary supplements to employees of local
1773 school districts; except that incentives shall not be considered
1774 part of the local supplement as defined in Section 37-151-5(o),
1775 nor shall incentives be considered part of the local supplement
1776 paid to an individual teacher for the purposes of Section
1777 37-19-7(1). Mississippi Adequate Education Program funds or any
1778 other state funds may not be used for salary incentives or salary
1779 supplements as provided in this paragraph (mm);

1780 (nn) To use any available funds, not appropriated or
1781 designated for any other purpose, for reimbursement to the
1782 state-licensed employees from both in-state and out-of-state, who
1783 enter into a contract for employment in a school district, for the
1784 expense of moving when the employment necessitates the relocation
1785 of the licensed employee to a different geographical area than
1786 that in which the licensed employee resides before entering into
1787 the contract. The reimbursement shall not exceed One Thousand
1788 Dollars (\$1,000.00) for the documented actual expenses incurred in
1789 the course of relocating, including the expense of any
1790 professional moving company or persons employed to assist with the
1791 move, rented moving vehicles or equipment, mileage in the amount
1792 authorized for county and municipal employees under Section
1793 25-3-41 if the licensed employee used his personal vehicle or
1794 vehicles for the move, meals and such other expenses associated
1795 with the relocation. No licensed employee may be reimbursed for
1796 moving expenses under this section on more than one (1) occasion

1797 by the same school district. Nothing in this section shall be
1798 construed to require the actual residence to which the licensed
1799 employee relocates to be within the boundaries of the school
1800 district that has executed a contract for employment in order for
1801 the licensed employee to be eligible for reimbursement for the
1802 moving expenses. However, the licensed employee must relocate
1803 within the boundaries of the State of Mississippi. Any individual
1804 receiving relocation assistance through the Critical Teacher
1805 Shortage Act as provided in Section 37-159-5 shall not be eligible
1806 to receive additional relocation funds as authorized in this
1807 paragraph;

1808 (oo) To use any available funds, not appropriated or
1809 designated for any other purpose, to reimburse persons who
1810 interview for employment as a licensed employee with the district
1811 for the mileage and other actual expenses incurred in the course
1812 of travel to and from the interview at the rate authorized for
1813 county and municipal employees under Section 25-3-41;

1814 (pp) Consistent with the report of the Task Force to
1815 Conduct a Best Financial Management Practices Review, to improve
1816 school district management and use of resources and identify cost
1817 savings as established in Section 8 of Chapter 610, Laws of 2002,
1818 local school boards are encouraged to conduct independent reviews
1819 of the management and efficiency of schools and school districts.
1820 Such management and efficiency reviews shall provide state and
1821 local officials and the public with the following:

1822 (i) An assessment of a school district's
1823 governance and organizational structure;

1824 (ii) An assessment of the school district's
1825 financial and personnel management;

1826 (iii) An assessment of revenue levels and sources;

1827 (iv) An assessment of facilities utilization,
1828 planning and maintenance;

1829 (v) An assessment of food services, transportation
1830 and safety/security systems;

1831 (vi) An assessment of instructional and
1832 administrative technology;

1833 (vii) A review of the instructional management and
1834 the efficiency and effectiveness of existing instructional
1835 programs; and

1836 (viii) Recommended methods for increasing
1837 efficiency and effectiveness in providing educational services to
1838 the public;

1839 (qq) To enter into agreements with other local school
1840 boards for the establishment of an educational service agency
1841 (ESA) to provide for the cooperative needs of the region in which
1842 the school district is located, as provided in Section 37-7-345.
1843 This paragraph shall repeal on July 1, 2007;

1844 (rr) To implement a financial literacy program for
1845 students in Grades 10 and 11. The board may review the national
1846 programs and obtain free literature from various nationally
1847 recognized programs. After review of the different programs, the
1848 board may certify a program that is most appropriate for the
1849 school districts' needs. If a district implements a financial
1850 literacy program, then any student in Grade 10 or 11 may
1851 participate in the program. The financial literacy program shall
1852 include, but is not limited to, instruction in the same areas of
1853 personal business and finance as required under Section
1854 37-1-3(2)(b). The school board may coordinate with volunteer
1855 teachers from local community organizations, including, but not
1856 limited to, the following: United States Department of
1857 Agriculture Rural Development, United States Department of Housing
1858 and Urban Development, Junior Achievement, bankers and other
1859 nonprofit organizations. Nothing in this paragraph shall be

1860 construed as to require school boards to implement a financial
1861 literacy program;

1862 (ss) To collaborate with the State Board of Education,
1863 Community Action Agencies or the Department of Human Services to
1864 develop and implement a voluntary program to provide services for
1865 a full day prekindergarten program that addresses the cognitive,
1866 social, and emotional needs of four-year-old and three-year-old
1867 children. The school board may utilize nonstate source special
1868 funds, grants, donations or gifts to fund the voluntary program;

1869 (tt) The governing authority of each individual school
1870 shall have the power to adopt any orders, resolutions or
1871 ordinances with respect to school district affairs, property and
1872 finances which are not inconsistent with the Mississippi
1873 Constitution of 1890, the Mississippi Code of 1972, any other
1874 statute or law of the State of Mississippi or any rule or
1875 regulation promulgated by the State Board of Education pursuant to
1876 its authority under law. Except as otherwise provided, the powers
1877 granted to governing authorities of school districts are complete
1878 without the existence of or reference to any specific authority
1879 granted in any other statute or law of the State of Mississippi
1880 and may be exercised unless specifically prohibited by a statute
1881 or law of the State of Mississippi. Unless such actions are
1882 specifically authorized by another statute or law of the State of
1883 Mississippi, this section shall not authorize the governing
1884 authority of a school district to (i) levy taxes of any kind or
1885 increase the levy of any authorized tax, (ii) issue bonds of any
1886 kind, or (iii) the authority to enter into collective bargaining
1887 agreements. All other powers of the governing authorities of
1888 school districts may be exercised unless specifically prohibited
1889 by the statutes or laws of the State of Mississippi;

1890 (uu) In order to provide for economy, efficiency and
1891 cost effectiveness in the delivery of education local district

1892 school boards are hereby given explicit authority to delegate,
1893 privatize or otherwise enter into a contract with private entities
1894 for the operation of any functions of nonacademic school process,
1895 procedures and operations, including, but not limited to,
1896 cafeteria workers, janitorial services, transportation,
1897 professional development, and instructional consulting services
1898 materials and products, purchasing cooperatives, insurance,
1899 business manager services, auditing and accounting services,
1900 school safety/risk prevention, data processing and other staff
1901 services subject to appropriate bid laws and competitive
1902 processes, public scrutiny and cost effective analysis. Local
1903 districts may enter into buying consortia with other districts for
1904 the purposes of more efficient use of state resources.

1905 **SECTION 17.** Section 25-11-103, Mississippi Code of 1972, is
1906 amended as follows:

1907 25-11-103. The following words and phrases as used in
1908 Articles 1 and 3, unless a different meaning is plainly required
1909 by the context, have the following meanings:

1910 (a) "Accumulated contributions" means the sum of all
1911 the amounts deducted from the compensation of a member and
1912 credited to his individual account in the annuity savings account,
1913 together with regular interest as provided in Section 25-11-123.

1914 (b) "Actuarial cost" means the amount of funds
1915 presently required to provide future benefits as determined by the
1916 board based on applicable tables and formulas provided by the
1917 actuary.

1918 (c) "Actuarial equivalent" means a benefit of equal
1919 value to the accumulated contributions, annuity or benefit, as the
1920 case may be, when computed upon the basis of such mortality tables
1921 as adopted by the board of trustees, and regular interest.

1922 (d) "Actuarial tables" means such tables of mortality
1923 and rates of interest as adopted by the board in accordance with
1924 the recommendation of the actuary.

1925 (e) "Agency" means any governmental body employing
1926 persons in the state service.

1927 (f) "Average compensation" means the average of the
1928 four (4) highest years of earned compensation reported for an
1929 employee in a fiscal or calendar year period, or combination
1930 thereof that do not overlap, or the last forty-eight (48)
1931 consecutive months of earned compensation reported for an
1932 employee. The four (4) years need not be successive or joined
1933 years of service. In no case shall the average compensation so
1934 determined be in excess of One Hundred Fifty Thousand Dollars
1935 (\$150,000.00). In computing the average compensation, any amount
1936 lawfully paid in a lump sum for personal leave or major medical
1937 leave shall be included in the calculation to the extent that the
1938 amount does not exceed an amount that is equal to thirty (30) days
1939 of earned compensation and to the extent that it does not cause
1940 the employees' earned compensation to exceed the maximum
1941 reportable amount specified in Section 25-11-103(k); however, this
1942 thirty-day limitation shall not prevent the inclusion in the
1943 calculation of leave earned under federal regulations before July
1944 1, 1976, and frozen as of that date as referred to in Section
1945 25-3-99. Only the amount of lump sum pay for personal leave due
1946 and paid upon the death of a member attributable for up to one
1947 hundred fifty (150) days shall be used in the deceased member's
1948 average compensation calculation in determining the beneficiary's
1949 benefits. In computing the average compensation, no amounts shall
1950 be used that are in excess of the amount on which contributions
1951 were required and paid, and no nontaxable amounts paid by the
1952 employer for health or life insurance premiums for the employee
1953 shall be used. If any member who is or has been granted any

1954 increase in annual salary or compensation of more than eight
1955 percent (8%) retires within twenty-four (24) months from the date
1956 that the increase becomes effective, then the board shall exclude
1957 that part of the increase in salary or compensation that exceeds
1958 eight percent (8%) in calculating that member's average
1959 compensation for retirement purposes. The board may enforce this
1960 provision by rule or regulation. However, increases in
1961 compensation in excess of eight percent (8%) per year granted
1962 within twenty-four (24) months of the date of retirement may be
1963 included in the calculation of average compensation if
1964 satisfactory proof is presented to the board showing that the
1965 increase in compensation was the result of an actual change in the
1966 position held or services rendered, or that the compensation
1967 increase was authorized by the State Personnel Board or was
1968 increased as a result of statutory enactment, and the employer
1969 furnishes an affidavit stating that the increase granted within
1970 the last twenty-four (24) months was not contingent on a promise
1971 or agreement of the employee to retire. Nothing in Section
1972 25-3-31 shall affect the calculation of the average compensation
1973 of any member for the purposes of this article. The average
1974 compensation of any member who retires before July 1, 1992, shall
1975 not exceed the annual salary of the Governor.

1976 (g) "Beneficiary" means any person entitled to receive
1977 a retirement allowance, an annuity or other benefit as provided by
1978 Articles 1 and 3. The term "beneficiary" may also include an
1979 organization, estate, trust or entity; however, a beneficiary
1980 designated or entitled to receive monthly payments under an
1981 optional settlement based on life contingency or pursuant to a
1982 statutory monthly benefit may only be a natural person. In the
1983 event of the death before retirement of any member whose spouse
1984 and/or children are not entitled to a retirement allowance on the
1985 basis that the member has less than four (4) years of service

1986 credit and/or has not been married for a minimum of one (1) year
1987 or the spouse has waived his or her entitlement to a retirement
1988 allowance under Section 25-11-114, the lawful spouse of a member
1989 at the time of the death of the member shall be the beneficiary of
1990 the member unless the member has designated another beneficiary
1991 after the date of marriage in writing, and filed that writing in
1992 the office of the executive director of the board of trustees. No
1993 designation or change of beneficiary shall be made in any other
1994 manner.

1995 (h) "Board" means the board of trustees provided in
1996 Section 25-11-15 to administer the retirement system created under
1997 this article.

1998 (i) "Creditable service" means "prior service,"
1999 "retroactive service" and all lawfully credited unused leave not
2000 exceeding the accrual rates and limitations provided in Section
2001 25-3-91 et seq., as of the date of withdrawal from service plus
2002 "membership service" for which credit is allowable as provided in
2003 Section 25-11-109. Except to limit creditable service reported to
2004 the system for the purpose of computing an employee's retirement
2005 allowance or annuity or benefits provided in this article, nothing
2006 in this paragraph shall limit or otherwise restrict the power of
2007 the governing authority of a municipality or other political
2008 subdivision of the state to adopt such vacation and sick leave
2009 policies as it deems necessary.

2010 (j) "Child" means either a natural child of the member,
2011 a child that has been made a child of the member by applicable
2012 court action before the death of the member, or a child under the
2013 permanent care of the member at the time of the latter's death,
2014 which permanent care status shall be determined by evidence
2015 satisfactory to the board.

2016 (k) "Earned compensation" means the full amount earned
2017 by an employee for a given pay period including any maintenance

2018 furnished up to a maximum of One Hundred Fifty Thousand Dollars
2019 (\$150,000.00) per year, and proportionately for less than one (1)
2020 year of service. The value of that maintenance when not paid in
2021 money shall be fixed by the employing state agency, and, in case
2022 of doubt, by the board of trustees as defined in Section 25-11-15.
2023 Earned compensation shall not include any nontaxable amounts paid
2024 by the employer for health or life insurance premiums for an
2025 employee. In any case, earned compensation shall be limited to
2026 the regular periodic compensation paid, exclusive of litigation
2027 fees, bond fees, and other similar extraordinary nonrecurring
2028 payments. In addition, any member in a covered position, as
2029 defined by Public Employees' Retirement System laws and
2030 regulations, who is also employed by another covered agency or
2031 political subdivision shall have the earnings of that additional
2032 employment reported to the Public Employees' Retirement System
2033 regardless of whether the additional employment is sufficient in
2034 itself to be a covered position. In addition, computation of
2035 earned compensation shall be governed by the following:

2036 (i) In the case of constables, the net earnings
2037 from their office after deduction of expenses shall apply, except
2038 that in no case shall earned compensation be less than the total
2039 direct payments made by the state or governmental subdivisions to
2040 the official.

2041 (ii) In the case of chancery or circuit clerks,
2042 the net earnings from their office after deduction of expenses
2043 shall apply as expressed in Section 25-11-123(f)(4).

2044 (iii) In the case of members of the State
2045 Legislature, all remuneration or amounts paid, except mileage
2046 allowance, shall apply.

2047 (iv) The amount by which an eligible employee's
2048 salary is reduced under a salary reduction agreement authorized
2049 under Section 25-17-5 shall be included as earned compensation

2050 under this paragraph, provided this inclusion does not conflict
2051 with federal law, including federal regulations and federal
2052 administrative interpretations under the federal law, pertaining
2053 to the Federal Insurance Contributions Act or to Internal Revenue
2054 Code Section 125 cafeteria plans.

2055 (v) Compensation in addition to an employee's base
2056 salary that is paid to the employee under the vacation and sick
2057 leave policies of a municipality or other political subdivision of
2058 the state that employs him that exceeds the maximums authorized by
2059 Section 25-3-91 et seq. shall be excluded from the calculation of
2060 earned compensation under this article.

2061 (vi) The maximum salary applicable for retirement
2062 purposes before July 1, 1992, shall be the salary of the Governor.

2063 (vii) Nothing in Section 25-3-31 shall affect the
2064 determination of the earned compensation of any member for the
2065 purposes of this article.

2066 (1) "Employee" means any person legally occupying a
2067 position in the state service, and shall include the employees of
2068 the retirement system created under this article. The term
2069 "employee" shall not include any employee of a private entity
2070 which leases staff to a local school board to provide
2071 noninstructional services pursuant to Section 37-7-301(uu).

2072 (m) "Employer" means the State of Mississippi or any of
2073 its departments, agencies or subdivisions from which any employee
2074 receives his compensation.

2075 (n) "Executive director" means the secretary to the
2076 board of trustees, as provided in Section 25-11-15(9), and the
2077 administrator of the Public Employees' Retirement System and all
2078 systems under the management of the board of trustees. Wherever
2079 the term "Executive Secretary of the Public Employees' Retirement
2080 System" or "executive secretary" appears in this article or in any

2081 other provision of law, it shall be construed to mean the
2082 Executive Director of the Public Employees' Retirement System.

2083 (o) "Fiscal year" means the period beginning on July 1
2084 of any year and ending on June 30 of the next succeeding year.

2085 (p) "Medical board" means the board of physicians or
2086 any governmental or nongovernmental disability determination
2087 service designated by the board of trustees that is qualified to
2088 make disability determinations as provided for in Section
2089 25-11-119.

2090 (q) "Member" means any person included in the
2091 membership of the system as provided in Section 25-11-105.

2092 (r) "Membership service" means service as an employee
2093 rendered while a member of the retirement system.

2094 (s) "Position" means any office or any employment in
2095 the state service, or two (2) or more of them, the duties of which
2096 call for services to be rendered by one (1) person, including
2097 positions jointly employed by federal and state agencies
2098 administering federal and state funds. The employer shall
2099 determine upon initial employment and during the course of
2100 employment of an employee who does not meet the criteria for
2101 coverage in the Public Employees' Retirement System based on the
2102 position held, whether the employee is or becomes eligible for
2103 coverage in the Public Employees' Retirement System based upon any
2104 other employment in a covered agency or political subdivision. If
2105 or when the employee meets the eligibility criteria for coverage
2106 in the other position, then the employer must withhold
2107 contributions and report wages from the noncovered position in
2108 accordance with the provisions for reporting of earned
2109 compensation. Failure to deduct and report those contributions
2110 shall not relieve the employee or employer of liability thereof.
2111 The board shall adopt such rules and regulations as necessary to
2112 implement and enforce this provision.

2113 (t) "Prior service" means service rendered before
2114 February 1, 1953, for which credit is allowable under Sections
2115 25-11-105 and 25-11-109, and which shall allow prior service for
2116 any person who is now or becomes a member of the Public Employees'
2117 Retirement System and who does contribute to the system for a
2118 minimum period of four (4) years.

2119 (u) "Regular interest" means interest compounded
2120 annually at such a rate as determined by the board in accordance
2121 with Section 25-11-121.

2122 (v) "Retirement allowance" means an annuity for life as
2123 provided in this article, payable each year in twelve (12) equal
2124 monthly installments beginning as of the date fixed by the board.
2125 The retirement allowance shall be calculated in accordance with
2126 Section 25-11-111. However, any spouse who received a spouse
2127 retirement benefit in accordance with Section 25-11-111(d) before
2128 March 31, 1971, and those benefits were terminated because of
2129 eligibility for a social security benefit, may again receive his
2130 spouse retirement benefit from and after making application with
2131 the board of trustees to reinstate the spouse retirement benefit.

2132 (w) "Retroactive service" means service rendered after
2133 February 1, 1953, for which credit is allowable under Section
2134 25-11-105(b) and Section 25-11-105(k).

2135 (x) "System" means the Public Employees' Retirement
2136 System of Mississippi established and described in Section
2137 25-11-101.

2138 (y) "State" means the State of Mississippi or any
2139 political subdivision thereof or instrumentality of the state.

2140 (z) "State service" means all offices and positions of
2141 trust or employment in the employ of the state, or any political
2142 subdivision or instrumentality of the state, that elect to
2143 participate as provided by Section 25-11-105(f), including the
2144 position of elected or fee officials of the counties and their

2145 deputies and employees performing public services or any
2146 department, independent agency, board or commission thereof, and
2147 also includes all offices and positions of trust or employment in
2148 the employ of joint state and federal agencies administering state
2149 and federal funds and service rendered by employees of the public
2150 schools. Effective July 1, 1973, all nonprofessional public
2151 school employees, such as bus drivers, janitors, maids,
2152 maintenance workers and cafeteria employees, shall have the option
2153 to become members in accordance with Section 25-11-105(b), and
2154 shall be eligible to receive credit for services before July 1,
2155 1973, provided that the contributions and interest are paid by the
2156 employee in accordance with that section; in addition, the county
2157 or municipal separate school district may pay the employer
2158 contribution and pro rata share of interest of the retroactive
2159 service from available funds. From and after July 1, 1998,
2160 retroactive service credit shall be purchased at the actuarial
2161 cost in accordance with Section 25-11-105(b).

2162 (aa) "Withdrawal from service" or "termination from
2163 service" means complete severance of employment in the state
2164 service of any member by resignation, dismissal or discharge.

2165 (bb) The masculine pronoun, wherever used, includes the
2166 feminine pronoun.

2167 **SECTION 18.** Section 25-11-127, Mississippi Code of 1972, is
2168 amended as follows:

2169 25-11-127. (1) (a) No person who is being paid a
2170 retirement allowance or a pension after retirement under this
2171 article shall be employed or paid for any service by the State of
2172 Mississippi, except as provided in this section.

2173 (b) No retiree of this retirement system who is
2174 reemployed or is reelected to office after retirement shall
2175 continue to draw retirement benefits while so reemployed, except
2176 as provided in this section.

2177 (c) No person employed or elected under the exceptions
2178 provided for in this section shall become a member under Article 3
2179 of the retirement system.

2180 (2) Any person who has been retired under the provisions of
2181 Article 3 and who is later reemployed in service covered by this
2182 article shall cease to receive benefits under this article and
2183 shall again become a contributing member of the retirement system.
2184 When the person retires again, if the reemployment exceeds six (6)
2185 months, the person shall have his or her benefit recomputed,
2186 including service after again becoming a member, provided that the
2187 total retirement allowance paid to the retired member in his or
2188 her previous retirement shall be deducted from the member's
2189 retirement reserve and taken into consideration in recalculating
2190 the retirement allowance under a new option selected.

2191 (3) The board shall have the right to prescribe rules and
2192 regulations for carrying out the provisions of this section.

2193 (4) The provisions of this section shall not be construed to
2194 prohibit any retiree, regardless of age, from being employed and
2195 drawing a retirement allowance either:

2196 (a) For a period of time not to exceed one-half (1/2)
2197 of the normal working days for the position in any fiscal year
2198 during which the retiree will receive no more than one-half (1/2)
2199 of the salary in effect for the position at the time of
2200 employment, or

2201 (b) For a period of time in any fiscal year sufficient
2202 in length to permit a retiree to earn not in excess of twenty-five
2203 percent (25%) of retiree's average compensation.

2204 To determine the normal working days for a position under
2205 paragraph (a) of this subsection, the employer shall determine the
2206 required number of working days for the position on a full-time
2207 basis and the equivalent number of hours representing the
2208 full-time position. The retiree then may work up to one-half

2209 (1/2) of the required number of working days or up to one-half
2210 (1/2) of the equivalent number of hours and receive up to one-half
2211 (1/2) of the salary for the position. In the case of employment
2212 with multiple employers, the limitation shall equal one-half (1/2)
2213 of the number of days or hours for a single full-time position.

2214 Notice shall be given in writing to the executive director,
2215 setting forth the facts upon which the employment is being made,
2216 and the notice shall be given within five (5) days from the date
2217 of employment and also from the date of termination of the
2218 employment.

2219 (5) Any member may continue in municipal or county elected
2220 office or be elected to a municipal or county office, provided
2221 that the person:

2222 (a) Files annually, in writing, in the office of the
2223 employer and the office of the executive director of the system
2224 before the person takes office or as soon as possible after
2225 retirement, a waiver of all salary or compensation and elects to
2226 receive in lieu of that salary or compensation a retirement
2227 allowance as provided in this section, in which event no salary or
2228 compensation shall thereafter be due or payable for those
2229 services; however, any such officer or employee may receive, in
2230 addition to the retirement allowance, office expense allowance,
2231 mileage or travel expense authorized by any statute of the State
2232 of Mississippi; or

2233 (b) Elects to receive compensation for that elective
2234 office in an amount not to exceed twenty-five percent (25%) of the
2235 retiree's average compensation. As used in this paragraph, the
2236 term "compensation" shall not include office expense allowance,
2237 mileage or travel expense authorized by a statute of the State of
2238 Mississippi. In order to receive compensation as allowed in this
2239 paragraph, the member shall file annually, in writing, in the
2240 office of the employer and the office of the executive director of

2241 the system, an election to receive, in addition to a retirement
2242 allowance, compensation as allowed in this paragraph.

2243 This section shall not be construed to mean that any employee
2244 of a private entity which leases staff to local school boards to
2245 provide noninstructional services as authorized in Section
2246 37-7-301(uu) shall become a member of the retirement system.

2247 **SECTION 19.** The State Department of Education shall develop
2248 and recommend proposed legislation for the establishment of the
2249 Mississippi Virtual Public School (MVPS) before the 2006 Regular
2250 Session.

2251 **SECTION 20.** Section 37-151-7, Mississippi Code of 1972, is
2252 amended as follows:

2253 37-151-7. The annual allocation to each school district for
2254 the operation of the adequate education program shall be
2255 determined as follows:

2256 (1) **Computation of the basic amount to be included for**
2257 **current operation in the adequate education program.** The
2258 following procedure shall be followed in determining the annual
2259 allocation to each school district:

2260 (a) **Determination of average daily attendance.** During
2261 months two (2) and three (3) of the current school year, the
2262 average daily attendance of a school district shall be computed,
2263 or the average daily attendance for the prior school year shall be
2264 used, whichever is greater. The district's average daily
2265 attendance shall be computed and currently maintained in
2266 accordance with regulations promulgated by the State Board of
2267 Education.

2268 (b) **Determination of base student cost.** The State
2269 Board of Education, on or before August 1, with adjusted estimate
2270 no later than January 2, shall annually submit to the Legislative
2271 Budget Office and the Governor a proposed base student cost
2272 adequate to provide the following cost components of educating a

2273 pupil in an average school district meeting Level III
2274 accreditation standards required by the Commission on School
2275 Accreditation: (i) Instructional Cost; (ii) Administrative Cost;
2276 (iii) Operation and Maintenance of Plant; and (iv) Ancillary
2277 Support Cost. The department shall utilize a statistical
2278 methodology which considers such factors as, but not limited to,
2279 (i) school size; (ii) assessed valuation per pupil; (iii) the
2280 percentage of students receiving free lunch; (iv) the local
2281 district maintenance tax levy; (v) other local school district
2282 revenues; and (vi) the district's accreditation level, in the
2283 selection of the representative Mississippi school districts for
2284 which cost information shall be obtained for each of the above
2285 listed cost areas.

2286 For the instructional cost component, the department shall
2287 determine the instructional cost of each of the representative
2288 school districts selected above, excluding instructional cost of
2289 self-contained special education programs and vocational education
2290 programs, and the average daily attendance in the selected school
2291 districts. The instructional cost is then totaled and divided by
2292 the total average daily attendance for the selected school
2293 districts to yield the instructional cost component. For the
2294 administrative cost component, the department shall determine the
2295 administrative cost of each of the representative school districts
2296 selected above, excluding administrative cost of self-contained
2297 special education programs and vocational education programs, and
2298 the average daily attendance in the selected school districts.
2299 The administrative cost is then totaled and divided by the total
2300 average daily attendance for the selected school districts to
2301 yield the administrative cost component. For the plant and
2302 maintenance cost component, the department shall determine the
2303 plant and maintenance cost of each of the representative school
2304 districts selected above, excluding plant and maintenance cost of

2305 self-contained special education programs and vocational education
2306 programs, and the average daily attendance in the selected school
2307 districts. The plant and maintenance cost is then totaled and
2308 divided by the total average daily attendance for the selected
2309 school districts to yield the plant and maintenance cost
2310 component. For the ancillary support cost component, the
2311 department shall determine the ancillary support cost of each of
2312 the representative school districts selected above, excluding
2313 ancillary support cost of self-contained special education
2314 programs and vocational education programs, and the average daily
2315 attendance in the selected school districts. The ancillary
2316 support cost is then totaled and divided by the total average
2317 daily attendance for the selected school districts to yield the
2318 ancillary support cost component. The total base cost for each
2319 year shall be the sum of the instructional cost component,
2320 administrative cost component, plant and maintenance cost
2321 component and ancillary support cost component, and any estimated
2322 adjustments for additional state requirements as determined by the
2323 State Board of Education. Provided, however, that the base
2324 student cost in fiscal year 1998 shall be Two Thousand Six Hundred
2325 Sixty-four Dollars (\$2,664.00).

2326 (c) **Determination of the basic adequate education**
2327 **program cost.** The basic amount for current operation to be
2328 included in the Mississippi Adequate Education Program for each
2329 school district shall be computed as follows:

2330 Multiply the average daily attendance of the district by the
2331 base student cost as established by the Legislature, which yields
2332 the total base program cost for each school district.

2333 (d) **Adjustment to the base student cost for at-risk**
2334 **pupils.** The amount to be included for at-risk pupil programs for
2335 each school district shall be computed as follows: Multiply the
2336 base student cost for the appropriate fiscal year as determined

2337 under paragraph (b) by five percent (5%), and multiply that
2338 product by the number of pupils participating in the federal free
2339 school lunch program in such school district, which yields the
2340 total adjustment for at-risk pupil programs for such school
2341 district.

2342 (e) **Add-on program cost.** The amount to be allocated to
2343 school districts in addition to the adequate education program
2344 cost for add-on programs for each school district shall be
2345 computed as follows:

2346 (i) Transportation cost shall be the amount
2347 allocated to such school district for the operational support of
2348 the district transportation system from state funds.

2349 (ii) Vocational or technical education program
2350 cost shall be the amount allocated to such school district from
2351 state funds for the operational support of such programs.

2352 (iii) Special education program cost shall be the
2353 amount allocated to such school district from state funds for the
2354 operational support of such programs.

2355 (iv) Gifted education program cost shall be the
2356 amount allocated to such school district from state funds for the
2357 operational support of such programs.

2358 (v) Alternative school program cost shall be the
2359 amount allocated to such school district from state funds for the
2360 operational support of such programs.

2361 (vi) Extended school year programs shall be the
2362 amount allocated to school districts for those programs authorized
2363 by law which extend beyond the normal school year.

2364 (vii) University-based programs shall be the
2365 amount allocated to school districts for those university-based
2366 programs for handicapped children as defined and provided for in
2367 Section 37-23-131 et seq., Mississippi Code of 1972.

2368 (viii) Bus driver training programs shall be the
2369 amount provided for those driver training programs as provided for
2370 in Section 37-41-1, Mississippi Code of 1972.

2371 The sum of the items listed above (i) transportation, (ii)
2372 vocational or technical education, (iii) special education, (iv)
2373 gifted education, (v) alternative school, (vi) extended school
2374 year, (vii) university-based, and (viii) bus driver training shall
2375 yield the add-on cost for each school district.

2376 (f) **Total projected adequate education program cost.**
2377 The total Mississippi Adequate Education Program Cost shall be the
2378 sum of the total basic adequate education program cost (paragraph
2379 (c)), and the adjustment to the base student cost for at-risk
2380 pupils (paragraph (d)) for each school district.

2381 (g) **Supplemental grant to school districts.** In
2382 addition to the adequate education program grant, the State
2383 Department of Education shall annually distribute an additional
2384 amount as follows: Multiply the base student cost for the
2385 appropriate fiscal year as determined under paragraph (b) by
2386 thirteen one-hundredths percent (.13%) and multiply that product
2387 by the average daily attendance of each school district. Such
2388 grant shall not be subject to the local revenue requirement
2389 provided in subsection (2).

2390 (2) **Computation of the required local revenue in support of**
2391 **the adequate education program.** The amount that each district
2392 shall provide toward the cost of the adequate education program
2393 shall be calculated as follows:

2394 (a) The State Board of Education shall certify to each
2395 school district that twenty-eight (28) mills, less the estimated
2396 amount of the yield of the School Ad Valorem Tax Reduction Fund
2397 grants as determined by the State Department of Education, is the
2398 millage rate required to provide the district required local
2399 effort for that year, or twenty-seven percent (27%) of the basic

2400 adequate education program cost for such school district as
2401 determined under subsection (c), whichever is a lesser amount. In
2402 the case of an agricultural high school the millage requirement
2403 shall be set at a level which generates an equitable amount per
2404 pupil to be determined by the State Board of Education.

2405 (b) The State Board of Education shall determine (i)
2406 the total assessed valuation of nonexempt property for school
2407 purposes in each school district; (ii) assessed value of exempt
2408 property owned by homeowners aged sixty-five (65) or older or
2409 disabled as defined in Section 27-33-67(2), Mississippi Code of
2410 1972; (iii) the school district's tax loss from exemptions
2411 provided to applicants under the age of sixty-five (65) and not
2412 disabled as defined in Section 27-33-67(1), Mississippi Code of
2413 1972; and (iv) the school district's homestead reimbursement
2414 revenues.

2415 (c) The amount of the total adequate education program
2416 funding which shall be contributed by each school district shall
2417 be the sum of the ad valorem receipts generated by the millage
2418 required under this subsection plus the following local revenue
2419 sources for the appropriate fiscal year which are or may be
2420 available for current expenditure by the school district:

2421 One hundred percent (100%) of Grand Gulf income as prescribed
2422 in Section 27-35-309.

2423 (3) **Computation of the required state effort in support of**
2424 **the adequate education program.**

2425 (a) The required state effort in support of the
2426 adequate education program shall be determined by subtracting the
2427 sum of the required local tax effort as set forth in subsection
2428 (2)(a) of this section and the other local revenue sources as set
2429 forth in subsection (2)(c) of this section in an amount not to
2430 exceed twenty-seven percent (27%) of the total projected adequate
2431 education program cost as set forth in subsection (1)(f) of this

2432 section from the total projected adequate education program cost
2433 as set forth in subsection (1)(f) of this section.

2434 (b) Provided, however, that in fiscal year 1998 and in
2435 the fiscal year in which the adequate education program is fully
2436 funded by the Legislature, any increase in the said state
2437 contribution, including the supplemental grant to school districts
2438 provided under subsection (1)(g), to any district calculated under
2439 this section shall be not less than eight percent (8%) in excess
2440 of the amount received by said district from state funds for the
2441 fiscal year immediately preceding. For purposes of this paragraph
2442 (b), state funds shall include minimum program funds less the
2443 add-on programs, state Uniform Millage Assistance Grant funds,
2444 Education Enhancement Funds appropriated for Uniform Millage
2445 Assistance Grants and state textbook allocations, and State
2446 General Funds allocated for textbooks.

2447 (c) If the appropriation is less than full funding for
2448 fiscal year 2003, allocations for state contributions to school
2449 districts in support of the adequate education program will be
2450 determined by the State Department of Education in the following
2451 manner:

2452 (i) Calculation of the full funding amount under
2453 this chapter, with proportionate reductions as required by the
2454 appropriation level.

2455 (ii) Calculation of the amount equal to the state
2456 funds allocated to school districts for fiscal year 2002 plus the
2457 estimated amount to fund the adequate education program salary
2458 schedule for fiscal year 2003. For purposes of this item (ii),
2459 state funds shall be those described in paragraph (b) and an
2460 amount equal to the allocation for the adequate education program
2461 in fiscal year 2002, plus any additional amount required to
2462 satisfy fiscal year 2003 pledges in accordance with paragraphs
2463 (d), (e) and (f) of subsection (5) of this section. If a school

2464 district's fiscal year 2003 pledge is different than the pledge
2465 amount for fiscal year 2002, the district shall receive an amount
2466 equal to the fiscal year 2003 pledge or the amount of funds
2467 calculated under the adequate education formula for fiscal year
2468 2002 before any pledge guarantee for fiscal year 2002, whichever
2469 is greater. If the pledge is no longer in effect, the district
2470 shall receive the amount of funds calculated under the formula for
2471 fiscal year 2002 before any pledge guarantee for fiscal year 2002.

2472 (iii) The portion of any district's allocation
2473 calculated in item (i) of this paragraph which exceeds amounts as
2474 calculated in item (ii) shall be reduced by an amount not to
2475 exceed twenty-one percent (21%). The amount of funds generated by
2476 this reduction of funds shall be redistributed proportionately
2477 among those districts receiving insufficient funds to meet the
2478 amount calculated in item (ii). In no case may any district
2479 receive funds in an amount greater than the amount that the
2480 district would have received under full funding of the program for
2481 fiscal year 2003.

2482 (d) (i) If the school board of any school district
2483 shall determine that it is not economically feasible or
2484 practicable to operate any school within the district for the full
2485 one hundred eighty (180) days required for a school term of a
2486 scholastic year as required in Section 37-13-63, Mississippi Code
2487 of 1972, due to an enemy attack, a manmade, technological or
2488 natural disaster in which the Governor has declared a disaster
2489 emergency under the laws of this state or the President of the
2490 United States has declared an emergency or major disaster to exist
2491 in this state, said school board may notify the State Department
2492 of Education of such disaster and submit a plan for altering the
2493 school term. If the State Board of Education finds such disaster
2494 to be the cause of the school not operating for the contemplated
2495 school term and that such school was in a school district covered

2496 by the Governor's or President's disaster declaration, it may
2497 permit said school board to operate the schools in its district
2498 for less than one hundred eighty (180) days and, in such case, the
2499 State Department of Education shall not reduce the state
2500 contributions to the adequate education program allotment for such
2501 district, because of the failure to operate said schools for one
2502 hundred eighty (180) days.

2503 (ii) Districts meeting the exemption criterion, as
2504 defined in Section 37-17-11, are exempted from the provisions of
2505 this Section 37-151-7(3)(d)(i).

2506 (4) If during the year for which adequate education program
2507 funds are appropriated, any school district experiences a three
2508 percent (3%) or greater increase in average daily attendance
2509 during the second and third month over the preceding year's second
2510 and third month and the school district has requested a minimum
2511 increase of four percent (4%) in local ad valorem revenues over
2512 the previous year as authorized in Sections 37-57-104 and
2513 37-57-105, an additional allocation of adequate education program
2514 funds calculated in the following manner shall be granted to that
2515 district, using any additional funds available to the Department
2516 of Education that exceed the amount of funds due to the school
2517 districts under the basic adequate education program distribution
2518 as provided for in this chapter:

2519 (a) Determine the percentage increase in average daily
2520 attendance for the second and third months of the year for which
2521 adequate education program funds are appropriated over the
2522 preceding year's second and third month average daily attendance.

2523 (b) For those districts that have a three percent (3%)
2524 or greater increase as calculated in paragraph (a) of this
2525 subsection, multiply the total increase in students in average
2526 daily attendance for the second and third months of the year for
2527 which adequate education program funds are appropriated over the

2528 preceding year's second and third month average daily attendance
2529 times the base student cost used in the appropriation.

2530 (c) Subtract the percentage of the district's local
2531 contribution arrived at in subsection (2) of this section from the
2532 amount calculated in paragraph (b) of this subsection. The
2533 remainder is the additional allocation in adequate education
2534 program funds for that district.

2535 If the funds available to the Department of Education are not
2536 sufficient to fully fund the additional allocations to school
2537 districts eligible for those allocations, then the department
2538 shall prorate the available funds among the eligible school
2539 districts, using the same percentage of the total funds that the
2540 school district would have received if the allocations were fully
2541 funded. The State Department of Education shall study and develop
2542 a report to the Chairmen of the Senate and House Committees on
2543 Education by January 1, 2005, with options for legislative
2544 consideration that will insure that the Mississippi Adequate
2545 Education Program funds are distributed to school districts based
2546 on current year student attendance or enrollment.

2547 This subsection (4) shall stand repealed on July 1, 2006.

2548 (5) The Interim School District Capital Expenditure Fund is
2549 hereby established in the State Treasury which shall be used to
2550 distribute any funds specifically appropriated by the Legislature
2551 to such fund to school districts entitled to increased allocations
2552 of state funds under the adequate education program funding
2553 formula prescribed in Sections 37-151-3 through 37-151-7,
2554 Mississippi Code of 1972, until such time as the said adequate
2555 education program is fully funded by the Legislature. The
2556 following percentages of the total state cost of increased
2557 allocations of funds under the adequate education program funding
2558 formula shall be appropriated by the Legislature into the Interim
2559 School District Capital Expenditure Fund to be distributed to all

2560 school districts under the formula: Nine and two-tenths percent
2561 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
2562 (20%) shall be appropriated in fiscal year 1999, forty percent
2563 (40%) shall be appropriated in fiscal year 2000, sixty percent
2564 (60%) shall be appropriated in fiscal year 2001, eighty percent
2565 (80%) shall be appropriated in fiscal year 2002, and one hundred
2566 percent (100%) shall be appropriated in fiscal year 2003 into the
2567 State Adequate Education Program Fund created in subsection (4).
2568 Until July 1, 2002, such money shall be used by school districts
2569 for the following purposes:

2570 (a) Purchasing, erecting, repairing, equipping,
2571 remodeling and enlarging school buildings and related facilities,
2572 including gymnasiums, auditoriums, lunchrooms, vocational training
2573 buildings, libraries, school barns and garages for transportation
2574 vehicles, school athletic fields and necessary facilities
2575 connected therewith, and purchasing land therefor. Any such
2576 capital improvement project by a school district shall be approved
2577 by the State Board of Education, and based on an approved
2578 long-range plan. The State Board of Education shall promulgate
2579 minimum requirements for the approval of school district capital
2580 expenditure plans.

2581 (b) Providing necessary water, light, heating, air
2582 conditioning, and sewerage facilities for school buildings, and
2583 purchasing land therefor.

2584 (c) Paying debt service on existing capital improvement
2585 debt of the district or refinancing outstanding debt of a district
2586 if such refinancing will result in an interest cost savings to the
2587 district.

2588 (d) From and after October 1, 1997, through June 30,
2589 1998, pursuant to a school district capital expenditure plan
2590 approved by the State Department of Education, a school district
2591 may pledge such funds until July 1, 2002, plus funds provided for

2592 in paragraph (e) of this subsection (5) that are not otherwise
2593 permanently pledged under such paragraph (e) to pay all or a
2594 portion of the debt service on debt issued by the school district
2595 under Sections 37-59-1 through 37-59-45, 37-59-101 through
2596 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
2597 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
2598 issued by boards of supervisors for agricultural high schools
2599 pursuant to Section 37-27-65, Mississippi Code of 1972, or
2600 lease-purchase contracts entered into pursuant to Section 31-7-13,
2601 Mississippi Code of 1972, or to retire or refinance outstanding
2602 debt of a district, if such pledge is accomplished pursuant to a
2603 written contract or resolution approved and spread upon the
2604 minutes of an official meeting of the district's school board or
2605 board of supervisors. It is the intent of this provision to allow
2606 school districts to irrevocably pledge their Interim School
2607 District Capital Expenditure Fund allotments as a constant stream
2608 of revenue to secure a debt issued under the foregoing code
2609 sections. To allow school districts to make such an irrevocable
2610 pledge, the state shall take all action necessary to ensure that
2611 the amount of a district's Interim School District Capital
2612 Expenditure Fund allotments shall not be reduced below the amount
2613 certified by the department or the district's total allotment
2614 under the Interim Capital Expenditure Fund if fully funded, so
2615 long as such debt remains outstanding.

2616 (e) From and after October 1, 1997, through June 30,
2617 1998, in addition to any other authority a school district may
2618 have, any school district may issue State Aid Capital Improvement
2619 Bonds secured in whole by a continuing annual pledge of any
2620 Mississippi Adequate Education Program funds available to the
2621 district, in an amount not to exceed One Hundred Sixty Dollars
2622 (\$160.00) per pupil based on the latest completed average daily
2623 attendance count certified by the department prior to the issuance

2624 of the bonds. Such State Aid Capital Improvement Bonds may be
2625 issued for the purposes enumerated in paragraphs (a), (b), (c) and
2626 (g) of this section. Prior to issuing such bonds, the school
2627 board of the district shall adopt a resolution declaring the
2628 necessity for and its intention of issuing such bonds and
2629 borrowing such money, specifying the approximate amount to be so
2630 borrowed, how such money is to be used and how such indebtedness
2631 is to be evidenced. Any capital improvement project financed with
2632 State Aid Capital Improvement Bonds shall be approved by the
2633 department, and based on an approved long-range plan. The State
2634 Board of Education shall promulgate minimum requirements for the
2635 approval of such school district capital expenditure plans. The
2636 State Board of Education shall not approve any capital expenditure
2637 plan for a pledge of funds under this paragraph unless it
2638 determines (i) that the quality of instruction in such district
2639 will not be reduced as a result of this pledge, and (ii) the
2640 district has other revenue available to attain and maintain at
2641 least Level III accreditation.

2642 A district issuing State Aid Capital Improvement Bonds may
2643 pledge for the repayment of such bonds all funds received by the
2644 district from the state, in an amount not to exceed One Hundred
2645 Sixty Dollars (\$160.00) per pupil in average daily attendance in
2646 the school district as set forth above, and not otherwise
2647 permanently pledged under paragraph (d) of this subsection or
2648 under Section 37-61-33(2)(d), Mississippi Code of 1972. The
2649 district's school board shall specify by resolution the amount of
2650 state funds, which are being pledged by the district for the
2651 repayment of the State Aid Capital Improvement Bonds. Once such a
2652 pledge is made to secure the bonds, the district shall notify the
2653 department of such pledge. Upon making such a pledge, the school
2654 district may request the department which may agree to irrevocably
2655 transfer a specified amount or percentage of the district's state

2656 revenue pledged to repay the district's State Aid Capital
2657 Improvement Bonds directly to a state or federally chartered bank
2658 serving as a trustee or paying agent on such bonds for the payment
2659 of all or portion of such State Aid Capital Improvement Bonds.
2660 Such instructions shall be incorporated into a resolution by the
2661 school board for the benefit of holders of the bonds and may
2662 provide that such withholding and transfer of such other available
2663 funds shall be made only upon notification by a trustee or paying
2664 agent on such bonds that the amounts available to pay such bonds
2665 on any payment date will not be sufficient. It is the intent of
2666 this provision to allow school districts to irrevocably pledge a
2667 certain, constant stream of revenue as security for State Aid
2668 Capital Improvement Bonds issued hereunder. To allow school
2669 districts to make such an irrevocable pledge, the state shall take
2670 all action necessary to ensure that the amount of a district's
2671 state revenues up to an amount equal to One Hundred Sixty Dollars
2672 (\$160.00) per pupil as set forth above which have been pledged to
2673 repay debt as set forth herein shall not be reduced so long as any
2674 State Aid Capital Improvement Bonds are outstanding.

2675 Any such State Aid Capital Improvement bonds shall mature as
2676 determined by the district's school bond over a period not to
2677 exceed twenty (20) years. Such bonds shall not bear a greater
2678 overall maximum interest rate to maturity than that allowed in
2679 Section 75-17-101, Mississippi Code of 1972. The further details
2680 and terms of such bonds shall be as determined by the school board
2681 of the district.

2682 The provisions of this subsection shall be cumulative and
2683 supplemental to any existing funding programs or other authority
2684 conferred upon school districts or school boards. Debt of a
2685 school district secured in whole by a pledge of revenue pursuant
2686 to this section shall not be subject to any debt limitation.

2687 For purposes of this paragraph (e), "State Aid Capital
2688 Improvement Bond" shall mean any bond, note, or other certificate
2689 of indebtedness issued by a school district under the provisions
2690 hereof.

2691 This paragraph (e) shall stand repealed from and after June
2692 30, 1998.

2693 (f) As an alternative to the authority granted under
2694 paragraph (e), a school district, in its discretion, may authorize
2695 the State Board of Education to withhold an amount of the
2696 district's adequate education program allotment equal to up to One
2697 Hundred Sixty Dollars (\$160.00) per student in average daily
2698 attendance in the district to be allocated to the State Public
2699 School Building Fund to the credit of such school district. A
2700 school district may choose the option provided under this
2701 paragraph (e) or paragraph (f), but not both. In addition to the
2702 grants made by the state pursuant to Section 37-47-9, a school
2703 district shall be entitled to grants based on the allotments to
2704 the State Public School Building Fund credited to such school
2705 district under this paragraph. This paragraph (f) shall stand
2706 repealed from and after June 30, 1998.

2707 (g) The State Board of Education may authorize the
2708 school district to expend not more than twenty percent (20%) of
2709 its annual allotment of such funds or Twenty Thousand Dollars
2710 (\$20,000.00), whichever is greater, for technology needs of the
2711 school district, including computers, software,
2712 telecommunications, cable television, interactive video, film
2713 low-power television, satellite communications, microwave
2714 communications, technology-based equipment installation and
2715 maintenance, and the training of staff in the use of such
2716 technology-based instruction. Any such technology expenditure
2717 shall be reflected in the local district technology plan approved

2718 by the State Board of Education under Section 37-151-17,
2719 Mississippi Code of 1972.

2720 (h) To the extent a school district has not utilized
2721 twenty percent (20%) of its annual allotment for technology
2722 purposes under paragraph (g), a school district may expend not
2723 more than twenty percent (20%) of its annual allotment or Twenty
2724 Thousand Dollars (\$20,000.00), whichever is greater, for
2725 instructional purposes. The State Board of Education may
2726 authorize a school district to expend more than said twenty
2727 percent (20%) of its annual allotment for instructional purposes
2728 if it determines that such expenditures are needed for
2729 accreditation purposes.

2730 (i) The State Department of Education or the State
2731 Board of Education may require that any project commenced pursuant
2732 to this section with an estimated project cost of not less than
2733 Five Million Dollars (\$5,000,000.00) shall be done only pursuant
2734 to program management of the process with respect to design and
2735 construction. Any individuals, partnerships, companies or other
2736 entities acting as a program manager on behalf of a local school
2737 district and performing program management services for projects
2738 covered under this subsection shall be approved by the State
2739 Department of Education.

2740 Any interest accruing on any unexpended balance in the
2741 Interim School District Capital Expenditure Fund shall be invested
2742 by the State Treasurer and placed to the credit of each school
2743 district participating in such fund in its proportionate share.

2744 The provisions of this subsection (5) shall be cumulative and
2745 supplemental to any existing funding programs or other authority
2746 conferred upon school districts or school boards.

2747 **SECTION 21.** Section 37-15-37, Mississippi Code of 1972, is
2748 amended as follows:

2749 37-15-37. The local school boards of public school districts
2750 and the Board of Trustees of State Institutions of Higher Learning
2751 are authorized to establish a dual enrollment and dual credit
2752 program under which high school students meeting the requirements
2753 prescribed in this section may enroll at an institution of higher
2754 learning in Mississippi while they are still attending high school
2755 and enrolled in high school courses, with tuition and costs to be
2756 paid by grants, foundations, local funds or other private sources.
2757 Students may be admitted to enroll in university-level courses
2758 under the dual enrollment program if they meet the following
2759 recommended admission requirements:

2760 (a) Students must have completed a minimum of fourteen
2761 (14) core high school units;

2762 (b) Students must have a 3.0 grade point average on a
2763 4.0 scale, or better, on all high school courses, as documented by
2764 an official high school transcript; a home-schooled student must
2765 submit a transcript prepared by a parent, guardian or custodian
2766 with a signed, sworn affidavit to meet the requirement of this
2767 paragraph; and

2768 (c) Students must have an unconditional written
2769 recommendation from their high school principal and/or guidance
2770 counselor. A home-schooled student must submit a parent, legal
2771 guardian or custodian's written recommendation to meet the
2772 requirement of this paragraph.

2773 Students may be considered for the dual enrollment program
2774 who have not completed the minimum of fourteen (14) core high
2775 school units if they have a minimum ACT composite score of
2776 twenty-eight (28) or the equivalent SAT score, and have the
2777 required grade point average and recommendations prescribed above.

2778 Tuition and costs for university-level courses under this
2779 program shall be paid from grants, foundations, local funds or
2780 other private sources, to be paid directly to the participating

2781 university. Students admitted in the dual enrollment program
2782 shall be counted for adequate education program funding purposes
2783 in the average daily attendance of the public school district in
2784 which they attend high school. Any additional transportation
2785 required by a student to participate in the dual enrollment
2786 program shall be the responsibility of the parents or legal
2787 guardians of the student, but may be paid for from private
2788 sources. Grades and college credits earned by students admitted
2789 to the dual enrollment program shall be recorded on the college
2790 transcript at the university where the student attends classes and
2791 where appropriate, as prescribed by the Mississippi Department of
2792 Education's high school graduation requirements, the state
2793 institutions of higher learning's admission requirements, and as
2794 described in the articulation agreement authorized in Section
2795 37-101-28, shall be counted as dual credit. The transcript of
2796 such university course work may be released to another institution
2797 or used for college graduation requirements only after the student
2798 has received his high school diploma.

2799 **SECTION 22.** Section 37-29-1, Mississippi Code of 1972, is
2800 amended as follows:

2801 37-29-1. (1) The creation, establishment, maintenance and
2802 operation of community and junior colleges is authorized.
2803 Community and junior colleges may admit students if they have
2804 earned one (1) unit less than the number of units required for
2805 high school graduation established by State Board of Education
2806 policy or have earned a General Education Diploma (GED) in courses
2807 correlated to those of senior colleges or professional schools.
2808 They shall offer education and training preparatory for
2809 occupations such as agriculture, industry, business, homemaking
2810 and for other occupations on the semiprofessional and
2811 vocational-technical level. They may offer courses and services

2812 to students regardless of their previous educational attainment or
2813 further academic plans.

2814 (2) The boards of trustees of the community and junior
2815 college districts are authorized to establish a dual enrollment
2816 program under which high school students meeting the requirements
2817 prescribed in this section may enroll and receive dual credit at a
2818 community or junior college while they are still attending high
2819 school and enrolled in high school courses. Students may be
2820 admitted to enroll in community or junior college courses under
2821 the dual enrollment program if they meet the following recommended
2822 admission requirements:

2823 (a) Students must have completed a minimum of fourteen
2824 (14) core high school units;

2825 (b) Students must have a 3.0 grade point average on a
2826 4.0 scale, or better, on all high school courses, as documented by
2827 an official high school transcript; a home-schooled student must
2828 submit a transcript prepared by a parent, guardian or custodian
2829 with a signed, sworn affidavit to meet the requirement of this
2830 paragraph; and

2831 (c) Students must have an unconditional written
2832 recommendation from their high school principal and/or guidance
2833 counselor. A home-schooled student must submit a parent, legal
2834 guardian or custodian's written recommendation to meet the
2835 requirement of this paragraph.

2836 Students may be considered for the dual enrollment program
2837 who have not completed the minimum of fourteen (14) core high
2838 school units if they have a minimum ACT composite score of
2839 twenty-eight (28) or the equivalent SAT score, and have the
2840 required grade point average and recommendations prescribed above.

2841 Students admitted in the dual enrollment program shall be
2842 counted for adequate education program funding purposes in the
2843 average daily attendance of the public school district in which

2844 they attend high school. Any additional transportation required
2845 by a student to participate in the dual enrollment program shall
2846 be the responsibility of the parents or legal guardians of the
2847 student. Grades and college credits earned by students admitted
2848 to the dual enrollment program shall be recorded on the college
2849 transcript at the community or junior college where the student
2850 attends classes. The transcript of such college course work may
2851 be released to another institution or used for college graduation
2852 requirements only after the student has received his high school
2853 diploma.

2854 (3) The boards of trustees of the community and junior
2855 college districts are authorized to establish an early admission
2856 program under which applicants meeting all requirements prescribed
2857 in subsection (2)(a) through (c) and having a minimum ACT
2858 composite score of twenty-four (24) or the equivalent SAT score
2859 may be admitted as full-time college students if the principal or
2860 guidance counselor of the student recommends in writing that it is
2861 in the best educational interest of the student. Such
2862 recommendation shall also state that the student's age will not
2863 keep him from being a successful full-time college student.
2864 Students admitted in the early admission program shall not be
2865 counted for adequate education program funding purposes in the
2866 average daily attendance of the school district in which they
2867 reside, and transportation required by a student to participate in
2868 the early admission program shall be the responsibility of the
2869 parents or legal guardians of the student. Grades and college
2870 credits earned by students admitted to the early admission program
2871 shall be recorded on the college transcript at the community or
2872 junior college where the student attends classes, and may be
2873 released to another institution or used for college graduation
2874 requirements only after the student has successfully completed one
2875 (1) full semester of course work.

2876 (4) The community and junior colleges shall provide, through
2877 courses or other acceptable educational measures, the general
2878 education necessary to individuals and groups which will tend to
2879 make them capable of living satisfactory lives consistent with the
2880 ideals of a democratic society.

2881 **SECTION 23.** The following provision shall be codified as
2882 Section 37-15-39, Mississippi Code of 1972:

2883 37-15-39. (1) The purpose of this section is to ensure that
2884 each student has a sufficient education for success after high
2885 school and that all students have equal access to a substantive
2886 and rigorous curriculum that is designed to challenge their minds
2887 and enhance their knowledge skill.

2888 (2) For purposes of this section:

2889 (a) "Advanced placement course" means any high school
2890 level preparatory course for a college advanced placement test
2891 that:

2892 (i) Incorporates all topics specified by
2893 recognized advanced placement authorities on standards for a given
2894 subject area; and

2895 (ii) Is approved by recognized advanced placement
2896 authorities;

2897 (b) "Dual enrollment course" means a postsecondary
2898 level course(s) offered by state institutions of higher learning
2899 and community or junior colleges, upon successful completion would
2900 qualify for academic credit in both the postsecondary institution
2901 and public high school;

2902 (c) "Pre-advanced placement course" means a middle
2903 school, junior high school or high school level course that
2904 specifically prepares students to enroll and to participate in an
2905 advanced placement course;

2906 (d) "Vertical team" means a group of educators from
2907 different grade levels in a given discipline who work

2908 cooperatively to develop and implement a vertically aligned
2909 program aimed at helping students from diverse backgrounds acquire
2910 the academic skills necessary for success in the advanced
2911 placement program and other challenging course work; and

2912 (e) "High concentration of low-income students," used
2913 with respect to a public school or public school district, means a
2914 public school or public school district that serves a student
2915 population fifty percent (50%) or more of whom are low-income
2916 individuals ages five (5) through seventeen (17) years from a
2917 low-income family on the basis data on children eligible for the
2918 free or reduced-price lunches under the National School Lunch Act,
2919 data on children in families receiving assistance under Part A of
2920 Title IV of the Social Security Act, or data on children eligible
2921 to receive medical assistance under the Medicaid program under
2922 Title XIX of the Social Security Act, or through an alternate
2923 method that combines or extrapolates from those data sets.

2924 (3) (a) A teacher of an advanced placement and/or
2925 pre-advanced placement course must obtain appropriate training.

2926 (b) The State Board of Education shall establish clear,
2927 specific, and challenging training guidelines that require
2928 teachers of advanced placement courses and teachers of
2929 pre-advanced placement courses to obtain a recognized advanced
2930 placement authority endorsed training.

2931 (4) (a) In order to ensure that each student has a
2932 sufficient education for success after high school and that all
2933 students have equal access to a substantive and rigorous
2934 curriculum that is designed to challenge their minds and enhance
2935 their knowledge skill, school districts should offer pre-advanced
2936 placement courses to prepare students for the demands of advanced
2937 placement course work.

2938 (b) Subject to appropriation, beginning in 2007-2008
2939 school year, all sophomores in Mississippi's public schools shall

2940 take a recognized advanced placement authority approved
2941 examination that measures students' ability to succeed in an
2942 advanced placement course.

2943 (c) The State Department of Education shall:

2944 (i) Approve all classes designated as pre-advanced
2945 placement courses;

2946 (ii) Develop rules necessary for the
2947 implementation of advanced placement courses;

2948 (iii) Seek federal funding through the Advanced
2949 Placement Incentive Grant Program and other available funding; and

2950 (iv) Focus funding with the intent to carry out
2951 activities that target school districts serving a high
2952 concentration of low-income students.

2953 (5) Subject to appropriation, beginning with the 2007-2008
2954 school year, all school districts shall offer at least one (1)
2955 advanced placement course in each of the four (4) core areas of
2956 math, English, science and social studies for a total of four (4)
2957 courses. The use of the state's on-line Advanced Placement
2958 Instructional Program is an appropriate alternative or some other
2959 form of appropriate distance learning source.

2960 (6) Any high school offering the International Baccalaureate
2961 Diploma Programme shall be exempt from the provisions of
2962 subsection 5 of this section but shall have the right to
2963 participate in teacher training and program funding as any high
2964 school offering advanced placement courses.

2965 **SECTION 24.** Section 37-16-7, Mississippi Code of 1972, is
2966 amended as follows:

2967 37-16-7. (1) Each district school board shall establish
2968 standards for graduation from its schools which shall include as a
2969 minimum:

2970 (a) Mastery of minimum academic skills as measured by
2971 assessments developed and administered by the State Board of
2972 Education.

2973 (b) Completion of a minimum number of academic credits,
2974 and all other applicable requirements prescribed by the district
2975 school board.

2976 (2) A student who meets all requirements prescribed in
2977 subsection (1) of this section shall be awarded a standard diploma
2978 in a form prescribed by the state board.

2979 (3) The State Board of Education may establish student
2980 proficiency standards for promotion to grade levels leading to
2981 graduation.

2982 (4) For the purposes of awarding credit for graduation, the
2983 State Board of Education may approve the use of additional
2984 assessments or substitute tests for the correlated Mississippi
2985 Curriculum Framework assessment, such as academic achievement
2986 tests, industry certifications or state licensure examinations.
2987 The State Board of Education may permit students participating in
2988 vocational and technical education programs designed to enable
2989 such students to pass such industry certification examinations or
2990 state licensure examinations to be awarded, upon obtaining
2991 satisfactory scores on such industry certification or licensure
2992 examinations, the appropriate verified units of credit for one or
2993 more vocational and technical education classes which have been
2994 integrated into the Mississippi Curriculum Framework. Such
2995 industry certification and state licensure examinations may cover
2996 relevant classes related to the Mississippi Curriculum Framework
2997 and may, at the discretion of the State Board of Education,
2998 address some Mississippi Curriculum Framework for required
2999 classes.

3000 **SECTION 25.** Section 37-31-61, Mississippi Code of 1972, is
3001 amended as follows:

3002 37-31-61. (1) For the development of industry-recognized
3003 certifications, the State Board of Education shall incorporate
3004 into its vocational education program a comparable curriculum
3005 framework for mathematics, science, English and social studies,
3006 including history, and other subject areas as may be appropriate.
3007 The board may also authorize, in its regulations for accrediting
3008 public schools in Mississippi, the substitution of industry
3009 certification and state licensure examinations for the curriculum
3010 framework assessments for the purpose of awarding verified units
3011 of credit for vocational education courses, where appropriate.

3012 (2) In coordination with the Department of Employment
3013 Security, there shall be established, within the Department of
3014 Education, subject to funding, a unit of specialists in vocational
3015 education. The unit shall (a) assist in developing and revising
3016 local vocational education programs to integrate into the
3017 Mississippi Department of Education's curriculum framework, (b)
3018 provide professional development for vocational education
3019 personnel to improve the quality of vocational education, and (c)
3020 seek the input of business and industry representatives regarding
3021 the content and direction of the vocational education programs in
3022 the public schools of Mississippi.

3023 (3) The trustees of such school district, as classified and
3024 defined by law, including those already having this authority, and
3025 the trustees of agricultural high schools and community/junior
3026 colleges may, with the consent in writing of the State Board of
3027 Education, establish and conduct such schools, classes or courses,
3028 under the provisions herein stated and under the general
3029 supervision of the board.

3030 **SECTION 26.** Section 37-31-69, Mississippi Code of 1972, is
3031 amended as follows:

3032 37-31-69. (1) The school board of a local school district,
3033 in its discretion, may establish and implement a vocational

3034 apprenticeship program in the high schools in that district
3035 through which students may earn high school units for vocational
3036 experience or an industry-recognized certification as defined in
3037 Section 37-31-61 as an alternative to those high school units
3038 required by the school district in addition to the core curriculum
3039 defined by the State Board of Education. The purpose of a
3040 vocational apprenticeship program established pursuant to this
3041 section shall be to provide those students with skills and
3042 training that will lead to gainful employment in a trade or other
3043 specialized vocation or an industry-recognized certification.

3044 (2) Students who participate in the vocational
3045 apprenticeship or an industry-recognized certification program
3046 shall be required to complete all high school units comprising the
3047 core curriculum, as defined by the State Board of Education
3048 pursuant to Section 37-31-61. In addition, a student in the
3049 vocational apprenticeship program may be awarded credit for an
3050 additional eight (8) high school units earned through the
3051 vocational apprenticeship or an industry-recognized certification
3052 program, which units shall apply toward, and must be recognized by
3053 the State Board of Education in fulfillment of, the local school
3054 district's graduation requirements. Units may be awarded in the
3055 vocational apprenticeship program, whereby a student gains actual
3056 work experience through employment in a job approved by the local
3057 school district. The local school district shall adopt policies
3058 governing the participation of students in the vocational
3059 apprenticeship or an industry-recognized certification program.

3060 (3) Students successfully completing a vocational
3061 apprenticeship or an industry-recognized certification program
3062 established pursuant to this section are entitled to a diploma
3063 evidencing graduation from a high school in Mississippi.

3064 **SECTION 27.** Section 37-31-205, Mississippi Code of 1972, is
3065 amended as follows:

3066 37-31-205. (1) The State Board of Education shall have the
3067 authority to:

3068 (a) Expend funds received either by appropriation or
3069 directly from federal or private sources;

3070 (b) Channel funds to secondary schools, community and
3071 junior colleges and regional vocational-technical facilities
3072 according to priorities set by the board;

3073 (c) Allocate funds on an annual budgetary basis;

3074 (d) Set standards for and approve all vocational and
3075 technical education programs or an industry-recognized
3076 certification program in the public school system and community
3077 and junior colleges or other agencies or institutions which
3078 receive state funds and federal funds for such purposes,
3079 including, but not limited to, the following vocational and
3080 technical education programs: agriculture, trade and industry,
3081 occupational home economics, consumer and homemaking education,
3082 distributive education, business and office, health, industrial
3083 arts, guidance services, technical education, cooperative
3084 education, and all other specialized training not requiring a
3085 bachelor's degree, with the exception of programs of nursing
3086 education regulated under the provisions of Section 37-129-1. The
3087 State Board of Education shall authorize local school boards,
3088 within such school board's discretion, to offer distributive
3089 education as a one-hour or two-hour block course. There shall be
3090 no reduction of payments from state funding for distributive
3091 education due to the selection of either the one-hour or two-hour
3092 course offering;

3093 (e) Set and publish licensure standards for vocational
3094 and technical education personnel. The State Board of Education
3095 shall recognize a vocational and technical education teacher's
3096 work when school is not in session which is in the teacher's
3097 particular field of instruction as a means for the teacher to

3098 fulfill the requirements for renewal of the teacher's license.
3099 The board shall establish, by rules and regulations, the
3100 documentation of such work which must be submitted to the board
3101 and the number of actual working hours required to fulfill renewal
3102 requirements. If a vocational and technical education teacher who
3103 does not have a bachelor's degree takes classes in fulfillment of
3104 licensure renewal requirements, such classes must be in
3105 furtherance of a bachelor's degree;

3106 (f) Require data and information on program performance
3107 from those programs receiving state funds;

3108 (g) Expend funds to expand career information;

3109 (h) Supervise and maintain the Division of Vocational
3110 and Technical Education and to utilize, to the greatest extent
3111 possible, the division as the administrative unit of the board
3112 responsible for coordinating programs and services with local
3113 institutions;

3114 (i) Utilize appropriate staff of the State Department
3115 of Education to perform services for the vocational student
3116 organizations, including, but not limited to, procurement,
3117 accounting services, tax services and banking services. The
3118 department may also procure and pay for annual audits of the
3119 vocational student organizations using vocational funds or other
3120 available funds of the State Department of Education. It is the
3121 intent of this provision that any related costs be paid with
3122 vocational funds appropriated by the Legislature;

3123 (j) Promulgate such rules and regulations necessary to
3124 carry out the provisions of this chapter in accordance with
3125 Section 25-43-1 et seq.;

3126 (k) Set standards and approve all vocational and
3127 technical education equipment and facilities purchased and/or
3128 leased with state and federal vocational funds;

3129 (1) Encourage provisions for lifelong learning and
3130 changing personal career preferences and advancement of vocational
3131 and technical education students through articulated programs
3132 between high schools and community and junior colleges;

3133 (m) Encourage the establishment of new linkages with
3134 business and industry which will provide for a better
3135 understanding of essential labor market concepts;

3136 (n) Periodically review the funding and reporting
3137 processes required of local school districts by the board or
3138 division with the aim of simplifying or eliminating inefficient
3139 practices and procedures;

3140 (o) Assist in the development of high technology
3141 programs and resource centers to support current and projected
3142 industrial needs;

3143 (p) Assist in the development of a technical assistance
3144 program for business and industry which will provide for
3145 industrial training and services, including the transfer of
3146 information relative to new applications and advancements in
3147 technology; and

3148 (q) Enter into contracts and agreements with the State
3149 Board for Community and Junior Colleges for conditions under which
3150 vocational and technical education programs in community and
3151 junior colleges shall receive state and federal funds which flow
3152 through the State Board of Education for such purposes.

3153 (2) It is the intent of the Legislature that no vocational
3154 and technical education course or program existing on June 30,
3155 1982, shall be eliminated by the State Board of Education under
3156 the authority vested in paragraph (d) of subsection (1) of this
3157 section prior to June 30, 1985. It is further the intent of the
3158 Legislature that no vocational and technical education teacher or
3159 other personnel employed on June 30, 1983, shall be discharged due
3160 to licensure standards promulgated by the board under paragraph

3161 (e) of subsection (1) of this section, if any such teacher or
3162 personnel shall have complied with any newly published licensure
3163 standards by June 30, 1985. Nothing contained in this section
3164 shall be construed to abrogate or affect in any manner the
3165 authority of local public school districts or community and junior
3166 colleges to eliminate vocational and technical education courses
3167 or programs or to discharge any vocational and technical education
3168 teacher or other personnel.

3169 (3) The State Board of Education and the State Board for
3170 Community and Junior Colleges may provide that every vocational
3171 and technical education course or program in Mississippi may
3172 integrate academic and vocational-technical education through
3173 coherent sequences of courses, so that students in such programs
3174 achieve both academic and occupational competencies or an
3175 industry-recognized certification. The boards may expend federal
3176 funds available from the 1990 Perkins Act, or other available
3177 federal funds, for an industry-recognized certification through
3178 the accreditation process and the teacher licensure process.

3179 **SECTION 28.** Section 37-31-207, Mississippi Code of 1972, is
3180 amended as follows:

3181 37-31-207. (1) The State Board of Education shall have the
3182 following duties:

3183 (a) To seek the best available projections of
3184 employment and occupations for Mississippians;

3185 (b) To utilize these projections and other
3186 considerations to set vocational and technical education
3187 priorities;

3188 (c) To utilize the services of all state agencies
3189 having information regarding the purposes of this chapter;

3190 (d) To cooperate with the Governor's Office of Job
3191 Development and Training and the Board of Economic Development to

3192 prevent duplication and provide continuity of employment and
3193 training services;

3194 (e) To conduct evaluations of the success or failure of
3195 vocational-technical programs, including the extent to which
3196 training actually leads to jobs in the field in which the student
3197 was trained;

3198 (f) Obtain and publish data and information on program
3199 performance from those vocational-technical programs receiving
3200 state funds; and

3201 (g) To notify local school districts and public
3202 community/junior colleges prior to March 1 annually of any
3203 discontinuation of ongoing vocational programs which would affect
3204 the renewing of contracts with vocational personnel.

3205 (2) The State Board of Education is directed to partner with
3206 the State Board for Community and Junior Colleges and the
3207 representatives of the business community appointed by the
3208 Governor to establish the "Industry Certification Partnership"
3209 program whose mission it will be to develop and implement a
3210 program designed to encourage businesses in Mississippi to offer
3211 potential high school dropout students a semester scholarship at a
3212 community or junior college for industry specific training after
3213 their graduation in return for their promise or compact to stay in
3214 school.

3215 **SECTION 29.** (1) There is established a commission to be
3216 known as the "Mississippi High School Redesign Commission."

3217 (2) The commission shall consist of four (4) members, who
3218 shall serve ex officio, as follows:

3219 (a) The Governor of the State of Mississippi, who shall
3220 serve as Chairman;

3221 (b) The State Superintendent of Education;

3222 (c) The Commissioner of the State Board for Community
3223 and Junior Colleges; and

3224 (d) The Commissioner of Higher Education.

3225 (3) The mission of the Mississippi High School Redesign
3226 Commission shall include, but not be limited to, the following:

3227 (a) Assess the dropout crisis in Mississippi and
3228 recommend action steps to address it;

3229 (b) Create a set of common definitions for graduation
3230 and dropout rates that can be used to compare their progress
3231 relative to other states;

3232 (c) Facilitate agreements to make the Mississippi high
3233 school experience more meaningful;

3234 (d) To encourage more rigor and relevance in the high
3235 school experience;

3236 (e) Facilitate the transferability of education from
3237 secondary to postsecondary institutions;

3238 (f) Raise state awareness on the need for improving
3239 Mississippi's high schools;

3240 (g) Develop a series of best practices policy actions
3241 state policymakers and legislators can implement to achieve
3242 system-wide high school reform; and

3243 (h) Convene town hall meetings around the state where
3244 students, teachers, administrators and parents can talk about high
3245 school, the senior year and impediments to greater success.

3246 (4) The commission may prepare an annual report for the
3247 consideration of the Chairmen of the House and Senate Education
3248 and University and College Committees pertaining to the
3249 information gathered in pursuit of their mission.

3250 (5) The commission members shall meet at times and places
3251 they deem necessary and use all available resources to fulfill its
3252 mission.

3253 **SECTION 30.** Section 37-21-55, Mississippi Code of 1972, is
3254 amended as follows:

3255 37-21-55. (1) The Interagency Advisory Committee for Early
3256 Childhood Services is created to develop and make recommendations
3257 to the Early Childhood Services Interagency Coordinating Council
3258 established under Section 37-21-53 as deemed necessary to
3259 implement the council's responsibilities relating to all programs
3260 serving preschool children and their families in Mississippi.

3261 (2) The membership of the Interagency Advisory Committee for
3262 Early Childhood Services shall be as follows:

3263 (a) The Chairmen of the Senate Education, Public Health
3264 and Welfare and Appropriations Committees, or their Senate
3265 designees;

3266 (b) The Chairmen of the House Education, Public Health
3267 and Welfare and Appropriations Committees, or their House
3268 designees;

3269 (c) A representative of the Governor;

3270 (d) A representative of the State Department of
3271 Education;

3272 (e) A representative of the State Department of Health;

3273 (f) A representative of the Department of Human
3274 Services;

3275 (g) A representative of the State Department of Mental
3276 Health;

3277 (h) A representative of the State Department of
3278 Rehabilitation Services;

3279 (i) The following representatives of the early
3280 childhood profession:

3281 (i) The President of the Mississippi Head Start
3282 Association;

3283 (ii) A representative from a regulated family
3284 child care home network appointed by the Governor;

3285 (iii) A representative from a licensed child care
3286 center appointed by the President of the Senate;

3287 (iv) A representative from a public school
3288 prekindergarten program appointed by the Speaker of the House;
3289 (v) A representative from a private school
3290 prekindergarten program appointed by the Governor;
3291 (vi) A representative from a half-day church
3292 sponsored prekindergarten program appointed by the Speaker of the
3293 House;
3294 (vii) A representative from a university or
3295 college early childhood program appointed by the President of the
3296 Senate;
3297 (viii) A representative of a tribal early
3298 childhood program appointed by the Governor;
3299 (ix) A representative of an early childhood
3300 professional organization appointed by the President of the
3301 Senate;
3302 (x) A representative of an advocacy organization
3303 appointed by the Speaker of the House; and
3304 (xi) A representative of a community or junior
3305 college early childhood program appointed by the Governor;
3306 (j) A parent of a preschool-age child appointed by the
3307 Governor;
3308 (k) A parent of a preschool-age child with special
3309 needs appointed by the Speaker of the House;
3310 (l) A representative of the cooperative extension
3311 services appointed by the President of the Senate;
3312 (m) A physician who is a member of the Mississippi
3313 Chapter of the American Academy of Pediatrics, appointed by the
3314 Director of the University Medical Center;
3315 (n) The Director of the Mississippi Public Education
3316 Forum, or his designee; and
3317 (o) The Executive Director of the Mississippi Economic
3318 Council, or his designee.

3319 To the extent possible, any representative of a state agency
3320 designated to serve on the Interagency Advisory Committee shall be
3321 the same individual designated to assist the Interagency
3322 Coordinating Council in performing its duties and
3323 responsibilities.

3324 (3) The advisory committee shall meet upon call of the Early
3325 Childhood Services Interagency Coordinating Council before August
3326 1, 2000, and the council shall appoint a chairman from among the
3327 membership of the advisory committee. The chairman shall serve
3328 for a one-year term and may be reappointed for subsequent terms.
3329 The advisory committee shall adopt internal organizational
3330 procedures necessary for efficient operation of the advisory
3331 committee and may establish subcommittees for conducting specific
3332 programs and activities. Advisory committee procedures must
3333 include duties of officers, a process for selecting officers,
3334 duties of subcommittees, quorum requirements for conducting
3335 business and policies for any staff. The members of the Early
3336 Childhood Services Interagency Coordinating Council shall
3337 designate necessary staff of their departments to assist the
3338 advisory committee in performing its duties and responsibilities.
3339 The advisory committee shall meet and conduct business at least
3340 quarterly. Quarterly meetings of the advisory committee shall be
3341 open to the public, and opportunity for public comment must be
3342 made available at each meeting. The staff of the advisory
3343 committee shall notify all persons who request such notice as to
3344 the date, time and place of each meeting.

3345 (4) The Interagency Advisory Committee for Early Childhood
3346 Services, in addition to responsibilities assigned by the Early
3347 Childhood Services Interagency Coordinating Council, shall perform
3348 each of the following duties:

3349 (a) Assist in the implementation of the study conducted
3350 by the Task Force on the Development and Implementation of

3351 Comprehensive Early Childhood Services in Mississippi established
3352 under Laws, 1999, Chapter 584;

3353 (b) Identify services to children which impact early
3354 childhood development and education;

3355 (c) Identify and recommend methods to facilitate
3356 interagency coordination of service programs for preschool
3357 children; and

3358 (d) Serve as a forum for information exchange regarding
3359 recommendations and priorities in early childhood development and
3360 education. * * *

3361 (5) The Advisory Board of the Interagency Council, with the
3362 consent of a majority of its members, shall encourage any state
3363 entity with early childhood responsibilities to be coordinated
3364 through the Office of Children and Youth for the purposes of
3365 alignment of the State of Mississippi's early childhood
3366 educational efforts.

3367 (6) Beginning in July 1, 2005, the Advisory Board of the
3368 Interagency Council shall meet at the discretion of the Chairman
3369 of the Advisory Board to assess the appropriate criteria for
3370 determining, and implementation of, the educational components of
3371 the state's tiered reimbursement structure.

3372 **SECTION 31.** Section 37-9-3, Mississippi Code of 1972, is
3373 amended as follows:

3374 37-9-3. (1) Within the limits of the available funds, the
3375 superintendent of schools of a school district shall recommend to
3376 the school board thereof all noninstructional employees to be
3377 employed and may prescribe the duties thereof. Compensation for
3378 such employees may be paid from any lawful funds.

3379 (2) From and after July 1, 2006, to be eligible for
3380 employment by a public school district as a school business
3381 administrator, the individual shall have one (1) of the following
3382 minimum qualifications: (a) certificate endorsed in School

3383 Administration with a minimum of nine (9) specified semester hours
3384 in accounting; or (b) a bachelors degree in a business-related
3385 curriculum (accounting, finance or business administration)
3386 including a minimum of nine (9) specified semester hours in
3387 accounting; or (c) a bachelors degree in a nonrelated area with a
3388 minimum of twenty-four (24) semester hours of recommended
3389 business-related courses, twelve (12) of which must be in
3390 specified courses; or (d) a graduate degree in a business-related
3391 field; or (e) be a licensed certified public accountant in
3392 Mississippi.

3393 (3) Any person employed by a public school district as a
3394 school business administrator on June 30, 2006, shall be exempt
3395 from the qualification requirements of subsection (2).

3396 **SECTION 32.** Except as otherwise provided by law, the State
3397 Board of Education shall promulgate rules and regulations to
3398 implement the provisions of this act.

3399 **SECTION 33.** This act shall take effect and be in force from
3400 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 AMEND SECTION 37-3-2,
9 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY TEACHER FROM ANY
10 STATE MEETING THE FEDERAL STANDARDS OF A HIGHLY QUALIFIED TEACHER
11 SHALL BE ELIGIBLE FOR A STANDARD LICENSE IN MISSISSIPPI; TO AMEND
12 SECTIONS 37-3-81, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE
13 DEPARTMENT OF EDUCATION COORDINATE WITH THE STATE'S EDUCATIONAL
14 SERVICE AGENCIES; TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF
15 1972, TO PRESCRIBE CERTAIN CRIMINAL PENALTIES FOR PARENTS WHO FAIL
16 TO ATTEND THEIR CHILD'S DISCIPLINE CONFERENCE; TO AMEND SECTION
17 37-3-4, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF
18 EDUCATION TO ESTABLISH STANDARDS AND GUIDELINES THAT ARE
19 ACCEPTABLE ALTERNATIVES FOR CONTINUING EDUCATION FOR LEVEL 4 AND 5
20 SCHOOLS; TO AMEND SECTION 37-3-46, MISSISSIPPI CODE OF 1972, TO
21 EXEMPT CERTAIN SCHOOL DISTRICTS FROM CERTAIN PERSONNEL APPRAISALS;
22 TO AMEND SECTION 37-7-337, MISSISSIPPI CODE OF 1972, TO CONFORM;
23 TO AMEND SECTION 37-13-61, MISSISSIPPI CODE OF 1972, TO AUTHORIZE

24 THE LOCAL SCHOOL DISTRICTS TO FIX THE DATE FOR THE OPENING AND
25 CLOSING OF THE SCHOOL TERM; TO AMEND SECTION 37-13-67, MISSISSIPPI
26 CODE OF 1972, TO REVISE CERTAIN RESTRICTIONS ON SCHOLASTIC MONTH
27 AND SCHOOL DAY; TO AMEND SECTION 37-13-69, MISSISSIPPI CODE OF
28 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO DESIGNATE SCHOOL
29 HOLIDAYS; TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO
30 REQUIRE THE STATE BOARD OF EDUCATION TO MAKE RECOMMENDATIONS TO
31 THE STATE LEGISLATURE REGARDING A POLICY THAT WOULD ALLOW THE
32 STATE'S ACADEMICALLY CAPABLE STUDENTS TO BE EXEMPT FROM THE
33 COMPULSORY SCHOOL AGE LAW; TO AMEND SECTION 37-17-11, MISSISSIPPI
34 CODE OF 1972, TO REQUIRE THAT THE STATE DEPARTMENT OF EDUCATION
35 MAKE A REPORT OF ALL THE EXEMPTED AND NONEXEMPTED PROCESS
36 STANDARDS TO CERTAIN AGENCIES; TO AMEND SECTION 37-21-7,
37 MISSISSIPPI CODE OF 1972, TO EXEMPT LEVEL 4 AND 5 SCHOOLS FROM
38 CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 37-41-53,
39 MISSISSIPPI CODE OF 1972, TO EXEMPT SCHOOL TRANSPORTATION VEHICLES
40 FROM CERTAIN STATE DEPARTMENT OF EDUCATION REGULATIONS; TO AMEND
41 SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO GRANT PUBLIC SCHOOL
42 DISTRICTS THE POWER TO ADOPT ANY ORDER RELATING TO THE OPERATION
43 OF THE SCHOOL WHICH IS NOT INCONSISTENT WITH STATE LAW OR THE
44 MISSISSIPPI CONSTITUTION, WITH CERTAIN EXCEPTIONS; TO AUTHORIZE
45 LOCAL SCHOOL DISTRICTS TO CONTRACT WITH PRIVATE ENTITIES TO
46 PROVIDE CERTAIN NONINSTRUCTIONAL SERVICES; TO AMEND SECTIONS
47 25-11-103 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
48 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND
49 RECOMMEND PROPOSED LEGISLATION FOR THE ESTABLISHMENT OF A
50 MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM; TO AMEND SECTION
51 37-151-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN
52 DISTRICTS BE EXEMPT FROM THE REQUIREMENT OF SUBMITTING A PLAN
53 ALTERING THE SCHOOL TERM BECAUSE OF CERTAIN DISASTERS; TO AMEND
54 SECTIONS 37-15-37 AND 37-29-1, MISSISSIPPI CODE OF 1972, RELATING
55 TO HIGH SCHOOL AND UNIVERSITY OR COMMUNITY COLLEGE DUAL ENROLLMENT
56 PROGRAMS, TO REVISE CONDITIONS FOR PARTICIPATION IN THE PROGRAM,
57 AND TO CLARIFY THAT ALL COURSE WORK TAKEN UNDER THE PROGRAM SHALL
58 BE DUAL CREDIT; TO CODIFY SECTION 37-15-39, MISSISSIPPI CODE OF
59 1972, TO DIRECT SCHOOL DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT
60 COURSES AND TO PROVIDE THAT SUBJECT TO APPROPRIATIONS BEGINNING IN
61 THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES TO TAKE A NATIONALLY
62 RECOGNIZED APTITUDE TEST FOR ADVANCED PLACEMENT CLASSES; TO AMEND
63 SECTIONS 37-16-7, 37-31-61, 37-31-69, 37-31-205 AND 37-31-207,
64 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE BOARD
65 OF EDUCATION AND THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES
66 TO UTILIZE FEDERAL WORKFORCE INVESTMENT ACT AND OTHER FEDERAL
67 FUNDS TO ESTABLISH INDUSTRY SPECIFIC CURRICULUM TO ALLOW STUDENTS
68 TO RECEIVE INDUSTRY-RECOGNIZED CERTIFICATION WHILE COMPLETING
69 THEIR HIGH SCHOOL COURSE WORK, TO INCLUDE SUCH COURSE WORK IN
70 APPROPRIATE GRADUATION STANDARDS, TO DEVELOP A UNIT OF SPECIALISTS
71 IN VOCATIONAL EDUCATION AS PART OF THE CURRICULUM, AND TO
72 ESTABLISH PARTNERSHIPS WITH THE PRIVATE SECTOR TO OFFER POTENTIAL
73 HIGH SCHOOL DROPOUT STUDENTS A SEMESTER SCHOLARSHIP FOR INDUSTRY
74 SPECIFIC TRAINING AFTER GRADUATION; TO ESTABLISH A MISSISSIPPI
75 HIGH SCHOOL REDESIGN COMMISSION AND PRESCRIBE ITS MEMBERSHIP, TO
76 STUDY THE RELEVANCE OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI;
77 TO AMEND SECTION 37-21-55, MISSISSIPPI CODE OF 1972, TO ENCOURAGE
78 STATE ENTITIES DEALING WITH EARLY CHILDHOOD EDUCATION TO BE
79 COORDINATED THROUGH THE ADVISORY BOARD OF THE INTERAGENCY ADVISORY
80 COMMITTEE FOR EARLY CHILDHOOD SERVICES TO BE ADMINISTERED BY THE
81 MISSISSIPPI DEPARTMENT OF HUMAN SERVICES OFFICE OF CHILDREN AND
82 YOUTH AND TO AUTHORIZE THE ADVISORY COUNSEL TO ASSESS THE
83 EDUCATIONAL COMPONENTS FOR THE STATE'S TIERED REIMBURSEMENT
84 STRUCTURE FOR CHILD CARE FACILITIES; TO AMEND SECTION 37-9-3,
85 MISSISSIPPI CODE OF 1972, TO PROVIDE MINIMUM QUALIFICATIONS FOR
86 SCHOOL BUSINESS ADMINISTRATORS EMPLOYED BY PUBLIC SCHOOL
87 DISTRICTS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO PROMULGATE

88 RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS ACT; AND
89 FOR RELATED PURPOSES.