

By: Representatives Moore, Dixon

To: Education

HOUSE BILL NO. 369
(As Sent to Governor)

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI CHARTER SCHOOLS ACT OF
2 2013"; TO DECLARE THE LEGISLATIVE PURPOSES OF CHARTER SCHOOLS; TO
3 DEFINE CERTAIN TERMS AND PHRASES USED IN THE ACT; TO CREATE THE
4 MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD AS A STATE AGENCY
5 HAVING EXCLUSIVE CHARTERING JURISDICTION; TO AUTHORIZE THE BOARD
6 TO APPROVE CHARTER SCHOOLS IN CERTAIN SCHOOL DISTRICTS; TO
7 PRESCRIBE THE BOARD'S MEMBERSHIP; TO PROVIDE FOR THE EMPLOYMENT OF
8 AN EXECUTIVE DIRECTOR AND GENERAL COUNSEL FOR THE BOARD; TO
9 PRESCRIBE THE BOARD'S POWERS AND DUTIES; TO PROVIDE FOR FUNDING
10 FOR THE AUTHORIZER BOARD; TO REQUIRE THE STATE DEPARTMENT OF
11 EDUCATION TO PROVIDE TECHNICAL INFORMATION AND ASSISTANCE TO THE
12 AUTHORIZER; TO REQUIRE THE AUTHORIZER TO ANNUALLY PUBLISH A
13 PAMPHLET ON THE LAWS AND REGULATIONS APPLICABLE TO CHARTER
14 SCHOOLS; TO REQUIRE THE AUTHORIZER TO ANNUALLY DISSEMINATE A
15 REQUEST FOR PROPOSALS FOR CHARTER SCHOOL APPLICATIONS AND TO
16 PRESCRIBE THE REQUIRED COMPONENTS OF CHARTER APPLICATIONS; TO
17 DECLARE THE PURPOSES OF A CHARTER APPLICATION AND TO PROHIBIT A
18 CHARTER APPLICATION FROM SERVING AS A CHARTER CONTRACT; TO
19 ESTABLISH STANDARDS FOR AUTHORIZING CHARTER SCHOOLS WHICH MUST BE
20 EQUAL TO NATIONALLY ESTABLISHED BEST PRACTICES; TO PRESCRIBE THE
21 PROCESS BY WHICH THE AUTHORIZER MUST REVIEW AND MAKE DECISIONS ON
22 CHARTER SCHOOL APPLICATIONS; TO ESTABLISH AN INITIAL TERM OF FIVE
23 YEARS FOR CHARTER CONTRACTS AND TO PRESCRIBE CERTAIN REQUIREMENTS
24 FOR EXECUTING CHARTER CONTRACTS; TO ESTABLISH REQUIREMENTS
25 RELATING TO THE ENROLLMENT OF STUDENTS IN CHARTER SCHOOLS RESIDING
26 IN THE GEOGRAPHICAL BOUNDARIES OF THE SCHOOL DISTRICT IN WHICH THE
27 CHARTER SCHOOL IS LOCATED AND A LOTTERY PROCESS FOR SELECTING
28 STUDENTS WHEN CAPACITY IS INSUFFICIENT TO ENROLL ALL STUDENTS
29 DESIRING TO ATTEND A CHARTER SCHOOL; TO ESTABLISH CERTAIN
30 ENROLLMENT PREFERENCES; TO REQUIRE ALL PUBLIC SCHOOLS IN THE STATE
31 TO ACCEPT TRANSFER CREDITS FROM CHARTER SCHOOLS; TO REQUIRE SCHOOL
32 DISTRICTS TO PUBLICIZE INFORMATION ABOUT CHARTER SCHOOLS TO THE
33 SAME EXTENT AS NONCHARTER PUBLIC SCHOOLS; TO REQUIRE EACH CHARTER
34 CONTRACT TO INCLUDE A PERFORMANCE FRAMEWORK SETTING FORTH THE



35 ACADEMIC AND OPERATIONAL PERFORMANCE STANDARDS THAT THE AUTHORIZER
36 WILL USE TO GUIDE ITS EVALUATIONS OF THE CHARTER SCHOOL; TO
37 REQUIRE THE AUTHORIZER TO ANNUALLY MONITOR THE PERFORMANCE OF
38 CHARTER SCHOOLS AND TO ASSIST THE CHARTER SCHOOL IN TAKING
39 CORRECTIVE ACTION WHEN NECESSARY; TO ESTABLISH PROCESSES FOR
40 RENEWING AND REVOKING CHARTER SCHOOL CONTRACTS; TO REQUIRE THE
41 AUTHORIZER TO DEVELOP A CHARTER SCHOOL CLOSURE PROTOCOL FOR A
42 CHARTER SCHOOL THAT IS TO BE CLOSED AND TO PROVIDE FOR THE
43 DISBURSEMENT OF UNSPENT FUNDS AND ASSETS; TO REQUIRE THE
44 AUTHORIZER BOARD TO ANNUALLY REPORT TO THE GOVERNOR AND
45 LEGISLATURE ON THE STATUS OF CHARTER SCHOOLS OPERATING IN THE
46 STATE; TO REQUIRE A CHARTER SCHOOL AND ANY EDUCATION SERVICE
47 PROVIDER WHICH PROVIDES COMPREHENSIVE MANAGEMENT FOR A CHARTER
48 SCHOOL TO BE A NONPROFIT EDUCATION ORGANIZATION THAT FUNCTIONS AS
49 A LOCAL EDUCATIONAL AGENCY; TO PRESCRIBE CERTAIN POWERS RELATING
50 TO THE FISCAL AND OPERATIONAL MANAGEMENT OF A CHARTER SCHOOL WHICH
51 MAY BE EXERCISED BY THE SCHOOL; TO PROHIBIT CHARTER SCHOOLS FROM
52 ENGAGING IN DISCRIMINATION AND FROM CHARGING TUITION; TO PROVIDE
53 THAT CHARTER SCHOOLS ARE NOT SUBJECT TO RULES AND REGULATIONS
54 ADOPTED BY THE STATE BOARD OF EDUCATION OR THE SCHOOL BOARD OF THE
55 SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED; TO
56 ENUMERATE CERTAIN STATUTES FROM WHICH CHARTER SCHOOLS ARE NOT
57 EXEMPT; TO PRESCRIBE CERTAIN QUALIFICATIONS OF EMPLOYEES OF
58 CHARTER SCHOOLS; TO REQUIRE AT LEAST SEVENTY-FIVE PERCENT OF
59 TEACHERS IN A CHARTER SCHOOL TO BE LICENSED BY THE STATE WHEN THE
60 INITIAL CHARTER APPLICATION IS APPROVED; TO EXEMPT ADMINISTRATORS
61 FROM STATE LICENSURE REQUIREMENTS; TO PROHIBIT CHARTER SCHOOL
62 EMPLOYEES FROM PARTICIPATING IN THE PUBLIC EMPLOYEES' RETIREMENT
63 SYSTEM; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR CHARTER SCHOOL
64 EMPLOYEES; TO AUTHORIZE CHARTER SCHOOLS TO PARTICIPATE IN STATE
65 AND DISTRICT SPONSORED ATHLETIC AND ACADEMIC INTERSCHOLASTIC
66 LEAGUES AND COMPETITIONS; TO REQUIRE CHARTER SCHOOLS TO CERTIFY
67 AVERAGE DAILY ATTENDANCE AND QUALIFY FOR STATE ADEQUATE EDUCATION
68 PROGRAM ALLOCATIONS ON A PER-PUPIL BASIS; TO AUTHORIZE LOCAL
69 FUNDING FOR CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF
70 EDUCATION TO MAKE ADEQUATE EDUCATION PROGRAM PAYMENTS TO CHARTER
71 SCHOOLS BASED ON THE SCHOOL'S AVERAGE DAILY ATTENDANCE; TO
72 AUTHORIZE EQUAL TRANSPORTATION FUNDING UNDER THE ADEQUATE
73 EDUCATION PROGRAM FOR CHARTER SCHOOLS; TO REQUIRE CHARTER SCHOOLS
74 TO UNDERGO AN ANNUAL FINANCIAL AUDIT; TO PROVIDE THAT FUNDS
75 REMAINING IN A CHARTER SCHOOL'S ACCOUNTS AT THE END OF A YEAR MUST
76 REMAIN IN THE SCHOOL'S ACCOUNTS FOR USE IN SUBSEQUENT YEARS; TO
77 AUTHORIZE CHARTER SCHOOLS TO ACCEPT GIFTS, DONATIONS AND GRANTS;
78 TO GRANT CHARTER SCHOOLS THE RIGHT OF FIRST REFUSAL TO VACANT
79 SCHOOL FACILITIES AND PROPERTY AND TO AUTHORIZE THE USE OF PUBLIC
80 SPACE FOR CHARTER SCHOOL OPERATIONS UNDER PREEXISTING ZONING
81 REGULATIONS; TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972,
82 TO REVISE THE DEFINITION OF THE TERMS "EMPLOYEE" AND "POLITICAL
83 SUBDIVISION," AS THOSE TERMS ARE USED UNDER THE TORT CLAIMS ACT,
84 TO EXTEND COVERAGE FOR TORTS TO CHARTER SCHOOLS; TO AMEND SECTION
85 25-41-3, MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD



86 OF A CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS
87 USED UNDER THE OPEN MEETINGS LAWS; TO AMEND SECTION 25-61-3,
88 MISSISSIPPI CODE OF 1972, TO INCLUDE THE GOVERNING BOARD OF A
89 CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED
90 UNDER THE PUBLIC RECORDS ACT; TO AMEND SECTION 31-7-1, MISSISSIPPI
91 CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "AGENCY" AND
92 "GOVERNING AUTHORITY," AS THOSE TERMS ARE USED IN THE PUBLIC
93 PURCHASING LAWS, TO EXEMPT CHARTER SCHOOLS FROM REQUIREMENTS
94 RELATING TO PUBLIC PURCHASES; TO AMEND SECTION 37-1-3, MISSISSIPPI
95 CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE NOT BOUND TO THE
96 CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION FOR SCHOOL
97 DISTRICTS; TO AMEND SECTION 37-1-12, MISSISSIPPI CODE OF 1972, TO
98 EXEMPT CHARTER SCHOOLS FROM CERTAIN ANNUAL REPORTING REQUIREMENTS
99 ESTABLISHED BY THE STATE BOARD OF EDUCATION; TO AMEND SECTION
100 37-1-13, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT REGULATIONS
101 REGARDING RELOCATABLE CLASSROOMS ISSUED BY THE STATE BOARD OF
102 EDUCATION ARE NOT APPLICABLE TO CHARTER SCHOOLS; TO AMEND SECTION
103 37-3-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE LIMITATIONS
104 ON THE EMPLOYMENT OF NONLICENSED TEACHERS WHICH ARE APPLICABLE TO
105 SCHOOL DISTRICTS DO NOT APPLY TO CHARTER SCHOOLS; TO AMEND SECTION
106 37-3-4, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM
107 CONTINUING EDUCATION REQUIREMENTS FOR SCHOOL DISTRICT
108 ADMINISTRATORS AND PRINCIPALS; TO AMEND SECTION 37-3-5,
109 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE GENERAL DUTIES OF
110 THE STATE DEPARTMENT OF EDUCATION RELATE TO PUBLIC SCHOOL
111 DISTRICTS; TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO
112 CLARIFY THAT THE DUTY OF THE STATE SUPERINTENDENT OF PUBLIC
113 EDUCATION TO RECOMMEND RULES GOVERNING PUBLIC EDUCATION RELATES TO
114 THE SUPERVISION OF PUBLIC SCHOOL DISTRICTS; TO AMEND SECTION
115 37-3-46, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE DUTY OF THE
116 STATE DEPARTMENT OF EDUCATION TO ASSIST CERTAIN SCHOOLS IN
117 ESTABLISHING A PROGRAM OF EDUCATIONAL ACCOUNTABILITY DOES NOT
118 APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-49, MISSISSIPPI
119 CODE OF 1972, TO CLARIFY THAT REQUIREMENTS RELATING TO THE
120 ADOPTION OF INSTRUCTIONAL PROGRAMS AND MANAGEMENT SYSTEMS DO NOT
121 APPLY TO CHARTER SCHOOLS; TO AMEND SECTION 37-3-51, MISSISSIPPI
122 CODE OF 1972, TO REQUIRE NOTICE TO BE GIVEN TO THE MISSISSIPPI
123 CHARTER SCHOOL AUTHORIZER BOARD OF THE CONVICTION OF CHARTER
124 SCHOOL EMPLOYEES OF CERTAIN FELONIES AND SEX OFFENSES; TO AMEND
125 SECTION 37-3-53, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
126 MISSISSIPPI REPORT CARD TO INCLUDE DATA ON CHARTER SCHOOLS; TO
127 AMEND SECTION 37-3-61, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
128 CHARTER SCHOOLS ARE NOT REQUIRED TO PARTICIPATE IN THE ALLIANCE
129 FOR FAMILIES PROGRAM; TO AMEND SECTION 37-3-105, MISSISSIPPI CODE
130 OF 1972, TO CLARIFY THAT CHARTER SCHOOL TEACHERS ARE EXEMPT FROM
131 IN-SERVICE TRAINING REQUIREMENTS IN RESEARCH-BASED READING
132 METHODS; TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO
133 CLARIFY THAT COUNTY SUPERINTENDENTS OF EDUCATION HAVE NO AUTHORITY
134 OVER CHARTER SCHOOLS; TO AMEND SECTION 37-7-455, MISSISSIPPI CODE
135 OF 1972, TO PROVIDE THAT SCHOOL DISTRICT PROPERTY NO LONGER NEEDED
136 FOR SCHOOL PURPOSES MAY BE DISPOSED OF AFTER THE CHARTER SCHOOLS



137 LOCATED IN THE DISTRICT HAVE ELECTED NOT TO USE THEIR RIGHT OF
138 FIRST REFUSAL; TO AMEND SECTION 37-7-473, MISSISSIPPI CODE OF
139 1972, TO CLARIFY THAT SCHOOL DISTRICT PROPERTY MAY BE SOLD OR
140 LEASED TO CHARTER SCHOOLS; TO AMEND SECTION 37-9-1, MISSISSIPPI
141 CODE OF 1972, TO CLARIFY THAT CERTAIN STATUTES RELATING TO SCHOOL
142 DISTRICT SUPERINTENDENTS AND EMPLOYEES ARE NOT APPLICABLE TO
143 CHARTER SCHOOLS UNLESS SPECIFICALLY PROVIDED OTHERWISE; TO AMEND
144 SECTION 37-9-103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
145 EDUCATION EMPLOYMENT PROCEDURES LAW DOES NOT APPLY TO CHARTER
146 SCHOOL TEACHERS AND ADMINISTRATORS; TO AMEND SECTION 37-11-1,
147 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE
148 EXEMPT FROM RESTRICTIONS REGARDING THE ASSIGNMENT OF STUDENTS TO
149 PARTICULAR CLASSROOMS; TO AMEND SECTION 37-11-17, MISSISSIPPI CODE
150 OF 1972, TO EXEMPT CHARTER SCHOOL STUDENTS FROM ANY SCREENING FOR
151 ABNORMAL SPINAL CURVATURE WHICH MAY BE REQUIRED IN SCHOOLS BY THE
152 STATE BOARD OF EDUCATION; TO BRING FORWARD SECTION 37-11-25,
153 MISSISSIPPI CODE OF 1972, WHICH CREATES A MISDEMEANOR FOR SCHOOL
154 OFFICIALS HAVING AN INTEREST IN THE PROCEEDS OF SALES OR RENTALS
155 OF PROPERTY USED IN PUBLIC SCHOOLS, FOR PURPOSES OF POSSIBLE
156 AMENDMENT; TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972, TO
157 INCLUDE CHARTER SCHOOL EMPLOYEES IN THE PROVISIONS GRANTING PUBLIC
158 SCHOOL PERSONNEL IMMUNITY FOR ACTIONS RELATING TO THE CONTROL AND
159 DISCIPLINE OF STUDENTS; TO AMEND SECTION 37-13-21, MISSISSIPPI
160 CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM
161 PARTICIPATING IN HEALTH EDUCATION PROGRAMS PROVIDED BY THE STATE
162 BOARD OF HEALTH AND COUNTY HEALTH DEPARTMENTS; TO AMEND SECTION
163 37-13-41, MISSISSIPPI CODE OF 1972, TO EXEMPT CHARTER SCHOOLS FROM
164 REPORTING REQUIREMENTS RELATING TO THE TYPE AND AMOUNT OF WORK
165 PERFORMED IN EACH GRADE; TO AMEND SECTION 37-13-91, MISSISSIPPI
166 CODE OF 1972, TO CLARIFY THAT CHARTER SCHOOL STUDENTS MUST COMPLY
167 WITH THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO AMEND
168 SECTIONS 37-15-1 AND 37-15-3, MISSISSIPPI CODE OF 1972, TO CLARIFY
169 THAT CHARTER SCHOOLS MUST MAINTAIN PERMANENT STUDENT RECORDS AND
170 CUMULATIVE FOLDERS IN THE SAME MANNER AS NONCHARTER PUBLIC
171 SCHOOLS; TO AMEND SECTION 37-15-6, MISSISSIPPI CODE OF 1972, TO
172 REQUIRE CHARTER SCHOOLS TO SUBMIT INFORMATION REGARDING EXPULSIONS
173 TO THE STATE DEPARTMENT OF EDUCATION FOR INCLUSION IN THE CENTRAL
174 REPORTING SYSTEM; TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF
175 1972, TO CLARIFY THAT MINIMUM AGE REQUIREMENTS FOR KINDERGARTEN
176 AND FIRST GRADE ENROLLMENT ARE APPLICABLE TO CHARTER SCHOOL
177 STUDENTS; TO AMEND SECTIONS 37-16-1 AND 37-16-3, MISSISSIPPI CODE
178 OF 1972, TO CLARIFY THAT CHARTER SCHOOLS MUST PARTICIPATE IN THE
179 STATEWIDE ASSESSMENT TESTING PROGRAM; TO AMEND SECTION 37-17-1,
180 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHARTER SCHOOL
181 AUTHORIZED BY THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD MUST
182 BE GRANTED ACCREDITATION BY THE STATE BOARD OF EDUCATION BASED
183 SOLELY ON THE CHARTER SCHOOL'S APPROVAL BY THE AUTHORIZER; TO
184 AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
185 THE PERFORMANCE-BASED ACCREDITATION SYSTEM CREATED BY THE STATE
186 BOARD OF EDUCATION APPLIES ONLY TO NONCHARTER PUBLIC SCHOOLS; TO
187 AMEND SECTION 37-18-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT



188 CHARTER SCHOOLS MAY BE RECOGNIZED FOR IMPROVEMENT BY THE STATE
189 BOARD OF EDUCATION THROUGH THE SUPERIOR-PERFORMING AND EXEMPLARY
190 SCHOOLS PROGRAMS; TO AMEND SECTION 37-21-3, MISSISSIPPI CODE OF
191 1972, TO EXEMPT CHARTER SCHOOL EMPLOYEES FROM CERTAIN EDUCATIONAL
192 QUALIFICATIONS REQUIRED OF EARLY CHILDHOOD PROGRAM EMPLOYEES; TO
193 AMEND SECTIONS 37-41-1, 37-41-3 AND 37-41-23, MISSISSIPPI CODE OF
194 1972, TO CLARIFY THAT THE REQUIREMENTS RELATING TO THE
195 TRANSPORTATION OF STUDENTS AND SCHOOL BUSES ARE NOT APPLICABLE TO
196 CHARTER SCHOOLS; TO BRING FORWARD SECTION 37-41-25, MISSISSIPPI
197 CODE OF 1972, WHICH ESTABLISHES PENALTIES FOR FALSE REPORTS
198 RELATING TO STUDENT TRANSPORTATION BY SCHOOL OFFICIALS, FOR
199 PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 37-41-31,
200 37-41-43, 37-41-45, 37-41-49 AND 37-41-53, MISSISSIPPI CODE OF
201 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD
202 SECTION 37-41-57, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE
203 STATE BOARD OF EDUCATION TO ADOPT REGULATIONS GOVERNING THE DESIGN
204 AND OPERATION OF SCHOOL BUSES, FOR PURPOSES OF POSSIBLE AMENDMENT;
205 TO AMEND SECTION 37-43-1, MISSISSIPPI CODE OF 1972, TO CLARIFY
206 THAT CHARTER SCHOOLS ARE NOT PARTICIPANTS IN THE STATE TEXTBOOK
207 PROGRAM; TO BRING FORWARD SECTION 37-43-39, MISSISSIPPI CODE OF
208 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION
209 37-45-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT CHARTER
210 SCHOOLS ARE EXEMPT FROM THE REQUIREMENT OF HAVING THE STATE BOARD
211 OF EDUCATION APPROVE PLANS FOR THE LOCATION AND CONSTRUCTION OF
212 SCHOOL BUILDINGS; TO AMEND SECTION 37-47-9, MISSISSIPPI CODE OF
213 1972, TO CLARIFY THAT ANNUAL GRANTS BY THE STATE FOR THE
214 CONSTRUCTION OF SCHOOL FACILITIES ARE PAYABLE TO SCHOOL DISTRICTS
215 ONLY; TO AMEND SECTION 37-143-11, MISSISSIPPI CODE OF 1972, TO
216 AUTHORIZE RECIPIENTS OF WILLIAM F. WINTER TEACHER SCHOLARSHIPS TO
217 DISCHARGE THEIR TEACHING OBLIGATIONS IN CHARTER SCHOOLS; TO AMEND
218 SECTION 37-143-12, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
219 PARTICIPANTS IN THE SPEECH-LANGUAGE PATHOLOGISTS LOAN FORGIVENESS
220 PROGRAM TO DISCHARGE THEIR LOANS BY RENDERING SERVICE IN A CHARTER
221 SCHOOL; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO
222 DEFINE THE TERM "CHARTER SCHOOL" AS USED UNDER THE ADEQUATE
223 EDUCATION PROGRAM; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF
224 1972, TO CONFORM THE ADEQUATE EDUCATION PROGRAM FUNDING FORMULA TO
225 THE ALLOCATION OF FUNDS TO CHARTER SCHOOLS; TO AMEND SECTIONS
226 37-151-101 AND 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE
227 FOR THE DISTRIBUTION OF STATE FUNDS TO CHARTER SCHOOLS AT THE SAME
228 TIME AND IN THE SAME MANNER SUCH FUNDS ARE PAID TO SCHOOL
229 DISTRICTS; TO AMEND SECTION 37-57-107, MISSISSIPPI CODE OF 1972,
230 TO REQUIRE EACH SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS
231 LOCATED TO TRANSFER TO THE CHARTER SCHOOL ITS PER PUPIL PRO RATA
232 SHARE OF LOCAL AD VALOREM SCHOOL DISTRICT MAINTENANCE FUNDS; TO
233 REPEAL SECTIONS 37-165-1 THROUGH 37-165-27, MISSISSIPPI CODE OF
234 1972, WHICH ARE THE CONVERSION CHARTER SCHOOL ACT OF 2010; TO
235 PROVIDE FOR THE REPEAL OF THE MISSISSIPPI CHARTER SCHOOLS ACT OF
236 2013 ON JULY 1, 2020; AND FOR RELATED PURPOSES.

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



238 **SECTION 1.** Sections 1 through 31 of this act shall be known
239 and may be cited as the "Mississippi Charter Schools Act of 2013."

240 **SECTION 2.** (1) The Legislature finds and declares that the
241 general purposes of the state's charter schools are as follows:

242 (a) To improve student learning by creating
243 high-quality schools with high standards for student performance;

244 (b) To close achievement gaps between high-performing
245 and low-performing groups of public school students;

246 (c) To increase high-quality educational opportunities
247 within the public education system for all students, especially
248 those with a likelihood of academic failure;

249 (d) To create new professional opportunities for
250 teachers, school administrators and other school personnel which
251 allow them to have a direct voice in the operation of their
252 schools;

253 (e) To encourage the use of different, high-quality
254 models of teaching, governing, scheduling and other aspects of
255 schooling which meet a variety of student needs;

256 (f) To allow public schools freedom and flexibility in
257 exchange for exceptional levels of results driven accountability;

258 (g) To provide students, parents, community members and
259 local entities with expanded opportunities for involvement in the
260 public education system; and

261 (h) To encourage the replication of successful charter
262 schools.



263 (2) All charter schools in the state established under this
264 act are public schools and are part of the state's public
265 education system.

266 (3) No provision of this act may be interpreted to allow the
267 conversion of private schools into charter schools.

268 **SECTION 3.** As used in this act, the following words and
269 phrases have the meanings ascribed in this section unless the
270 context clearly indicates otherwise:

271 (a) "Applicant" means any person or group that develops
272 and submits an application for a charter school to the authorizer.

273 (b) "Application" means a proposal from an applicant to
274 the authorizer to enter into a charter contract whereby the
275 proposed school obtains charter school status.

276 (c) "Authorizer" means the Mississippi Charter School
277 Authorizer Board established under Section 4 of this act to review
278 applications, decide whether to approve or reject applications,
279 enter into charter contracts with applicants, oversee charter
280 schools, and decide whether to renew, not renew, or revoke charter
281 contracts.

282 (d) "Charter contract" means a fixed-term, renewable
283 contract between a charter school and the authorizer which
284 outlines the roles, powers, responsibilities and performance
285 expectations for each party to the contract.

286 (e) "Charter school" means a public school that is
287 established and operating under the terms of charter contract



288 between the school's governing board and the authorizer. The term
289 "charter school" includes a conversion charter school and start-up
290 charter school.

291 (f) "Conversion charter school" means a charter school
292 that existed as a noncharter public school before becoming a
293 charter school.

294 (g) "Education service provider" means a charter
295 management organization, school design provider or any other
296 partner entity with which a charter school intends to contract for
297 educational design, implementation or comprehensive management.

298 (h) "Governing board" means the independent board of a
299 charter school which is party to the charter contract with the
300 authorizer and whose members have been elected or selected
301 pursuant to the school's application.

302 (i) "Noncharter public school" means a public school
303 that is under the direct management, governance and control of a
304 school board or the state.

305 (j) "Parent" means a parent, guardian or other person
306 or entity having legal custody of a child.

307 (k) "School board" means a school board exercising
308 management and control over a local school district and the
309 schools of that district pursuant to the State Constitution and
310 state statutes.



311 (l) "School district" means a governmental entity that
312 establishes and supervises one or more public schools within its
313 geographical limits pursuant to state statutes.

314 (m) "Start-up charter school" means a charter school
315 that did not exist as a noncharter public school before becoming a
316 charter school.

317 (n) "Student" means any child who is eligible for
318 attendance in a public school in the state.

319 (o) "Underserved students" means students participating
320 in the federal free lunch program who qualify for at-risk student
321 funding under the Mississippi Adequate Education Program and
322 students who are identified as having special educational needs.

323 **SECTION 4.** (1) There is created the Mississippi Charter
324 School Authorizer Board as a state agency with exclusive
325 chartering jurisdiction in the State of Mississippi. Unless
326 otherwise authorized by law, no other governmental agency or
327 entity may assume any charter authorizing function or duty in any
328 form.

329 (2) (a) The mission of the Mississippi Charter School
330 Authorizer Board is to authorize high-quality charter schools,
331 particularly schools designed to expand opportunities for
332 underserved students, consistent with the purposes of this act.
333 Subject to the restrictions and conditions prescribed in this
334 subsection, the Mississippi Charter School Authorizer Board may



335 authorize charter schools within the geographical boundaries of
336 any school district.

337 (b) The Mississippi Charter School Authorizer Board may
338 approve a maximum of fifteen (15) qualified charter applications
339 during a fiscal year.

340 (c) In any school district designated as an "A," "B" or
341 "C" school district by the State Board of Education under the
342 accreditation rating system, the Mississippi Charter School
343 Authorizer Board may authorize charter schools only if a majority
344 of the members of the local school board votes at a public meeting
345 to endorse the application or to initiate the application on its
346 own initiative.

347 (3) The Mississippi Charter School Authorizer Board shall
348 consist of seven (7) members, to be appointed as follows:

349 (a) Three (3) members appointed by the Governor, with
350 one (1) member being from each of the Mississippi Supreme Court
351 Districts.

352 (b) Three (3) members appointed by the Lieutenant
353 Governor, with one (1) member being from each of the Mississippi
354 Supreme Court Districts.

355 (c) One (1) member appointed by the State
356 Superintendent of Public Education.

357 All appointments must be made with the advice and consent of
358 the Senate. In making the appointments, the appointing authority



359 shall ensure diversity among members of the Mississippi Charter
360 School Authorizer Board.

361 (4) Members appointed to the Mississippi Charter School
362 Authorizer Board collectively must possess strong experience and
363 expertise in public and nonprofit governance, management and
364 finance, public school leadership, assessment, curriculum and
365 instruction, and public education law. Each member of the
366 Mississippi Charter School Authorizer Board must have demonstrated
367 an understanding of and commitment to charter schooling as a
368 strategy for strengthening public education.

369 (5) To establish staggered terms of office, the initial term
370 of office for the three (3) Mississippi Charter School Authorizer
371 Board members appointed by the Governor shall be four (4) years
372 and thereafter shall be three (3) years; the initial term of
373 office for the three (3) members appointed by the Lieutenant
374 Governor shall be three (3) years and thereafter shall be three
375 (3) years; and the initial term of office for the member appointed
376 by the State Superintendent of Public Education shall be two (2)
377 years and thereafter shall be three (3) years. No member may
378 serve more than two (2) consecutive terms. The initial
379 appointments must be made before September 1, 2013.

380 (6) The Mississippi Charter School Authorizer Board shall
381 meet as soon as practical after September 1, 2013, upon the call
382 of the Governor, and shall organize for business by selecting a



383 chairman and adopting bylaws. Subsequent meetings shall be called
384 by the chairman.

385 (7) An individual member of the Mississippi Charter School
386 Authorizer Board may be removed by the board if the member's
387 personal incapacity renders the member incapable or unfit to
388 discharge the duties of the office or if the member is absent from
389 a number of meetings of the board, as determined and specified by
390 the board in its bylaws. Whenever a vacancy on the Mississippi
391 Charter School Authorizer Board exists, the original appointing
392 authority shall appoint a member for the remaining portion of the
393 term.

394 (8) No member of the Mississippi Charter School Authorizer
395 Board or employee, agent or representative of the board may serve
396 simultaneously as an employee, trustee, agent, representative,
397 vendor or contractor of a charter school authorized by the board.

398 (9) The Mississippi Charter School Authorizer Board shall
399 appoint an individual to serve as the executive director and
400 general counsel of the board. In addition to possessing the
401 qualifications established by the board which are based on
402 national best practices, the executive director and general
403 counsel must be licensed to practice law in the State of
404 Mississippi and must possess an understanding of state and federal
405 education law. The executive director and general counsel, who
406 shall serve at the will and pleasure of the board, shall devote
407 his full time to the proper administration of the board and the



408 duties assigned to him by the board and shall be paid a salary
409 established by the board, subject to the approval of the State
410 Personnel Board. Subject to the availability of funding, the
411 executive director and general counsel may employ such
412 administrative staff as may be necessary to assist the director
413 and board in carrying out the duties and directives of the
414 Mississippi Charter School Authorizer Board.

415 (10) The Mississippi Charter School Authorizer Board shall
416 be located, for administrative purposes, within the offices of the
417 State Institutions of Higher Learning, which shall provide meeting
418 space and clerical support for the board.

419 **SECTION 5.** (1) The authorizer is responsible for
420 exercising, in accordance with this act, the following powers and
421 duties:

422 (a) Developing chartering policies and maintaining
423 practices consistent with nationally recognized principles and
424 standards for quality charter authorizing in all major areas of
425 authorizing responsibility, including:

426 (i) Organizational capacity and infrastructure;

427 (ii) Solicitation and evaluation of charter
428 applications;

429 (iii) Performance contracting;

430 (iv) Ongoing charter school oversight and
431 evaluation; and

432 (v) Charter renewal decision-making;



433 (b) Approving quality charter applications that meet
434 identified educational needs and promote a diversity of
435 educational choices;

436 (c) Declining to approve weak or inadequate charter
437 applications;

438 (d) Negotiating and executing charter contracts with
439 approved charter schools;

440 (e) Monitoring, in accordance with charter contract
441 terms, the performance and legal compliance of charter schools;

442 (f) Determining whether each charter contract merits
443 renewal, nonrenewal or revocation; and

444 (g) Applying for any federal funds that may be
445 available for the implementation of charter school programs.

446 (2) The authorizer shall carry out all its duties under this
447 act in a manner consistent with nationally recognized principles
448 and standards and with the spirit and intent of this act.

449 (3) The authorizer may delegate its duties to the executive
450 director and general counsel.

451 (4) Regulation by the authorizer shall be limited to those
452 powers and duties prescribed in this section and all others
453 prescribed by law, consistent with the spirit and intent of this
454 act.

455 (5) Except in the case of gross negligence or reckless
456 disregard of the safety and well-being of another person, the
457 authorizer, members of the authorizer board in their official



458 capacity, and employees of the authorizer in their official
459 capacity are immune from civil liability with respect to all
460 activities related to a charter school approved by the authorizer.

461 **SECTION 6.** (1) To cover the costs of overseeing charter
462 schools in accordance with this act, the authorizer shall receive
463 three percent (3%) of annual per-pupil allocations received by a
464 charter school from state and local funds for each charter school
465 it authorizes.

466 (2) The authorizer may receive appropriate gifts, grants and
467 donations of any kind from any public or private entity to carry
468 out the purposes of this act, subject to all lawful terms and
469 conditions under which the gifts, grants or donations are given.

470 (3) The authorizer may expend its resources, seek grant
471 funds and establish partnerships to support its charter school
472 authorizing activities.

473 **SECTION 7.** (1) Upon request, the State Department of
474 Education shall assist the Mississippi Charter School Authorizer
475 Board with implementing the authorizer's decisions by providing
476 such technical assistance and information as may be necessary for
477 the implementation of this act.

478 (2) Before July 1 of each year, the authorizer shall publish
479 a pamphlet, which may be in electronic form, containing:

480 (a) All statutes in Title 37, Mississippi Code of 1972,
481 which are applicable to the charter schools;



482 (b) Any rules, regulations and policies adopted by the
483 State Superintendent of Public Education, the State Board of
484 Education or the State Department of Education with which charter
485 schools must comply by virtue of the applicability to charter
486 schools, as well as other public schools, of the state law to
487 which those relevant rules, regulations and policies pertain; and

488 (c) Any other state and federal laws and matters that
489 are relevant to the establishment and operation of charter schools
490 in the State of Mississippi.

491 The Mississippi Charter School Authorizer Board shall make
492 the pamphlet available to the public on the board's website and
493 shall notify all prospective applicants of the pamphlet.

494 **SECTION 8.** (1) To solicit, encourage and guide the
495 development of quality charter school applications, the authorizer
496 shall issue and publicize a request for proposals before September
497 1 of each year; however, during 2013, the authorizer shall issue
498 and publicize a request for proposals before December 1. The
499 content and dissemination of the request for proposals must be
500 consistent with the purposes and requirements of this act.

501 (2) The authorizer annually shall establish and disseminate
502 a statewide timeline for charter approval or denial decisions.

503 (3) The authorizer's request for proposals must include the
504 following:



505 (a) A clear statement of any preferences the authorizer
506 wishes to grant to applications intended to help underserved
507 students;

508 (b) A description of the performance framework that the
509 authorizer has developed for charter school oversight and
510 evaluation in accordance with Section 15 of this act;

511 (c) The criteria that will guide the authorizer's
512 decision to approve or deny a charter application; and

513 (d) A clear statement of appropriately detailed
514 questions, as well as guidelines, concerning the format and
515 content essential for applicants to demonstrate the capacities
516 necessary to establish and operate a successful charter school.

517 (4) In addition to all other requirements, the request for
518 proposals must require charter applications to provide or describe
519 thoroughly all of the following mandatory elements of the proposed
520 school plan:

521 (a) An executive summary;

522 (b) The mission and vision of the proposed charter
523 school, including identification of the targeted student
524 population and the community the school hopes to serve;

525 (c) The location or geographic area proposed for the
526 school;

527 (d) The grades to be served each year for the full term
528 of the charter contract;



529 (e) Minimum, planned and maximum enrollment per grade
530 per year for the term of the charter contract;

531 (f) Evidence of need and community support for the
532 proposed charter school;

533 (g) Background information, including proof of United
534 States citizenship, on the applicants, the proposed founding
535 governing board members and, if identified, members of the
536 proposed school leadership and management team. The background
537 information must include annual student achievement data,
538 disaggregated by subgroup, for every school under the current or
539 prior management of each board member and leadership team member;

540 (h) The school's proposed calendar, including the
541 proposed opening and closing dates for the school term, and a
542 sample daily schedule. The school must be kept in session no less
543 than the minimum number of school days established for all public
544 schools in Section 37-13-63;

545 (i) A description of the school's academic program,
546 aligned with state standards;

547 (j) A description of the school's instructional design,
548 including the type of learning environment (such as
549 classroom-based or independent study), class size and structure,
550 curriculum overview and teaching methods;

551 (k) The school's plan for using internal and external
552 assessments to measure and report student progress on the



553 performance framework developed by the authorizer in accordance
554 with Section 15 of this act;

555 (l) The school's plan for identifying and successfully
556 serving students with disabilities (including all of the school's
557 proposed policies pursuant to the Individuals with Disabilities
558 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
559 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
560 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
561 Section 12101 et seq., and the school's procedures for securing
562 and providing evaluations and related services pursuant to federal
563 law), students who are English language learners, students who are
564 academically behind, and gifted students, including, but not
565 limited to, compliance with any applicable laws and regulations;

566 (m) A description of cocurricular or extracurricular
567 programs and how those programs will be funded and delivered;

568 (n) Plans and timelines for student recruitment and
569 enrollment, including lottery policies and procedures that ensure
570 that every student has an equal opportunity to be considered in
571 the lottery and that the lottery is equitable, randomized,
572 transparent and impartial so that students are accepted in a
573 charter school without regard to disability, income level, race,
574 religion or national origin;

575 (o) The school's student discipline policies, including
576 those for special education students;



577 (p) An organizational chart that clearly presents the
578 school's organizational structure, including lines of authority
579 and reporting between the governing board, education service
580 provider, staff, related bodies (such as advisory bodies or parent
581 and teacher councils), and all other external organizations that
582 will play a role in managing the school;

583 (q) A clear description of the roles and
584 responsibilities of the governing board, education service
585 provider, school leadership team, management team and all other
586 entities shown in the organizational chart;

587 (r) A staffing chart for the school's first year, and a
588 staffing plan for the term of the charter;

589 (s) Plans for recruiting and developing school
590 leadership and staff, which may not include utilization of
591 nonimmigrant foreign worker visa programs;

592 (t) The school's leadership and teacher employment
593 policies, including performance evaluation plans;

594 (u) Proposed governing bylaws;

595 (v) Explanations of any partnerships or contractual
596 relationships central to the school's operations or mission;

597 (w) The school's plans for providing transportation,
598 food service and all other significant operational or ancillary
599 services;

600 (x) Opportunities and expectations for parent
601 involvement;



602 (y) A detailed school start-up plan, identifying tasks,
603 timelines and responsible individuals;

604 (z) A description of the school's financial plans and
605 policies, including financial controls and audit requirements;

606 (aa) A description of the insurance coverage the school
607 will obtain;

608 (bb) Start-up and five-year budgets with clearly stated
609 assumptions;

610 (cc) Start-up and first-year cash flow projections with
611 clearly stated assumptions;

612 (dd) A disclosure of all sources of private funding and
613 all funds from foreign sources, including gifts from foreign
614 governments, foreign legal entities and domestic entities
615 affiliated with either foreign governments or foreign legal
616 entities. For the purposes of this paragraph, the term "foreign"
617 means a country or jurisdiction outside of any state or territory
618 of the United States;

619 (ee) Evidence of anticipated fundraising contributions,
620 if claimed in the application; and

621 (ff) A sound facilities plan, including backup or
622 contingency plans if appropriate.

623 (5) In the case of an application to establish a charter
624 school by converting an existing noncharter public school to
625 charter school status, the request for proposals additionally
626 shall require the applicant to demonstrate support for the



627 proposed charter school conversion by a petition signed by a
628 majority of teachers or a majority of parents of students in the
629 existing noncharter public school, or by a majority vote of the
630 local school board or, in the case of schools in districts under
631 state conservatorship, by the State Board of Education.

632 (6) In the case of a proposed charter school that intends to
633 contract with an education service provider for substantial
634 educational services, management services or both types of
635 services, the request for proposals additionally shall require the
636 applicant to:

637 (a) Provide evidence of the education service
638 provider's success in serving student populations similar to the
639 targeted population, including demonstrated academic achievement
640 as well as successful management of nonacademic school functions,
641 if applicable;

642 (b) Provide a term sheet setting forth: the proposed
643 duration of the service contract; roles and responsibilities of
644 the governing board, the school staff and the education service
645 provider; the scope of services and resources to be provided by
646 the education service provider; performance evaluation measures
647 and timelines; the compensation structure, including clear
648 identification of all fees to be paid to the education service
649 provider; methods of contract oversight and enforcement;
650 investment disclosure; and conditions for renewal and termination
651 of the contract;



652 (c) Disclose and explain any existing or potential
653 conflicts of interest between the school governing board and
654 proposed service provider or any affiliated business entities; and

655 (d) Background information, including proof of United
656 States citizenship, on the principal individuals affiliated with
657 the education service provider.

658 (7) In the case of a charter school proposal from an
659 applicant that currently operates one or more schools in any state
660 or nation, the request for proposals additionally shall require
661 the applicant to provide evidence of past performance and current
662 capacity for growth. The applicant shall be required to submit
663 clear evidence that it has produced statistically significant
664 gains in student achievement or consistently produced proficiency
665 levels as measured on state achievement tests.

666 **SECTION 9.** (1) The following are the purposes of a charter
667 application:

668 (a) To present the proposed charter school's academic
669 and operational vision and plans;

670 (b) To demonstrate the applicant's capacities to
671 execute the proposed vision and plans; and

672 (c) To provide the authorizer a clear basis for
673 assessing the applicant's plans and capacities.

674 (2) An approved charter application may not serve as the
675 school's charter contract.



676 **SECTION 10.** (1) In reviewing and evaluating charter
677 applications, the authorizer shall employ procedures, practices
678 and criteria consistent with nationally recognized principles and
679 standards for quality charter authorizing. The application review
680 process must include thorough evaluation of each written charter
681 application and in-person interview with the applicant group.

682 (2) In deciding whether to approve charter applications, the
683 authorizer must:

684 (a) Grant charters only to applicants that have
685 provided evidence of competence in each element of the
686 authorizer's published approval criteria, and in the case of an
687 applicant that currently operates one or more schools in any state
688 or nation, clear evidence that the management or leadership team
689 of the charter school or schools currently operated by the
690 applicant has produced statistically significant gains in student
691 achievement or consistently produced proficiency levels as
692 measured on state achievement test;

693 (b) Base decisions on documented evidence collected
694 through the application review process; and

695 (c) Follow charter-granting policies and practices that
696 are transparent, based on merit and avoid conflicts of interest or
697 any appearance thereof.

698 (3) Before the expiration of one hundred eighty (180) days
699 after the filing of a charter application, the authorizer must
700 approve or deny the charter application; however, an application



701 submitted by a public historically black college or university
702 (HBCU), in partnership with a national nonprofit public HBCU
703 support organization, for a charter school to be operated on or
704 near the campus of the HBCU must be considered for expedited
705 approval by the authorizer. The authorizer shall adopt by
706 resolution all charter approval or denial decisions in an open
707 meeting of the authorizer board.

708 (4) An approval decision may include, if appropriate,
709 reasonable conditions that the charter applicant must meet before
710 a charter contract may be executed pursuant to Section 11 of this
711 act.

712 (5) For a charter denial, the authorizer shall state
713 clearly, for public record, its reasons for denial. A denied
714 applicant may reapply subsequently with the authorizer.

715 (6) Before the expiration of ten (10) days after taking
716 action to approve or deny a charter application, the authorizer
717 shall provide a report to the applicant. The report must include
718 a copy of the authorizer's resolution setting forth the action
719 taken and reasons for the decision and assurances as to compliance
720 with all of the procedural requirements and application elements
721 set forth in this act.

722 **SECTION 11.** (1) The authorizer shall grant an initial
723 charter to each qualified applicant for a term of five (5)
724 operating years. The term of the charter shall commence on the
725 charter school's first day of operation. An approved charter



726 school may delay its opening for one (1) school year in order to
727 plan and prepare for the school's opening. If the school requires
728 an opening delay of more than one (1) school year, the school must
729 request an extension from the authorizer. The authorizer may
730 grant or deny the extension depending on the particular school's
731 circumstances.

732 (2) (a) The authorizer and the governing board of the
733 approved charter school shall execute a charter contract that
734 clearly sets forth the academic and operational performance
735 expectations and measures by which the charter school will be
736 judged and the administrative relationship between the authorizer
737 and charter school, including each party's rights and duties. The
738 performance expectations and measures set forth in the charter
739 contract must include, but need not be limited to, applicable
740 federal and state accountability requirements. The performance
741 provisions may be refined or amended by mutual agreement after the
742 charter school is operating and has collected baseline achievement
743 data for its enrolled students.

744 (b) The charter contract must be signed by the chairman
745 of the authorizer board and the president of the charter school's
746 governing board.

747 (c) A charter school may not commence operations
748 without a charter contract executed in accordance with this
749 section and approved in an open meeting of the authorizer board.



750 (3) The authorizer may establish reasonable preopening
751 requirements or conditions to monitor the start-up progress of a
752 newly approved charter school and to ensure that the school is
753 prepared to open smoothly on the date agreed and that the school
754 meets all building, health, safety, insurance and other legal
755 requirements before the school's opening.

756 **SECTION 12.** (1) A charter school must be open to any
757 student residing in the geographical boundaries of the school
758 district in which the charter school is located.

759 (2) A school district may not require any student enrolled
760 in the school district to attend a charter school.

761 (3) Except as otherwise provided under subsection (8)(d) of
762 this section, a charter school may not limit admission based on
763 ethnicity, national origin, religion, gender, income level,
764 disabling condition, proficiency in the English language, or
765 academic or athletic ability.

766 (4) A charter school may limit admission to students within
767 a given age group or grade level, including pre-kindergarten
768 students, and may be organized around a special emphasis, theme or
769 concept as stated in the school's application.

770 (5) The underserved student composition of a charter
771 school's enrollment collectively must reflect that of students of
772 all ages attending the school district in which the charter school
773 is located, to be defined for the purposes of this act as being at
774 least eighty percent (80%) of that population. If the underserved



775 student composition of an applicant's or charter school's
776 enrollment is less than eighty percent (80%) of the enrollment of
777 students of all ages in the school district in which the charter
778 school is located, despite the school's best efforts, the
779 authorizer must consider the applicant's or charter school's
780 recruitment efforts and the underserved student composition of the
781 applicant pool in determining whether the applicant or charter
782 school is operating in a nondiscriminatory manner. A finding by
783 the authorizer that a charter school is operating in a
784 discriminatory manner justifies the revocation of a charter.

785 (6) A charter school must enroll all students who wish to
786 attend the school unless the number of students exceeds the
787 capacity of a program, class, grade level or building.

788 (7) If capacity is insufficient to enroll all students who
789 wish to attend the school based on initial application, the
790 charter school must select students through a lottery.

791 (8) (a) Any noncharter public school or part of a
792 noncharter public school converting to a charter school shall
793 adopt and maintain a policy giving an enrollment preference to
794 students who reside within the former attendance area of that
795 public school. If the charter school has excess capacity after
796 enrolling students residing within the former attendance area of
797 the school, students outside of the former attendance area of the
798 school, but within the geographical boundaries of the school
799 district in which the charter school is located, are eligible for



800 enrollment. If the number of students applying for admission
801 exceeds the capacity of a program, class, grade level or building
802 of the charter school, the charter school must admit students on
803 the basis of a lottery.

804 (b) A charter school must give an enrollment preference
805 to students enrolled in the charter school during the preceding
806 school year and to siblings of students already enrolled in the
807 charter school. An enrollment preference for returning students
808 excludes those students from entering into a lottery.

809 (c) A charter school may give an enrollment preference
810 to children of the charter school's applicant, governing board
811 members and full-time employees, so long as those children
812 constitute no more than ten percent (10%) of the charter school's
813 total student population.

814 (d) This section does not preclude the formation of a
815 charter school whose mission is focused on serving students with
816 disabilities, students of the same gender, students who pose such
817 severe disciplinary problems that they warrant a specific
818 educational program, or students who are at risk of academic
819 failure. If capacity is insufficient to enroll all students who
820 wish to attend the school, the charter school must select students
821 through a lottery.

822 **SECTION 13.** If a student previously enrolled in a charter
823 school enrolls in another public school in this state, the
824 student's new school must accept credits earned by the student in



825 courses or instructional programs at the charter school in a
826 uniform and consistent manner and according to the same criteria
827 that are used to accept academic credits from other public
828 schools.

829 **SECTION 14.** A school district must provide or publicize to
830 parents and the general public information about charter schools
831 as an enrollment option within the district to the same extent and
832 through the same means that the district provides and publicizes
833 information about noncharter public schools in the district.

834 **SECTION 15.** (1) The performance provisions within a charter
835 contract must be based on a performance framework that clearly
836 sets forth the academic and operational performance indicators,
837 measures and metrics that will guide the authorizer's evaluations
838 of the charter school. The performance framework must include
839 indicators, measures and metrics, at a minimum, for the following:

- 840 (a) Student academic proficiency;
- 841 (b) Student academic growth;
- 842 (c) Achievement gaps in both proficiency and growth
843 between major student subgroups;
- 844 (d) Attendance;
- 845 (e) Recurrent enrollment from year to year;
- 846 (f) In-school and out-of-school suspension rates and
847 expulsion rates;
- 848 (g) For charter high schools, postsecondary readiness,
849 including the percentage of graduates submitting applications to



850 postsecondary institutions, high school completion, postsecondary
851 admission and postsecondary enrollment or employment;

852 (h) Financial performance and sustainability; and

853 (i) Board performance and stewardship, including
854 compliance with all applicable laws, regulations and terms of the
855 charter contract.

856 (2) Annual performance targets must be set by each charter
857 school in conjunction with the authorizer and must be designed to
858 help each school meet applicable federal, state and authorizer
859 expectations.

860 (3) The performance framework must allow the inclusion of
861 additional rigorous, valid and reliable indicators proposed by a
862 charter school to augment external evaluations of its performance;
863 however, the authorizer must approve the quality and rigor of any
864 indicators proposed by a charter school, which indicators must be
865 consistent with the purposes of this act.

866 (4) The performance framework must require the
867 disaggregation of all student performance data by major student
868 subgroups (gender, race, poverty status, special education status,
869 English learner status and gifted status).

870 (5) The authorizer shall collect, analyze and report all
871 data from state assessments in accordance with the performance
872 framework for each charter school. Multiple schools overseen by a
873 single governing board must report their performance as separate,



874 individual schools, and each school must be held independently
875 accountable for its performance.

876 (6) Information needed by the authorizer from the charter
877 school governing board for the authorizer's reports must be
878 required and included as a material part of the charter contract.

879 **SECTION 16.** (1) The authorizer shall monitor annually the
880 performance and legal compliance of each charter school it
881 oversees, including collecting and analyzing data to support the
882 school's evaluation according to the charter contract. The
883 authorizer may conduct or require oversight activities that enable
884 the authorizer to fulfill its responsibilities under this act,
885 including conducting appropriate inquiries and investigations, so
886 long as those activities are consistent with the intent of this
887 act, adhere to the terms of the charter contract and do not unduly
888 inhibit the autonomy granted to charter schools.

889 (2) As part of its annual report to the Legislature, the
890 authorizer shall publish and provide a performance report for each
891 charter school it oversees in accordance with the performance
892 framework set forth in the charter contract. The report must be
893 made available to the public at the same time as it is submitted
894 to the Legislature. The authorizer may require each charter
895 school it oversees to submit an annual report to assist the
896 authorizer in gathering complete information about each school,
897 consistent with the performance framework.



898 (3) If a charter school's performance or legal compliance is
899 unsatisfactory, the authorizer shall notify promptly the charter
900 school of the problem and provide reasonable opportunity for the
901 school to remedy the problem unless the problem warrants
902 revocation, in which case the revocation timeframes will apply.

903 (4) The authorizer may take appropriate corrective actions
904 or exercise sanctions in response to apparent deficiencies in a
905 charter school's performance or legal compliance. If warranted,
906 the actions or sanctions may include requiring a charter school to
907 develop and execute a corrective action plan within a specified
908 timeframe.

909 **SECTION 17.** (1) A charter may be renewed for successive
910 five-year terms of duration. The authorizer may grant renewal
911 with specific conditions for necessary improvements to a charter
912 school and may lessen the renewal term based on the performance,
913 demonstrated capacities and particular circumstances of each
914 charter school.

915 (2) Before September 30, the authorizer shall issue a
916 charter school performance report and charter renewal application
917 guidance to any charter school whose charter will expire the
918 following year. The performance report must summarize the charter
919 school's performance record to date, based on the data required by
920 this act and the charter contract, and must provide notice of any
921 weaknesses or concerns perceived by the authorizer which may
922 jeopardize the charter school's position in seeking renewal if not



923 timely rectified. The charter school must respond and submit any
924 corrections or clarifications for the performance report within
925 ninety (90) days after receiving the report.

926 (3) The charter renewal application guidance must provide,
927 at a minimum, an opportunity for the charter school to:

928 (a) Present additional evidence, beyond the data
929 contained in the performance report, supporting its case for
930 charter renewal;

931 (b) Describe improvements undertaken or planned for the
932 school; and

933 (c) Detail the school's plans for the next charter
934 term.

935 (4) The charter renewal application guidance must include or
936 refer explicitly to the criteria that will guide the authorizer's
937 renewal decision, which must be based on the performance framework
938 set forth in the charter contract and consistent with this act.

939 (5) Before February 1, the governing board of a charter
940 school seeking renewal shall submit a renewal application to the
941 authorizer pursuant to the charter renewal application guidance
942 issued by the authorizer. The authorizer shall adopt a resolution
943 ruling on the renewal application no later than ninety (90) days
944 after the filing of the renewal application.

945 (6) In making each charter renewal decision, the authorizer
946 must:



947 (a) Ground its decision in evidence of the school's
948 performance over the term of the charter contract in accordance
949 with the performance framework set forth in the charter contract;

950 (b) Ensure that data used in making the renewal
951 decision is available to the school and the public; and

952 (c) Provide a public report summarizing the evidence
953 that is the basis for the renewal decision.

954 (7) A charter contract must be revoked at any time or not
955 renewed if the authorizer determines that the charter school has
956 done any of the following or otherwise failed to comply with the
957 provisions of this act:

958 (a) Committed a material and substantial violation of
959 any of the terms, conditions, standards or procedures required
960 under this act or the charter contract;

961 (b) Failed to meet or make sufficient progress toward
962 the performance expectations set forth in the charter contract;

963 (c) Failed to meet generally accepted standards of
964 fiscal management; or

965 (d) Substantially violated any material provision of
966 law which is applicable to the charter school.

967 (8) The authorizer shall develop revocation and nonrenewal
968 processes that:

969 (a) Provide the governing board of a charter school
970 with a timely notification of the prospect of revocation or
971 nonrenewal and of the reasons for such possible closure;



972 (b) Allow the governing board a reasonable amount of
973 time in which to prepare a response;

974 (c) Provide the governing board with an opportunity to
975 submit documents and give testimony challenging the rationale for
976 closure and in support of the continuation of the school at an
977 orderly proceeding held for that purpose;

978 (d) Allow the governing board access to representation
979 by counsel and to call witnesses on the school's behalf;

980 (e) Permit the recording of such proceedings; and

981 (f) After a reasonable period for deliberation, require
982 a final determination to be made and conveyed in writing to the
983 governing board.

984 (9) Notwithstanding any provision to the contrary, the
985 authorizer may not renew the charter of any charter school that,
986 during the school's final operating year under the term of the
987 charter contract, is designated an "F" school under the school
988 accreditation rating system.

989 (10) If the authorizer revokes or does not renew a charter,
990 the authorizer must state clearly, in a resolution of adopted by
991 the authorizer board, the reasons for the revocation or
992 nonrenewal.

993 (11) Within ten (10) days after taking action to renew, not
994 renew or revoke a charter, the authorizer shall provide a report
995 to the charter school. The report must include a copy of the
996 authorizer board's resolution setting forth the action taken,



997 reasons for the board's decision and assurances as to compliance
998 with all of the requirements set forth in this act.

999 **SECTION 18.** (1) Before implementing a charter school
1000 closure decision, the authorizer must develop a charter school
1001 closure protocol to ensure timely notification to parents, orderly
1002 transition of students and student records to new schools, and
1003 proper disposition of school funds, property and assets in
1004 accordance with the requirements of this act. The protocol must
1005 specify tasks, timelines and responsible parties, including
1006 delineating the respective duties of the school and the
1007 authorizer. If a charter school is to be closed for any reason,
1008 the authorizer shall oversee and work with the closing school to
1009 ensure a smooth and orderly closure and transition for students
1010 and parents, as guided by the closure protocol.

1011 (2) If a charter school closes, all unspent government
1012 funds, unspent earnings from those funds and assets purchased with
1013 government funds must revert to the local school district in which
1014 the charter school is located. Unless otherwise provided for in
1015 the charter or a debt instrument, unspent funds from
1016 nongovernmental sources, unspent earnings from those funds, assets
1017 purchased with those funds and debts of the school must revert to
1018 the nonprofit entity created to operate the school and may be
1019 disposed of according to applicable laws for nonprofit
1020 corporations.



1021 **SECTION 19.** (1) Before October 1 of each year, beginning in
1022 the year that the state has had at least one (1) charter school
1023 operating for a full school year, the Mississippi Charter School
1024 Authorizer Board shall issue to the Governor, Legislature, State
1025 Board of Education and the public an annual report on the state's
1026 charter schools for the preceding school year. The report must
1027 include a comparison of the performance of charter school students
1028 with the performance of academically, ethnically and economically
1029 comparable groups of students in the school district in which a
1030 charter school is located. In addition, the report must include
1031 the authorizer's assessment of the successes, challenges and areas
1032 for improvement in meeting the purposes of this act. The report
1033 also must include an assessment on whether the number and size of
1034 operating charter schools are sufficient to meet demand, as
1035 calculated according to admissions data and the number of students
1036 denied enrollment based on lottery results. The report due from
1037 the authorizer under this section must be coordinated with reports
1038 due from charter school governing boards, as near as possible, to
1039 decrease or eliminate duplication.

1040 (2) The Joint Legislative Committee on Performance
1041 Evaluation and Expenditure Review (PEER) shall prepare an annual
1042 report assessing the sufficiency of funding for charter schools,
1043 the efficacy of the state formula for authorizer funding, and any
1044 suggested changes in state law or policy necessary to strengthen
1045 the state's charter schools.



1046 **SECTION 20.** (1) Notwithstanding any provision of law to the
1047 contrary, to the extent that any provision of this act is
1048 inconsistent with any other state or local law, rule or
1049 regulation, the provisions of this act govern and are controlling.

1050 (2) A charter school and any education service provider
1051 which provides comprehensive management for a charter school must
1052 be a nonprofit education organization.

1053 (3) A charter school is subject to all federal laws and
1054 authorities specified in this act or agreed upon with the
1055 authorizer in the charter contract, where such contracting is
1056 consistent with applicable laws, rules and regulations.

1057 (4) To the extent approved by the authorizer, a charter
1058 contract may consist of one or more schools. Each charter school
1059 that is part of a charter contract must be separate and distinct
1060 from any other charter school.

1061 (5) A single governing board may hold one or more charter
1062 contracts.

1063 (6) A charter school must function as a local educational
1064 agency, and as such, a charter school is responsible for meeting
1065 the requirements of local educational agencies under applicable
1066 federal laws, including those relating to special education,
1067 receipt of funds and compliance with funding requirements. Status
1068 as a local educational agency, however, does not preclude a
1069 charter school from developing, by mutual agreement or formal



1070 contract, links with the local school district for services,
1071 resources and programs.

1072 **SECTION 21.** A charter school may exercise those powers
1073 necessary for carrying out the terms of its charter contract,
1074 including the following powers:

1075 (a) To receive and disburse funds authorized by law for
1076 school purposes;

1077 (b) To secure appropriate insurance and to enter into
1078 contracts and leases;

1079 (c) To contract with an education service provider for
1080 the management and operation of the charter school so long as the
1081 school's governing board retains oversight authority over the
1082 school;

1083 (d) To solicit and accept any gifts or grants for
1084 school purposes subject to applicable laws and the terms of its
1085 charter contract;

1086 (e) To acquire real property for use as its facility or
1087 facilities, from public or private sources; and

1088 (f) To sue and be sued in its own name.

1089 **SECTION 22.** (1) A charter school may not discriminate
1090 against any person on the basis of race, creed, color, sex,
1091 disability, national origin or any other category that would be
1092 unlawful if done by a noncharter public school.



1093 (2) A charter school may not engage in any sectarian
1094 practices in its educational program, admissions or employment
1095 policies or operations.

1096 (3) A charter school may not discriminate against any
1097 student on the basis of national origin, minority status or
1098 limited proficiency in English. Consistent with federal civil
1099 rights laws, charter schools must provide limited English
1100 proficient students with appropriate services designed to teach
1101 them English and the general curriculum.

1102 (4) A charter school may not charge tuition.

1103 (5) The terms of each charter school must include a
1104 transportation plan for students attending the charter school.

1105 (6) Subject to the approval of the authorizer, a charter
1106 school may contract with an accredited online course provider for
1107 the delivery of virtual courses to students enrolled in the
1108 charter school.

1109 (7) Except to the extent authorized under paragraph (c) of
1110 Section 22, the powers, obligations and responsibilities set forth
1111 in the charter contract may not be delegated or assigned by either
1112 party.

1113 **SECTION 23.** (1) Charter schools are subject to the same
1114 civil rights, health and safety requirements applicable to
1115 noncharter public schools in the state, except as otherwise
1116 specifically provided in this act.



1117 (2) Charter schools are subject to the student assessment
1118 and accountability requirements applicable to noncharter public
1119 schools in the state; however, this requirement does not preclude
1120 a charter school from establishing additional student assessment
1121 measures that go beyond state requirements if the authorizer
1122 approves those measures.

1123 (3) Although a charter school is geographically located
1124 within the boundaries of a particular school district and enrolls
1125 students who reside within the school district, the charter school
1126 may not be considered a school within that district under the
1127 purview of the school district's school board. The rules,
1128 regulations, policies and procedures established by the school
1129 board for the noncharter public schools that are in the school
1130 district in which the charter school is geographically located do
1131 not apply to the charter school unless otherwise required under
1132 the charter contract or any contract entered into between the
1133 charter school governing board and the local school board.

1134 (4) Whenever the provisions of Title 37, Mississippi Code of
1135 1972, relating to the elementary and secondary education of public
1136 school students establish a requirement for or grant authority to
1137 local school districts, their school boards and the schools within
1138 the respective school districts, the language "school districts,"
1139 "school boards," "boards of trustees," "the schools within a
1140 school district," or any other similar phraseology does not
1141 include a charter school and the governing board of a charter



1142 school unless the statute specifically is made applicable to
1143 charter schools as well as noncharter public schools.

1144 (5) A charter school is not subject to any rule, regulation,
1145 policy or procedure adopted by the State Board of Education or the
1146 State Department of Education unless otherwise required by the
1147 authorizer or in the charter contract.

1148 (6) Charter schools are not exempt from the following
1149 statutes:

1150 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1151 which relate to open meetings of public bodies.

1152 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1153 which relate to public access to public records.

1154 (c) Section 37-3-51, which requires notice by the
1155 district attorney of licensed school employees who are convicted
1156 of certain sex offenses.

1157 (d) Section 37-3-53, which requires publication of the
1158 Mississippi Report Card by the State Board of Education.

1159 (e) Section 37-11-18, which requires the automatic
1160 expulsion of a student possessing a weapon or controlled substance
1161 on educational property.

1162 (f) Section 37-11-18.1, which requires expulsion of
1163 certain habitually disruptive students.

1164 (g) Section 37-11-19, which requires suspension or
1165 expulsion of a student who damages school property.



1166 (h) Section 37-11-20, which prohibits acts of
1167 intimidation intended to keep a student from attending school.

1168 (i) Section 37-11-21, which prohibits parental abuse of
1169 school staff.

1170 (j) Section 37-11-23, which prohibits the willful
1171 disruption of school and school meetings.

1172 (k) Sections 37-11-29 and 37-11-31, which relate to
1173 reporting requirements regarding unlawful or violent acts on
1174 school property.

1175 (l) Section 37-11-67, which prohibits bullying or
1176 harassing behavior in public schools.

1177 (m) Section 37-13-3, which prohibits doctrinal,
1178 sectarian or denominational teaching in public schools.

1179 (n) Sections 37-13-5 and 37-13-6, which require the
1180 flags of the United States and the State of Mississippi to be
1181 displayed near the school building.

1182 (o) Section 37-13-63(1), which prescribes the minimum
1183 number of days which public schools must be kept in session during
1184 a scholastic year.

1185 (p) Section 37-13-91, which is the Mississippi
1186 Compulsory School Attendance Law.

1187 (q) Section 37-13-171(2) and (4), which requires any
1188 course containing sex-related education to include instruction in
1189 abstinence-only or abstinence-plus education.



1190 (r) Section 37-13-173, which requires notice to parents
1191 before instruction on human sexuality is provided in public
1192 classrooms.

1193 (s) Section 37-13-193, which relates to civil rights
1194 and human rights education in the public schools.

1195 (t) Sections 37-15-1 and 37-15-3, which relate to the
1196 maintenance and transfer of permanent student records in public
1197 schools.

1198 (u) Section 37-15-6, which requires the State
1199 Department of Education to maintain a record of expulsions from
1200 the public schools.

1201 (v) Section 37-15-9, which establishes minimum age
1202 requirements for kindergarten and first grade enrollment in public
1203 schools.

1204 (w) Section 37-15-11, which requires a parent, legal
1205 guardian or custodian to accompany a child seeking enrollment in a
1206 public school.

1207 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1208 which relate to the statewide assessment testing program.

1209 (y) Section 37-18-1, which establishes the
1210 Superior-Performing Schools Program and Exemplary Schools Program
1211 to recognize public schools that improve.

1212 **SECTION 24.** (1) (a) Charter schools must comply with
1213 applicable federal laws, rules and regulations regarding the
1214 qualification of teachers and other instructional staff. No more



1215 than twenty-five percent (25%) of teachers in a charter school may
1216 be exempt from state teacher licensure requirements at the time
1217 the initial charter application is approved by the authorizer.
1218 Administrators of charter schools are exempt from state
1219 administrator licensure requirements. However, teachers and
1220 administrators must have a bachelor's degree as a minimum
1221 requirement, and teachers must have demonstrated subject-matter
1222 competency. Within three (3) years of the date of initial
1223 application approval by the authorizer, all teachers must have, at
1224 a minimum, alternative licensure approved by the Commission on
1225 Teacher and Administrator Education, Certification and Licensure
1226 and Development.

1227 (b) A charter school may not staff positions for
1228 teachers, administrators, ancillary support personnel or other
1229 employees by utilizing or otherwise relying on nonimmigrant
1230 foreign worker visa programs. However, a charter school may
1231 submit a request to the authorizer for an exception allowing the
1232 employment of a nonimmigrant foreign worker before the worker is
1233 employed. The authorizer may grant permission for the employment
1234 of the nonimmigrant foreign worker only if the charter school
1235 makes a satisfactory showing of efforts to recruit lawful
1236 permanent residents of the United States to fill the position and
1237 a lack of qualified applicants to fill the position.



1238 (2) Employees in charter schools must have the same general
1239 rights and privileges as other public school employees, except
1240 such employees are not:

1241 (a) Covered under the Education Employment Procedures
1242 Law (Section 37-9-103);

1243 (b) Subject to the state salary requirements prescribed
1244 in Section 37-19-7; and

1245 (c) Members of the Public Employees' Retirement System.

1246 (3) Employees in charter schools are eligible for
1247 participation in retirement and other benefits programs in which
1248 the charter school chooses to make available to its employees.

1249 **SECTION 25.** (1) Charter school teachers and other school
1250 personnel, as well as members of the governing board and any
1251 education service provider with whom a charter school contracts,
1252 are subject to criminal history record checks and fingerprinting
1253 requirements applicable to employees of other public schools. The
1254 authorizer shall require that current criminal records background
1255 checks and current child abuse registry checks are obtained, and
1256 that the criminal record information and registry checks are on
1257 file at the charter school for any new hires applying for
1258 employment. In order to determine an applicant's suitability for
1259 employment, the applicant must be fingerprinted. If no
1260 disqualifying record is identified at the state level, the
1261 fingerprints must be forwarded by the Department of Public Safety
1262 to the Federal Bureau of Investigation for a national criminal



1263 history record check. Under no circumstances may a member of the
1264 Mississippi Charter School Authorizer Board, member of the charter
1265 school governing board or any individual other than the subject of
1266 the criminal history record checks disseminate information
1267 received through the checks except as may be required to fulfill
1268 the purposes of this section. The determination whether the
1269 applicant has a disqualifying crime, as set forth in subsection
1270 (2) of this section, must be made by the appropriate state or
1271 federal governmental authority, which must notify the charter
1272 school whether a disqualifying crime exists.

1273 (2) If the fingerprinting or criminal record checks disclose
1274 a felony conviction, guilty plea or plea of nolo contendere to a
1275 felony of possession or sale of drugs, murder, manslaughter, armed
1276 robbery, rape, sexual battery, sex offense listed in Section
1277 45-33-23(g), child abuse, arson, grand larceny, burglary,
1278 gratification of lust or aggravated assault which has not been
1279 reversed on appeal or for which a pardon has not been granted, the
1280 new hire is not eligible to be employed at the charter school.
1281 However, the charter school, in its discretion, may allow any
1282 applicant aggrieved by the employment decision under this section
1283 to show mitigating circumstances that exist and may allow, subject
1284 to the approval of the Mississippi Charter School Authorizer
1285 Board, the new hire to be employed at the school. The authorizer
1286 may approve the employment depending on the mitigating
1287 circumstances, which may include, but need not be limited to: (a)



1288 age at which the crime was committed; (b) circumstances
1289 surrounding the crime; (c) length of time since the conviction and
1290 criminal history since the conviction; (d) work history; (e)
1291 current employment and character references; and (f) other
1292 evidence demonstrating the ability of the person to perform the
1293 employment responsibilities competently and that the person does
1294 not pose a threat to the health or safety of children.

1295 (3) No charter school, charter school employee, member of
1296 the charter school governing board, the Mississippi Charter School
1297 Authorizer Board or member or employee of the Mississippi Charter
1298 School Authorizer Board employee may be held liable in any
1299 employment discrimination suit in which an allegation of
1300 discrimination is made regarding an employment decision authorized
1301 under this section.

1302 (4) A charter school shall terminate any teacher or
1303 administrator for committing one or more of the following acts:

1304 (a) Engaging in unethical conduct relating to an
1305 educator-student relationship as identified by the Mississippi
1306 Charter School Authorizer Board;

1307 (b) Fondling a student as described in Section 97-5-23
1308 or engaging in any type of sexual involvement with a student as
1309 described in Section 97-3-95; or

1310 (c) Failure to report sexual involvement of a charter
1311 school employee with a student as required by Section 97-5-24.



1312 **SECTION 26.** A charter school is eligible to participate in
1313 state-sponsored or district-sponsored athletic and academic
1314 interscholastic leagues, competitions, awards, scholarships and
1315 recognition programs for students, educators, administrators and
1316 schools to the same extent as noncharter public schools.

1317 **SECTION 27.** (1) Each charter school shall certify annually
1318 to the State Department of Education its student enrollment,
1319 average daily attendance and student participation in the national
1320 school lunch program, special education, vocational education,
1321 gifted education, alternative school program and federal programs
1322 in the same manner as school districts.

1323 (2) Each charter school shall certify annually to the school
1324 board of the school district in which the charter school is
1325 located the number of enrolled charter school students residing in
1326 the school district.

1327 **SECTION 28.** (1) (a) The State Department of Education
1328 shall make payments to charter schools for each student in average
1329 daily attendance at the charter school equal to the state share of
1330 the adequate education program payments for each student in
1331 average daily attendance at the school district in which the
1332 charter school is located. In calculating the local contribution
1333 for purposes of determining the state share of the adequate
1334 education program payments, the department shall deduct the pro
1335 rata local contribution of the school district in which the



1336 student resides, to be determined as provided in Section
1337 37-151-7(2) (a) .

1338 (b) Payments made pursuant to this subsection by the
1339 State Department of Education must be made at the same time and in
1340 the same manner as adequate education program payments are made to
1341 school districts under Sections 37-151-101 and 37-151-103.
1342 Amounts payable to a charter school must be determined by the
1343 State Department of Education. Amounts payable to a charter
1344 school in its first year of operation must be based on the
1345 projections of initial-year enrollment and federal school level
1346 funding set forth in the charter contract. Such projections must
1347 be reconciled with the average daily attendance at the end of the
1348 school's first year of operation, and any necessary adjustments
1349 must be made to payments during the school's second year of
1350 operation.

1351 (2) The school district in which a charter school is located
1352 shall pay directly to the charter school an amount for each
1353 student enrolled in the charter school equal to the ad valorem tax
1354 receipts and in-lieu payments received per pupil for the support
1355 of the local school district in which the student resides. The
1356 pro rata ad valorem receipts and in-lieu receipts to be
1357 transferred to the charter school shall include all levies for the
1358 support of the local school district under Sections 37-57-1 (local
1359 contribution to the adequate education program) and 37-57-105
1360 (school district operational levy) and may not include any taxes



1361 levied for the retirement of the local school district's bonded
1362 indebtedness or short-term notes or any taxes levied for the
1363 support of vocational-technical education programs. In no event
1364 may the payment exceed the pro rata amount of the local ad valorem
1365 payment for the local contribution to the adequate education
1366 program under Section 37-57-1 for the school district in which the
1367 student resides. Payments made under this section by a school
1368 district to a charter school must be made before the expiration of
1369 three (3) business days after the funds are distributed to the
1370 school district by the tax collector.

1371 (3) (a) The State Department of Education shall direct the
1372 proportionate share of monies generated under federal and state
1373 categorical aid programs, including special education, vocational,
1374 gifted and alternative school programs, to charter schools serving
1375 students eligible for such aid. The department shall ensure that
1376 charter schools with rapidly expanding enrollments are treated
1377 equitably in the calculation and disbursement of all federal and
1378 state categorical aid program dollars. Each charter school that
1379 serves students who may be eligible to receive services provided
1380 through such programs shall comply with all reporting requirements
1381 to receive the aid.

1382 (b) A charter school shall pay to a local school
1383 district any federal or state aid attributable to a student with a
1384 disability attending the charter school in proportion to the level



1385 of services for that student which the local school district
1386 provides directly or indirectly.

1387 (c) Subject to the approval of the authorizer, a
1388 charter school and a local school district may negotiate and enter
1389 into a contract for the provision of and payment for special
1390 education services, including, but not necessarily limited to, a
1391 reasonable reserve not to exceed five percent (5%) of the local
1392 school district's total budget for providing special education
1393 services. The reserve may be used by the local school district
1394 only to offset excess costs of providing services to students with
1395 disabilities enrolled in the charter school.

1396 (4) (a) The State Department of Education shall disburse
1397 state transportation funding to a charter school on the same basis
1398 and in the same manner as it is paid to school districts under the
1399 adequate education program.

1400 (b) A charter school may enter into a contract with a
1401 school district or private provider to provide transportation to
1402 the school's students.

1403 **SECTION 29.** (1) A charter school must adhere to generally
1404 accepted accounting principles.

1405 (2) A charter school shall have its financial records
1406 audited annually, at the end of each fiscal year, either by the
1407 State Auditor or by a certified public accountant approved by the
1408 State Auditor. However, a certified public accountant may not be
1409 selected to perform the annual audit of a charter school if that



1410 accountant previously has audited the charter school for more than
1411 three (3) consecutive years. Certified public accountants must be
1412 selected in a manner determined by the State Auditor. The charter
1413 school shall file a copy of each audit report and accompanying
1414 management letter with the authorizer before August 1.

1415 **SECTION 30.** (1) Any monies received by a charter school
1416 from any source remaining in the charter school's accounts at the
1417 end of a budget year must remain in the charter school's accounts
1418 for use by the charter school during subsequent budget years.

1419 (2) Nothing in this act may be construed to prohibit any
1420 person or organization from providing funding or other assistance
1421 to the establishment or operation of a charter school. The
1422 governing board of a charter school may accept gifts, donations
1423 and grants of any kind made to the charter school and may expend
1424 or use such gifts, donations and grants in accordance with the
1425 conditions prescribed by the donor; however, a gift, donation or
1426 grant may not be accepted if it is subject to a condition that is
1427 contrary to any provision of law or term of the charter contract.

1428 (3) A charter school must disclose publicly all sources of
1429 private funding and all funds received from foreign sources,
1430 including gifts from foreign governments, foreign legal entities
1431 and domestic entities affiliated with either foreign governments
1432 or foreign legal entities. For the purposes of this subsection,
1433 the term "foreign" means a country or jurisdiction outside of any
1434 state or territory of the United States.



1435 **SECTION 31.** (1) A charter school has a right of first
1436 refusal to purchase or lease at or below fair market value a
1437 closed public school facility or property or unused portions of a
1438 public school facility or property in the school district in which
1439 the charter school is located if the school district decides to
1440 sell or lease the public school facility or property.

1441 (2) A charter school may negotiate and contract at or below
1442 fair market value with a school district, state institution of
1443 higher learning, public community or junior college, or any other
1444 public or for-profit or nonprofit private entity for the use of a
1445 facility for a school building.

1446 (3) Public entities, including, but not limited to,
1447 libraries, community service organizations, museums, performing
1448 arts venues, theatres, cinemas, churches, community and junior
1449 colleges, colleges and universities, may provide space to charter
1450 schools within their facilities under their preexisting zoning and
1451 land use designations.

1452 **SECTION 32.** Section 11-46-1, Mississippi Code of 1972, is
1453 amended as follows:

1454 11-46-1. As used in this chapter, the following terms shall
1455 have the meanings * * * ascribed unless the context otherwise
1456 requires:

1457 (a) "Claim" means any demand to recover damages from a
1458 governmental entity as compensation for injuries.



1459 (b) "Claimant" means any person seeking compensation
1460 under the provisions of this chapter, whether by administrative
1461 remedy or through the courts.

1462 (c) "Board" means the Mississippi Tort Claims Board.

1463 (d) "Department" means the Department of Finance and
1464 Administration.

1465 (e) "Director" means the executive director of the
1466 department who is also the executive director of the board.

1467 (f) "Employee" means any officer, employee or servant
1468 of the State of Mississippi or a political subdivision of the
1469 state, including elected or appointed officials and persons acting
1470 on behalf of the state or a political subdivision in any official
1471 capacity, temporarily or permanently, in the service of the state
1472 or a political subdivision whether with or without compensation,
1473 including firefighters who are members of a volunteer fire
1474 department that is a political subdivision. The term "employee"
1475 shall not mean a person or other legal entity while acting in the
1476 capacity of an independent contractor under contract to the state
1477 or a political subdivision; * * * and

1478 (i) For purposes of the limits of liability
1479 provided for in Section 11-46-15, the term "employee" shall
1480 include:

1481 1. Physicians under contract to provide
1482 health services with the State Board of Health, the State Board of



1483 Mental Health or any county or municipal jail facility while
1484 rendering services under * * * the contract * * *;

1485 2. Any physician, dentist or other health
1486 care practitioner employed by the University of Mississippi
1487 Medical Center (UMMC) and its departmental practice plans who is a
1488 faculty member and provides health care services only for patients
1489 at UMMC or its affiliated practice sites * * *;

1490 3. Any physician, dentist or other health
1491 care practitioner employed by any university under the control of
1492 the Board of Trustees of State Institutions of Higher Learning who
1493 practices only on the campus of any university under the control
1494 of the Board of Trustees of State Institutions of Higher
1495 Learning * * *;

1496 4. Any physician, dentist or other health
1497 care practitioner employed by the State Veterans Affairs Board and
1498 who provides health care services for patients for the State
1499 Veterans Affairs Board * * *;

1500 (ii) The term "employee" shall also include
1501 Mississippi Department of Human Services licensed foster parents
1502 for the limited purposes of coverage under the Tort Claims Act as
1503 provided in Section 11-46-8 * * *; and

1504 (iii) The term "employee" also shall include any
1505 employee or member of the governing board of a charter school but
1506 shall not include any person or entity acting in the capacity of



1507 an independent contractor to provide goods or services under a
1508 contract with a charter school.

1509 (g) "Governmental entity" means * * * the state and
1510 political subdivisions * * *.

1511 (h) "Injury" means death, injury to a person, damage to
1512 or loss of property or any other injury that a person may suffer
1513 that is actionable at law or in equity.

1514 (i) "Political subdivision" means any body politic or
1515 body corporate other than the state responsible for governmental
1516 activities only in geographic areas smaller than that of the
1517 state, including, but not limited to, any county, municipality,
1518 school district, charter school, volunteer fire department that is
1519 a chartered nonprofit corporation providing emergency services
1520 under contract with a county or municipality community hospital as
1521 defined in Section 41-13-10, * * * airport authority, or other
1522 instrumentality * * * of the state, whether or not * * * the body
1523 or instrumentality * * * has the authority to levy taxes or to sue
1524 or be sued in its own name.

1525 (j) "State" means the State of Mississippi and any
1526 office, department, agency, division, bureau, commission, board,
1527 institution, hospital, college, university, airport authority or
1528 other instrumentality thereof, whether or not * * * the body or
1529 instrumentality * * * has the authority to levy taxes or to sue or
1530 be sued in its own name.



1531 (k) "Law" means all species of law, including, but not
1532 limited to, any and all constitutions, statutes, case law, common
1533 law, customary law, court order, court rule, court decision, court
1534 opinion, court judgment or mandate, administrative rule or
1535 regulation, executive order, or principle or rule of equity.

1536 **SECTION 33.** Section 25-41-3, Mississippi Code of 1972, is
1537 amended as follows:

1538 25-41-3. For purposes of this chapter, the following words
1539 shall have the meaning ascribed herein, to wit:

1540 (a) "Public body" means any executive or administrative
1541 board, commission, authority, council, department, agency, bureau
1542 or any other policy-making entity, or committee thereof, of the
1543 State of Mississippi, or any political subdivision or municipal
1544 corporation of the state, whether such entity be created by
1545 statute or executive order, which is supported wholly or in part
1546 by public funds or expends public funds, and any standing, interim
1547 or special committee of the Mississippi Legislature. The term
1548 "public body" includes the governing board of a charter school
1549 authorized by the Mississippi Charter School Authorizer Board.

1550 There shall be exempted from the provisions of this chapter:

1551 (i) The judiciary, including all jury deliberations;

1552 (ii) Public and private hospital staffs, public and
1553 private hospital boards and committees thereof;

1554 (iii) Law enforcement officials;

1555 (iv) The military;



1556 (v) The State Probation and Parole Board;
1557 (vi) The Workers' Compensation Commission;
1558 (vii) Legislative subcommittees and legislative
1559 conference committees;
1560 (viii) The arbitration council established in Section
1561 69-3-19;
1562 (ix) License revocation, suspension and disciplinary
1563 proceedings held by the Mississippi State Board of Dental
1564 Examiners; and
1565 (x) Hearings and meetings of the Board of Tax Appeals
1566 and of the hearing officers and the board of review of the
1567 Department of Revenue as provided in Section 27-77-15.

1568 (b) "Meeting" means an assemblage of members of a public
1569 body at which official acts may be taken upon a matter over which
1570 the public body has supervision, control, jurisdiction or advisory
1571 power; "meeting" also means any such assemblage through the use of
1572 video or teleconference devices.

1573 **SECTION 34.** Section 25-61-3, Mississippi Code of 1972, is
1574 amended as follows:

1575 25-61-3. The following words shall have the meanings
1576 ascribed herein unless the context clearly requires otherwise:

1577 (a) "Public body" shall mean any department, bureau,
1578 division, council, commission, committee, subcommittee, board,
1579 agency and any other entity of the state or a political
1580 subdivision thereof, and any municipal corporation and any other



1581 entity created by the Constitution or by law, executive order,
1582 ordinance or resolution. The term "public body" includes the
1583 governing board of a charter school authorized by the Mississippi
1584 Charter School Authorizer Board. Within the meaning of this
1585 chapter, the term "entity" shall not be construed to include
1586 individuals employed by a public body or any appointed or elected
1587 public official.

1588 (b) "Public records" shall mean all books, records,
1589 papers, accounts, letters, maps, photographs, films, cards, tapes,
1590 recordings or reproductions thereof, and any other documentary
1591 materials, regardless of physical form or characteristics, having
1592 been used, being in use, or prepared, possessed or retained for
1593 use in the conduct, transaction or performance of any business,
1594 transaction, work, duty or function of any public body, or
1595 required to be maintained by any public body.

1596 (c) "Data processing software" means the programs and
1597 routines used to employ and control the capabilities of data
1598 processing hardware, including, but not limited to, operating
1599 systems, compilers, assemblers, utilities, library routines,
1600 maintenance routines, applications and computer networking
1601 programs.

1602 (d) "Proprietary software" means data processing
1603 software that is obtained under a licensing agreement and is
1604 protected by copyright or trade secret laws.



1605 (e) "Incident report" means a narrative description, if
1606 such narrative description exists and if such narrative
1607 description does not contain investigative information, of an
1608 alleged offense, and at a minimum shall include the name and
1609 identification of each person charged with and arrested for the
1610 alleged offense, the time, date and location of the alleged
1611 offense, and the property involved, to the extent this information
1612 is known.

1613 (f) "Investigative report" means records of a law
1614 enforcement agency containing information beyond the scope of the
1615 matters contained in an incident report, and generally will
1616 include, but not be limited to, the following matters if beyond
1617 the scope of the matters contained in an incident report:

1618 (i) Records that are compiled in the process of
1619 detecting and investigating any unlawful activity or alleged
1620 unlawful activity, the disclosure of which would harm the
1621 investigation which may include crime scene reports and
1622 demonstrative evidence;

1623 (ii) Records that would reveal the identity of
1624 informants and/or witnesses;

1625 (iii) Records that would prematurely release
1626 information that would impede the public body's enforcement,
1627 investigative or detection efforts;

1628 (iv) Records that would disclose investigatory
1629 techniques and/or results of investigative techniques;



1630 (v) Records that would deprive a person of a right
1631 to a fair trial or an impartial adjudication;

1632 (vi) Records that would endanger the life or
1633 safety of a public official or law enforcement personnel, or
1634 confidential informants or witnesses;

1635 (vii) Records pertaining to quality control or
1636 PEER review activities; or

1637 (viii) Records that would impede or jeopardize a
1638 prosecutor's ability to prosecute the alleged offense.

1639 (g) "Law enforcement agency" means a public body that
1640 performs as one (1) of its principal functions activities
1641 pertaining to the enforcement of criminal laws, the apprehension
1642 and investigation of criminal offenders, or the investigation of
1643 criminal activities.

1644 **SECTION 35.** Section 31-7-1, Mississippi Code of 1972, is
1645 amended as follows:

1646 31-7-1. The following terms are defined for the purposes of
1647 this chapter to have the following meanings:

1648 (a) "Agency" means any state board, commission,
1649 committee, council, university, department or unit thereof created
1650 by the Constitution or statutes if such board, commission,
1651 committee, council, university, department, unit or the head
1652 thereof is authorized to appoint subordinate staff by the
1653 Constitution or statute, except a legislative or judicial board,
1654 commission, committee, council, department or unit thereof; except



1655 a charter school authorized by the Mississippi Charter School
1656 Authorizer Board; and except the Mississippi State Port Authority.

1657 (b) "Governing authority" means boards of supervisors,
1658 governing boards of all school districts, all boards of directors
1659 of public water supply districts, boards of directors of master
1660 public water supply districts, municipal public utility
1661 commissions, governing authorities of all municipalities, port
1662 authorities, Mississippi State Port Authority, commissioners and
1663 boards of trustees of any public hospitals, boards of trustees of
1664 public library systems, district attorneys, school attendance
1665 officers and any political subdivision of the state supported
1666 wholly or in part by public funds of the state or political
1667 subdivisions thereof, including commissions, boards and agencies
1668 created or operated under the authority of any county or
1669 municipality of this state. The term "governing authority" shall
1670 not include economic development authorities supported in part by
1671 private funds, or commissions appointed to hold title to and
1672 oversee the development and management of lands and buildings
1673 which are donated by private individuals to the public for the use
1674 and benefit of the community and which are supported in part by
1675 private funds. The term "governing authority" also shall not
1676 include the governing board of a charter school.

1677 (c) "Purchasing agent" means any administrator,
1678 superintendent, purchase clerk or other chief officer so
1679 designated having general or special authority to negotiate for



1680 and make private contract for or purchase for any governing
1681 authority or agency.

1682 (d) "Public funds" means and includes any appropriated
1683 funds, special funds, fees or any other emoluments received by an
1684 agency or governing authority.

1685 (e) "Commodities" means and includes the various
1686 commodities, goods, merchandise, furniture, equipment, automotive
1687 equipment of every kind, and other personal property purchased by
1688 the agencies of the state and governing authorities, but not
1689 commodities purchased for resale or raw materials converted into
1690 products for resale.

1691 (i) "Equipment" shall be construed to include:
1692 automobiles, trucks, tractors, office appliances and all other
1693 equipment of every kind and description.

1694 (ii) "Furniture" shall be construed to include:
1695 desks, chairs, tables, seats, filing cabinets, bookcases and all
1696 other items of a similar nature as well as dormitory furniture,
1697 appliances, carpets and all other items of personal property
1698 generally referred to as home, office or school furniture.

1699 (f) "Emergency" means any circumstances caused by fire,
1700 flood, explosion, storm, earthquake, epidemic, riot, insurrection
1701 or caused by any inherent defect due to defective construction, or
1702 when the immediate preservation of order or of public health is
1703 necessary by reason of unforeseen emergency, or when the immediate
1704 restoration of a condition of usefulness of any public building,



1705 equipment, road or bridge appears advisable, or in the case of a
1706 public utility when there is a failure of any machine or other
1707 thing used and useful in the generation, production or
1708 distribution of electricity, water or natural gas, or in the
1709 transportation or treatment of sewage; or when the delay incident
1710 to obtaining competitive bids could cause adverse impact upon the
1711 governing authorities or agency, its employees or its citizens; or
1712 in the case of a public airport, when the delay incident to
1713 publishing an advertisement for competitive bids would endanger
1714 public safety in a specific (not general) manner, result in or
1715 perpetuate a specific breach of airport security, or prevent the
1716 airport from providing specific air transportation services.

1717 (g) "Construction" means the process of building,
1718 altering, improving, renovating or demolishing a public structure,
1719 public building, or other public real property. It does not
1720 include routine operation, routine repair or regularly scheduled
1721 maintenance of existing public structures, public buildings or
1722 other public real property.

1723 (h) "Purchase" means buying, renting, leasing or
1724 otherwise acquiring.

1725 (i) "Certified purchasing office" means any purchasing
1726 office * * * in which fifty percent (50%) or more of the
1727 purchasing agents hold a certification from the Universal Public
1728 Purchasing Certification Council or other nationally recognized
1729 purchasing certification, and in which, in the case of a state



1730 agency purchasing office, in addition to the national
1731 certification, one hundred percent (100%) of the purchasing
1732 officials hold a certification from the State of Mississippi's
1733 Basic or Advanced Purchasing Certification Program.

1734 (j) "Certified Mississippi Purchasing Agent" means a
1735 state agency purchasing official who holds a certification from
1736 the Mississippi Basic Purchasing Certification Program as
1737 established by the Office of Purchasing, Travel and Fleet
1738 Management.

1739 (k) "Certified Mississippi Procurement Manager" means a
1740 state agency purchasing official who holds a certification from
1741 the Mississippi Advanced Purchasing Certification Program as
1742 established by the Office of Purchasing, Travel and Fleet
1743 Management.

1744 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is
1745 amended as follows:

1746 37-1-3. (1) The State Board of Education shall adopt rules
1747 and regulations and set standards and policies for the
1748 organization, operation, management, planning, budgeting and
1749 programs of the State Department of Education.

1750 (a) The board is directed to identify all functions of
1751 the department that contribute to or comprise a part of the state
1752 system of educational accountability and to establish and maintain
1753 within the department the necessary organizational structure,
1754 policies and procedures for effectively coordinating such



1755 functions. Such policies and procedures shall clearly fix and
1756 delineate responsibilities for various aspects of the system and
1757 for overall coordination of the total system and its effective
1758 management.

1759 (b) The board shall establish and maintain a
1760 system-wide plan of performance, policy and directions of public
1761 education not otherwise provided for.

1762 (c) The board shall effectively use the personnel and
1763 resources of the department to enhance technical assistance to
1764 school districts in instruction and management therein.

1765 (d) The board shall establish and maintain a central
1766 budget policy.

1767 (e) The board shall establish and maintain within the
1768 State Department of Education a central management capacity under
1769 the direction of the State Superintendent of Public Education.

1770 (f) The board, with recommendations from the
1771 superintendent, shall design and maintain a five-year plan and
1772 program for educational improvement that shall set forth
1773 objectives for system performance and development and be the basis
1774 for budget requests and legislative initiatives.

1775 (2) (a) The State Board of Education shall adopt and
1776 maintain a curriculum and a course of study to be used in the
1777 public * * * school districts that is designed to prepare the
1778 state's children and youth to be productive, informed, creative
1779 citizens, workers and leaders, and it shall regulate all matters



1780 arising in the practical administration of the school system not
1781 otherwise provided for.

1782 (b) Before the 1999-2000 school year, the State Board
1783 of Education shall develop personal living and finances objectives
1784 that focus on money management skills for individuals and families
1785 for appropriate, existing courses at the secondary level. The
1786 objectives must require the teaching of those skills necessary to
1787 handle personal business and finances and must include instruction
1788 in the following:

1789 (i) Opening a bank account and assessing the
1790 quality of a bank's services;

1791 (ii) Balancing a checkbook;

1792 (iii) Managing debt, including retail and credit
1793 card debt;

1794 (iv) Completing a loan application;

1795 (v) The implications of an inheritance;

1796 (vi) The basics of personal insurance policies;

1797 (vii) Consumer rights and responsibilities;

1798 (viii) Dealing with salesmen and merchants;

1799 (ix) Computing state and federal income taxes;

1800 (x) Local tax assessments;

1801 (xi) Computing interest rates by various
1802 mechanisms;

1803 (xii) Understanding simple contracts; and

1804 (xiii) Contesting an incorrect billing statement.



1805 (3) The State Board of Education shall have authority to
1806 expend any available federal funds, or any other funds expressly
1807 designated, to pay training, educational expenses, salary
1808 incentives and salary supplements to licensed teachers employed in
1809 local school districts or schools administered by the State Board
1810 of Education. Such incentive payments shall not be considered
1811 part of a school district's local supplement as defined in Section
1812 37-151-5(o), nor shall the incentives be considered part of the
1813 local supplement paid to an individual teacher for the purposes of
1814 Section 37-19-7(1). MAEP funds or any other state funds shall not
1815 be used to provide such incentives unless specifically authorized
1816 by law.

1817 (4) The State Board of Education shall through its actions
1818 seek to implement the policies set forth in Section 37-1-2.

1819 **SECTION 37.** Section 37-1-12, Mississippi Code of 1972, is
1820 amended as follows:

1821 37-1-12. The State Board of Education shall develop and
1822 promulgate regulations for annual reports from * * * school
1823 districts and from the State Department of Education to the
1824 Legislature. Such regulations shall eliminate duplication, make
1825 effective use of technology and enable the Legislature to monitor
1826 education in Mississippi. These regulations may include methods
1827 to reduce redundant reporting requirements and eliminate
1828 inadequate performance measures, and the State Board of Education



1829 may include any proposed legislative amendments to state law
1830 necessary to improve statewide reporting mandates.

1831 **SECTION 38.** Section 37-1-13, Mississippi Code of 1972, is
1832 amended as follows:

1833 37-1-13. (1) The State Board of Education shall issue
1834 regulations:

1835 (a) Setting minimum specifications for relocatable
1836 classrooms for the public * * * school districts;

1837 (b) Approving or disapproving plans for relocatable
1838 classrooms for public * * * school districts;

1839 (c) Providing a system of requiring local school
1840 districts to receive State Department of Education approval before
1841 purchase of such relocatable classrooms.

1842 (2) The State Department of Education may, in its
1843 discretion, inspect the facilities of any manufacturer of
1844 relocatable classrooms for the purpose of determining if State
1845 Department of Education minimum specifications are being met.

1846 (3) The State Department of Education shall insure that
1847 local school districts advertise for and receive bids as required
1848 by state law for purchase of relocatable classrooms. The State
1849 Department of Education shall approve plans for relocatable
1850 classrooms by persons, firms, corporations or associations
1851 permitted to submit bids for consideration, before such bids are
1852 submitted to local school districts. The State Department of
1853 Education shall have the right to reject any and all relocatable



1854 classroom plans submitted. Bids may not be submitted to local
1855 school districts, unless persons, firms, corporations or
1856 associations have State Department of Education approval.

1857 **SECTION 39.** Section 37-3-2, Mississippi Code of 1972, is
1858 amended as follows:

1859 37-3-2. (1) There is established within the State
1860 Department of Education the Commission on Teacher and
1861 Administrator Education, Certification and Licensure and
1862 Development. It shall be the purpose and duty of the commission
1863 to make recommendations to the State Board of Education regarding
1864 standards for the certification and licensure and continuing
1865 professional development of those who teach or perform tasks of an
1866 educational nature in the public schools of Mississippi.

1867 (2) The commission shall be composed of fifteen (15)
1868 qualified members. The membership of the commission shall be
1869 composed of the following members to be appointed, three (3) from
1870 each congressional district: four (4) classroom teachers; three
1871 (3) school administrators; one (1) representative of schools of
1872 education of institutions of higher learning located within the
1873 state to be recommended by the Board of Trustees of State
1874 Institutions of Higher Learning; one (1) representative from the
1875 schools of education of independent institutions of higher
1876 learning to be recommended by the Board of the Mississippi
1877 Association of Independent Colleges; one (1) representative from
1878 public community and junior colleges located within the state to



1879 be recommended by the State Board for Community and Junior
1880 Colleges; one (1) local school board member; and four (4)
1881 laypersons. All appointments shall be made by the State Board of
1882 Education after consultation with the State Superintendent of
1883 Public Education. The first appointments by the State Board of
1884 Education shall be made as follows: five (5) members shall be
1885 appointed for a term of one (1) year; five (5) members shall be
1886 appointed for a term of two (2) years; and five (5) members shall
1887 be appointed for a term of three (3) years. Thereafter, all
1888 members shall be appointed for a term of four (4) years.

1889 (3) The State Board of Education when making appointments
1890 shall designate a chairman. The commission shall meet at least
1891 once every two (2) months or more often if needed. Members of the
1892 commission shall be compensated at a rate of per diem as
1893 authorized by Section 25-3-69 and be reimbursed for actual and
1894 necessary expenses as authorized by Section 25-3-41.

1895 (4) (a) An appropriate staff member of the State Department
1896 of Education shall be designated and assigned by the State
1897 Superintendent of Public Education to serve as executive secretary
1898 and coordinator for the commission. No less than two (2) other
1899 appropriate staff members of the State Department of Education
1900 shall be designated and assigned by the State Superintendent of
1901 Public Education to serve on the staff of the commission.

1902 (b) An Office of Educator Misconduct Evaluations shall
1903 be established within the State Department of Education to assist



1904 the commission in responding to infractions and violations, and in
1905 conducting hearings and enforcing the provisions of Section
1906 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,
1907 and violations of the Mississippi Educator Code of Ethics.

1908 (5) It shall be the duty of the commission to:

1909 (a) Set standards and criteria, subject to the approval
1910 of the State Board of Education, for all educator preparation
1911 programs in the state;

1912 (b) Recommend to the State Board of Education each year
1913 approval or disapproval of each educator preparation program in
1914 the state, subject to a process and schedule determined by the
1915 State Board of Education;

1916 (c) Establish, subject to the approval of the State
1917 Board of Education, standards for initial teacher certification
1918 and licensure in all fields;

1919 (d) Establish, subject to the approval of the State
1920 Board of Education, standards for the renewal of teacher licenses
1921 in all fields;

1922 (e) Review and evaluate objective measures of teacher
1923 performance, such as test scores, which may form part of the
1924 licensure process, and to make recommendations for their use;

1925 (f) Review all existing requirements for certification
1926 and licensure;

1927 (g) Consult with groups whose work may be affected by
1928 the commission's decisions;



1929 (h) Prepare reports from time to time on current
1930 practices and issues in the general area of teacher education and
1931 certification and licensure;

1932 (i) Hold hearings concerning standards for teachers'
1933 and administrators' education and certification and licensure with
1934 approval of the State Board of Education;

1935 (j) Hire expert consultants with approval of the State
1936 Board of Education;

1937 (k) Set up ad hoc committees to advise on specific
1938 areas; and

1939 (l) Perform such other functions as may fall within
1940 their general charge and which may be delegated to them by the
1941 State Board of Education.

1942 (6) (a) **Standard License - Approved Program Route.** An
1943 educator entering the school system of Mississippi for the first
1944 time and meeting all requirements as established by the State
1945 Board of Education shall be granted a standard five-year license.
1946 Persons who possess two (2) years of classroom experience as an
1947 assistant teacher or who have taught for one (1) year in an
1948 accredited public or private school shall be allowed to fulfill
1949 student teaching requirements under the supervision of a qualified
1950 participating teacher approved by an accredited college of
1951 education. The local school district in which the assistant
1952 teacher is employed shall compensate such assistant teachers at
1953 the required salary level during the period of time such



1954 individual is completing student teaching requirements.
1955 Applicants for a standard license shall submit to the department:
1956 (i) An application on a department form;
1957 (ii) An official transcript of completion of a
1958 teacher education program approved by the department or a
1959 nationally accredited program, subject to the following:
1960 Licensure to teach in Mississippi pre-kindergarten through
1961 kindergarten classrooms shall require completion of a teacher
1962 education program or a bachelor of science degree with child
1963 development emphasis from a program accredited by the American
1964 Association of Family and Consumer Sciences (AAFCS) or by the
1965 National Association for Education of Young Children (NAEYC) or by
1966 the National Council for Accreditation of Teacher Education
1967 (NCATE). Licensure to teach in Mississippi kindergarten, for
1968 those applicants who have completed a teacher education program,
1969 and in Grade 1 through Grade 4 shall require the completion of an
1970 interdisciplinary program of studies. Licenses for Grades 4
1971 through 8 shall require the completion of an interdisciplinary
1972 program of studies with two (2) or more areas of concentration.
1973 Licensure to teach in Mississippi Grades 7 through 12 shall
1974 require a major in an academic field other than education, or a
1975 combination of disciplines other than education. Students
1976 preparing to teach a subject shall complete a major in the
1977 respective subject discipline. All applicants for standard
1978 licensure shall demonstrate that such person's college preparation



1979 in those fields was in accordance with the standards set forth by
1980 the National Council for Accreditation of Teacher Education
1981 (NCATE) or the National Association of State Directors of Teacher
1982 Education and Certification (NASDTEC) or, for those applicants who
1983 have a bachelor of science degree with child development emphasis,
1984 the American Association of Family and Consumer Sciences (AAFCS);

1985 (iii) A copy of test scores evidencing
1986 satisfactory completion of nationally administered examinations of
1987 achievement, such as the Educational Testing Service's teacher
1988 testing examinations; and

1989 (iv) Any other document required by the State
1990 Board of Education.

1991 (b) **Standard License - Nontraditional Teaching Route.**

1992 Beginning January 1, 2004, an individual who has a passing score
1993 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
1994 the requested area of endorsement may apply for the Teach
1995 Mississippi Institute (TMI) program to teach students in Grades 7
1996 through 12 if the individual meets the requirements of this
1997 paragraph (b). The State Board of Education shall adopt rules
1998 requiring that teacher preparation institutions which provide the
1999 Teach Mississippi Institute (TMI) program for the preparation of
2000 nontraditional teachers shall meet the standards and comply with
2001 the provisions of this paragraph.

2002 (i) The Teach Mississippi Institute (TMI) shall
2003 include an intensive eight-week, nine-semester-hour summer program



2004 or a curriculum of study in which the student matriculates in the
2005 fall or spring semester, which shall include, but not be limited
2006 to, instruction in education, effective teaching strategies,
2007 classroom management, state curriculum requirements, planning and
2008 instruction, instructional methods and pedagogy, using test
2009 results to improve instruction, and a one (1) semester three-hour
2010 supervised internship to be completed while the teacher is
2011 employed as a full-time teacher intern in a local school district.
2012 The TMI shall be implemented on a pilot program basis, with
2013 courses to be offered at up to four (4) locations in the state,
2014 with one (1) TMI site to be located in each of the three (3)
2015 Mississippi Supreme Court districts.

2016 (ii) The school sponsoring the teacher intern
2017 shall enter into a written agreement with the institution
2018 providing the Teach Mississippi Institute (TMI) program, under
2019 terms and conditions as agreed upon by the contracting parties,
2020 providing that the school district shall provide teacher interns
2021 seeking a nontraditional provisional teaching license with a
2022 one-year classroom teaching experience. The teacher intern shall
2023 successfully complete the one (1) semester three-hour intensive
2024 internship in the school district during the semester immediately
2025 following successful completion of the TMI and prior to the end of
2026 the one-year classroom teaching experience.

2027 (iii) Upon completion of the nine-semester-hour
2028 TMI or the fall or spring semester option, the individual shall



2029 submit his transcript to the commission for provisional licensure
2030 of the intern teacher, and the intern teacher shall be issued a
2031 provisional teaching license by the commission, which will allow
2032 the individual to legally serve as a teacher while the person
2033 completes a nontraditional teacher preparation internship program.

2034 (iv) During the semester of internship in the
2035 school district, the teacher preparation institution shall monitor
2036 the performance of the intern teacher. The school district that
2037 employs the provisional teacher shall supervise the provisional
2038 teacher during the teacher's intern year of employment under a
2039 nontraditional provisional license, and shall, in consultation
2040 with the teacher intern's mentor at the school district of
2041 employment, submit to the commission a comprehensive evaluation of
2042 the teacher's performance sixty (60) days prior to the expiration
2043 of the nontraditional provisional license. If the comprehensive
2044 evaluation establishes that the provisional teacher intern's
2045 performance fails to meet the standards of the approved
2046 nontraditional teacher preparation internship program, the
2047 individual shall not be approved for a standard license.

2048 (v) An individual issued a provisional teaching
2049 license under this nontraditional route shall successfully
2050 complete, at a minimum, a one-year beginning teacher mentoring and
2051 induction program administered by the employing school district
2052 with the assistance of the State Department of Education.



2053 (vi) Upon successful completion of the TMI and the
2054 internship provisional license period, applicants for a Standard
2055 License - Nontraditional Route shall submit to the commission a
2056 transcript of successful completion of the twelve (12) semester
2057 hours required in the internship program, and the employing school
2058 district shall submit to the commission a recommendation for
2059 standard licensure of the intern. If the school district
2060 recommends licensure, the applicant shall be issued a Standard
2061 License - Nontraditional Route which shall be valid for a
2062 five-year period and be renewable.

2063 (vii) At the discretion of the teacher preparation
2064 institution, the individual shall be allowed to credit the twelve
2065 (12) semester hours earned in the nontraditional teacher
2066 internship program toward the graduate hours required for a Master
2067 of Arts in Teacher (MAT) Degree.

2068 (viii) The local school district in which the
2069 nontraditional teacher intern or provisional licensee is employed
2070 shall compensate such teacher interns at Step 1 of the required
2071 salary level during the period of time such individual is
2072 completing teacher internship requirements and shall compensate
2073 such Standard License - Nontraditional Route teachers at Step 3 of
2074 the required salary level when they complete license requirements.

2075 Implementation of the TMI program provided for under this
2076 paragraph (b) shall be contingent upon the availability of funds
2077 appropriated specifically for such purpose by the Legislature.



2078 Such implementation of the TMI program may not be deemed to
2079 prohibit the State Board of Education from developing and
2080 implementing additional alternative route teacher licensure
2081 programs, as deemed appropriate by the board. The emergency
2082 certification program in effect prior to July 1, 2002, shall
2083 remain in effect.

2084 A Standard License - Approved Program Route shall be issued
2085 for a five-year period, and may be renewed. Recognizing teaching
2086 as a profession, a hiring preference shall be granted to persons
2087 holding a Standard License - Approved Program Route or Standard
2088 License - Nontraditional Teaching Route over persons holding any
2089 other license.

2090 (c) **Special License - Expert Citizen.** In order to
2091 allow a school district to offer specialized or technical courses,
2092 the State Department of Education, in accordance with rules and
2093 regulations established by the State Board of Education, may grant
2094 a one-year expert citizen-teacher license to local business or
2095 other professional personnel to teach in a public school or
2096 nonpublic school accredited or approved by the state. Such person
2097 may begin teaching upon his employment by the local school board
2098 and licensure by the Mississippi Department of Education. The
2099 board shall adopt rules and regulations to administer the expert
2100 citizen-teacher license. A Special License - Expert Citizen may
2101 be renewed in accordance with the established rules and
2102 regulations of the State Department of Education.



2103 (d) **Special License - Nonrenewable.** The State Board of
2104 Education is authorized to establish rules and regulations to
2105 allow those educators not meeting requirements in subsection
2106 (6) (a), (b) or (c) to be licensed for a period of not more than
2107 three (3) years, except by special approval of the State Board of
2108 Education.

2109 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
2110 person may teach for a maximum of three (3) periods per teaching
2111 day in a public school district or a nonpublic school
2112 accredited/approved by the state. Such person shall submit to the
2113 department a transcript or record of his education and experience
2114 which substantiates his preparation for the subject to be taught
2115 and shall meet other qualifications specified by the commission
2116 and approved by the State Board of Education. In no case shall
2117 any local school board hire nonlicensed personnel as authorized
2118 under this paragraph in excess of five percent (5%) of the total
2119 number of licensed personnel in any single school.

2120 (f) **Special License - Transitional Bilingual Education.**
2121 Beginning July 1, 2003, the commission shall grant special
2122 licenses to teachers of transitional bilingual education who
2123 possess such qualifications as are prescribed in this section.
2124 Teachers of transitional bilingual education shall be compensated
2125 by local school boards at not less than one (1) step on the
2126 regular salary schedule applicable to permanent teachers licensed
2127 under this section. The commission shall grant special licenses



2128 to teachers of transitional bilingual education who present the
2129 commission with satisfactory evidence that they (i) possess a
2130 speaking and reading ability in a language, other than English, in
2131 which bilingual education is offered and communicative skills in
2132 English; (ii) are in good health and sound moral character; (iii)
2133 possess a bachelor's degree or an associate's degree in teacher
2134 education from an accredited institution of higher education; (iv)
2135 meet such requirements as to courses of study, semester hours
2136 therein, experience and training as may be required by the
2137 commission; and (v) are legally present in the United States and
2138 possess legal authorization for employment. A teacher of
2139 transitional bilingual education serving under a special license
2140 shall be under an exemption from standard licensure if he achieves
2141 the requisite qualifications therefor. Two (2) years of service
2142 by a teacher of transitional bilingual education under such an
2143 exemption shall be credited to the teacher in acquiring a Standard
2144 Educator License. Nothing in this paragraph shall be deemed to
2145 prohibit a local school board from employing a teacher licensed in
2146 an appropriate field as approved by the State Department of
2147 Education to teach in a program in transitional bilingual
2148 education.

2149 (g) In the event any school district meets the highest
2150 accreditation standards as defined by the State Board of Education
2151 in the accountability system, the State Board of Education, in its
2152 discretion, may exempt such school district from any restrictions



2153 in paragraph (e) relating to the employment of nonlicensed
2154 teaching personnel.

2155 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
2156 any teacher from any state meeting the federal definition of
2157 highly qualified, as described in the No Child Left Behind Act,
2158 must be granted a standard five-year license by the State
2159 Department of Education.

2160 (7) **Administrator License.** The State Board of Education is
2161 authorized to establish rules and regulations and to administer
2162 the licensure process of the school administrators in the State of
2163 Mississippi. There will be four (4) categories of administrator
2164 licensure with exceptions only through special approval of the
2165 State Board of Education.

2166 (a) **Administrator License - Nonpracticing.** Those
2167 educators holding administrative endorsement but having no
2168 administrative experience or not serving in an administrative
2169 position on January 15, 1997.

2170 (b) **Administrator License - Entry Level.** Those
2171 educators holding administrative endorsement and having met the
2172 department's qualifications to be eligible for employment in a
2173 Mississippi school district. Administrator License - Entry Level
2174 shall be issued for a five-year period and shall be nonrenewable.

2175 (c) **Standard Administrator License - Career Level.** An
2176 administrator who has met all the requirements of the department
2177 for standard administrator licensure.



2178 (d) **Administrator License - Nontraditional Route.** The
2179 board may establish a nontraditional route for licensing
2180 administrative personnel. Such nontraditional route for
2181 administrative licensure shall be available for persons holding,
2182 but not limited to, a master of business administration degree, a
2183 master of public administration degree, a master of public
2184 planning and policy degree or a doctor of jurisprudence degree
2185 from an accredited college or university, with five (5) years of
2186 administrative or supervisory experience. Successful completion
2187 of the requirements of alternate route licensure for
2188 administrators shall qualify the person for a standard
2189 administrator license.

2190 Individuals seeking school administrator licensure under
2191 paragraph (b), (c) or (d) shall successfully complete a training
2192 program and an assessment process prescribed by the State Board of
2193 Education. All applicants for school administrator licensure
2194 shall meet all requirements prescribed by the department under
2195 paragraph (b), (c) or (d), and the cost of the assessment process
2196 required shall be paid by the applicant.

2197 (8) **Reciprocity.** (a) The department shall grant a standard
2198 license to any individual who possesses a valid standard license
2199 from another state and meets minimum Mississippi license
2200 requirements or equivalent requirements as determined by the State
2201 Board of Education. The issuance of a license by reciprocity to a
2202 military-trained applicant or military spouse shall be subject to



2203 the provisions of Section 1, Senate Bill No. 2419, 2013 Regular
2204 Session.

2205 (b) The department shall grant a nonrenewable special
2206 license to any individual who possesses a credential which is less
2207 than a standard license or certification from another state. Such
2208 special license shall be valid for the current school year plus
2209 one (1) additional school year to expire on June 30 of the second
2210 year, not to exceed a total period of twenty-four (24) months,
2211 during which time the applicant shall be required to complete the
2212 requirements for a standard license in Mississippi.

2213 (9) **Renewal and Reinstatement of Licenses.** The State Board
2214 of Education is authorized to establish rules and regulations for
2215 the renewal and reinstatement of educator and administrator
2216 licenses. Effective May 15, 1997, the valid standard license held
2217 by an educator shall be extended five (5) years beyond the
2218 expiration date of the license in order to afford the educator
2219 adequate time to fulfill new renewal requirements established
2220 pursuant to this subsection. An educator completing a master of
2221 education, educational specialist or doctor of education degree in
2222 May 1997 for the purpose of upgrading the educator's license to a
2223 higher class shall be given this extension of five (5) years plus
2224 five (5) additional years for completion of a higher degree.

2225 (10) All controversies involving the issuance, revocation,
2226 suspension or any change whatsoever in the licensure of an
2227 educator required to hold a license shall be initially heard in a



2228 hearing de novo, by the commission or by a subcommittee
2229 established by the commission and composed of commission members
2230 for the purpose of holding hearings. Any complaint seeking the
2231 denial of issuance, revocation or suspension of a license shall be
2232 by sworn affidavit filed with the Commission of Teacher and
2233 Administrator Education, Certification and Licensure and
2234 Development. The decision thereon by the commission or its
2235 subcommittee shall be final, unless the aggrieved party shall
2236 appeal to the State Board of Education, within ten (10) days, of
2237 the decision of the committee or its subcommittee. An appeal to
2238 the State Board of Education shall be on the record previously
2239 made before the commission or its subcommittee unless otherwise
2240 provided by rules and regulations adopted by the board. The State
2241 Board of Education in its authority may reverse, or remand with
2242 instructions, the decision of the committee or its subcommittee.
2243 The decision of the State Board of Education shall be final.

2244 (11) The State Board of Education, acting through the
2245 commission, may deny an application for any teacher or
2246 administrator license for one or more of the following:

2247 (a) Lack of qualifications which are prescribed by law
2248 or regulations adopted by the State Board of Education;

2249 (b) The applicant has a physical, emotional or mental
2250 disability that renders the applicant unfit to perform the duties
2251 authorized by the license, as certified by a licensed psychologist
2252 or psychiatrist;



2253 (c) The applicant is actively addicted to or actively
2254 dependent on alcohol or other habit-forming drugs or is a habitual
2255 user of narcotics, barbiturates, amphetamines, hallucinogens or
2256 other drugs having similar effect, at the time of application for
2257 a license;

2258 (d) Revocation or suspension of an applicant's
2259 certificate or license by another state;

2260 (e) Fraud or deceit committed by the applicant in
2261 securing or attempting to secure such certification and license;

2262 (f) Failing or refusing to furnish reasonable evidence
2263 of identification;

2264 (g) The applicant has been convicted, has pled guilty
2265 or entered a plea of nolo contendere to a felony, as defined by
2266 federal or state law; or

2267 (h) The applicant has been convicted, has pled guilty
2268 or entered a plea of nolo contendere to a sex offense as defined
2269 by federal or state law.

2270 (12) The State Board of Education, acting on the
2271 recommendation of the commission, may revoke or suspend any
2272 teacher or administrator license for specified periods of time for
2273 one or more of the following:

2274 (a) Breach of contract or abandonment of employment may
2275 result in the suspension of the license for one (1) school year as
2276 provided in Section 37-9-57;



2277 (b) Obtaining a license by fraudulent means shall
2278 result in immediate suspension and continued suspension for one
2279 (1) year after correction is made;

2280 (c) Suspension or revocation of a certificate or
2281 license by another state shall result in immediate suspension or
2282 revocation and shall continue until records in the prior state
2283 have been cleared;

2284 (d) The license holder has been convicted, has pled
2285 guilty or entered a plea of nolo contendere to a felony, as
2286 defined by federal or state law;

2287 (e) The license holder has been convicted, has pled
2288 guilty or entered a plea of nolo contendere to a sex offense, as
2289 defined by federal or state law;

2290 (f) The license holder knowingly and willfully
2291 committing any of the acts affecting validity of mandatory uniform
2292 test results as provided in Section 37-16-4(1);

2293 (g) The license holder has engaged in unethical conduct
2294 relating to an educator/student relationship as identified by the
2295 State Board of Education in its rules;

2296 (h) The license holder has fondled a student as
2297 described in Section 97-5-23, or had any type of sexual
2298 involvement with a student as described in Section 97-3-95; or

2299 (i) The license holder has failed to report sexual
2300 involvement of a school employee with a student as required by
2301 Section 97-5-24.



2302 (13) (a) Dismissal or suspension of a licensed employee by
2303 a local school board pursuant to Section 37-9-59 may result in the
2304 suspension or revocation of a license for a length of time which
2305 shall be determined by the commission and based upon the severity
2306 of the offense.

2307 (b) Any offense committed or attempted in any other
2308 state shall result in the same penalty as if committed or
2309 attempted in this state.

2310 (c) A person may voluntarily surrender a license. The
2311 surrender of such license may result in the commission
2312 recommending any of the above penalties without the necessity of a
2313 hearing. However, any such license which has voluntarily been
2314 surrendered by a licensed employee may only be reinstated by a
2315 majority vote of all members of the commission present at the
2316 meeting called for such purpose.

2317 (14) A person whose license has been suspended on any
2318 grounds except criminal grounds may petition for reinstatement of
2319 the license after one (1) year from the date of suspension, or
2320 after one-half (1/2) of the suspended time has lapsed, whichever
2321 is greater. A license suspended or revoked on the criminal
2322 grounds may be reinstated upon petition to the commission filed
2323 after expiration of the sentence and parole or probationary period
2324 imposed upon conviction. A revoked, suspended or surrendered
2325 license may be reinstated upon satisfactory showing of evidence of
2326 rehabilitation. The commission shall require all who petition for



2327 reinstatement to furnish evidence satisfactory to the commission
2328 of good character, good mental, emotional and physical health and
2329 such other evidence as the commission may deem necessary to
2330 establish the petitioner's rehabilitation and fitness to perform
2331 the duties authorized by the license.

2332 (15) Reporting procedures and hearing procedures for dealing
2333 with infractions under this section shall be promulgated by the
2334 commission, subject to the approval of the State Board of
2335 Education. The revocation or suspension of a license shall be
2336 effected at the time indicated on the notice of suspension or
2337 revocation. The commission shall immediately notify the
2338 superintendent of the school district or school board where the
2339 teacher or administrator is employed of any disciplinary action
2340 and also notify the teacher or administrator of such revocation or
2341 suspension and shall maintain records of action taken. The State
2342 Board of Education may reverse or remand with instructions any
2343 decision of the commission regarding a petition for reinstatement
2344 of a license, and any such decision of the State Board of
2345 Education shall be final.

2346 (16) An appeal from the action of the State Board of
2347 Education in denying an application, revoking or suspending a
2348 license or otherwise disciplining any person under the provisions
2349 of this section shall be filed in the Chancery Court of the First
2350 Judicial District of Hinds County, Mississippi, on the record
2351 made, including a verbatim transcript of the testimony at the



2352 hearing. The appeal shall be filed within thirty (30) days after
2353 notification of the action of the board is mailed or served and
2354 the proceedings in chancery court shall be conducted as other
2355 matters coming before the court. The appeal shall be perfected
2356 upon filing notice of the appeal and by the prepayment of all
2357 costs, including the cost of preparation of the record of the
2358 proceedings by the State Board of Education, and the filing of a
2359 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
2360 if the action of the board be affirmed by the chancery court, the
2361 applicant or license holder shall pay the costs of the appeal and
2362 the action of the chancery court.

2363 (17) All such programs, rules, regulations, standards and
2364 criteria recommended or authorized by the commission shall become
2365 effective upon approval by the State Board of Education as
2366 designated by appropriate orders entered upon the minutes thereof.

2367 (18) The granting of a license shall not be deemed a
2368 property right nor a guarantee of employment in any public school
2369 district. A license is a privilege indicating minimal eligibility
2370 for teaching in the public * * * school districts of Mississippi.
2371 This section shall in no way alter or abridge the authority of
2372 local school districts to require greater qualifications or
2373 standards of performance as a prerequisite of initial or continued
2374 employment in such districts.

2375 (19) In addition to the reasons specified in subsections
2376 (12) and (13) of this section, the board shall be authorized to



2377 suspend the license of any licensee for being out of compliance
2378 with an order for support, as defined in Section 93-11-153. The
2379 procedure for suspension of a license for being out of compliance
2380 with an order for support, and the procedure for the reissuance or
2381 reinstatement of a license suspended for that purpose, and the
2382 payment of any fees for the reissuance or reinstatement of a
2383 license suspended for that purpose, shall be governed by Section
2384 93-11-157 or 93-11-163, as the case may be. Actions taken by the
2385 board in suspending a license when required by Section 93-11-157
2386 or 93-11-163 are not actions from which an appeal may be taken
2387 under this section. Any appeal of a license suspension that is
2388 required by Section 93-11-157 or 93-11-163 shall be taken in
2389 accordance with the appeal procedure specified in Section
2390 93-11-157 or 93-11-163, as the case may be, rather than the
2391 procedure specified in this section. If there is any conflict
2392 between any provision of Section 93-11-157 or 93-11-163 and any
2393 provision of this chapter, the provisions of Section 93-11-157 or
2394 93-11-163, as the case may be, shall control.

2395 **SECTION 40.** Section 37-3-4, Mississippi Code of 1972, is
2396 amended as follows:

2397 37-3-4. (1) There is established within the State
2398 Department of Education, the School Executive Management
2399 Institute. The director shall be appointed by the State Board of
2400 Education upon recommendation by the State Superintendent of
2401 Public Education. The State Superintendent of Public Education,



2402 with the approval of the State Board of Education, shall assign
2403 sufficient staff members from the State Department of Education to
2404 the institute.

2405 (2) It shall be the purpose and duty of the institute to
2406 conduct thorough empirical studies and analyses of the school
2407 management needs of the local school districts throughout the
2408 state, to make recommendations to the State Board of Education
2409 regarding standards and programs of training that aid in the
2410 development of administrative and management skills of local
2411 school administrators, and to conduct such programs related to
2412 these purposes as they are implemented under guidelines
2413 established by the State Board of Education.

2414 (3) The State Board of Education shall develop and implement
2415 through the School Executive Management Institute a program for
2416 the development of administrative and management skills of local
2417 school administrators under which all local school administrators
2418 employed by a school district shall be required to participate.
2419 Subject to the extent of appropriations available for such
2420 purpose, the School Executive Management Institute or the
2421 Mississippi School Boards Association shall be required to offer
2422 courses at least twice a year on the uses of technology to school
2423 district principals, superintendents and other administrative
2424 personnel. These courses shall relate to the application of
2425 technology to learning, as well as administrative problems.



2426 (4) (a) The institute shall have an advisory board composed
2427 of ten (10) qualified members appointed by the State Board of
2428 Education after consultation with the State Superintendent of
2429 Public Education. This advisory board will offer recommendations
2430 to the institute on the types of training to be instituted and
2431 supported. The membership of the advisory board shall be composed
2432 of the following members, two (2) to be appointed from each
2433 congressional district: three (3) school administrators; one (1)
2434 representative of public community/junior colleges within the
2435 state; one (1) representative of a school of education in an
2436 institution of higher learning within the state; two (2) local
2437 school board members; one (1) classroom teacher; and two (2)
2438 laypersons. In making the initial appointments, three (3) members
2439 shall be appointed for a term of one (1) year, three (3) members
2440 shall be appointed for a term of two (2) years, two (2) members
2441 shall be appointed for a term of three (3) years, and two (2)
2442 members shall be appointed for a term of four (4) years.
2443 Thereafter, all members shall be appointed for a term of four (4)
2444 years. The advisory board shall meet when called by the director,
2445 but in no event fewer than three (3) times per year. The members
2446 of the advisory board shall be compensated at the per diem rate
2447 authorized by Section 25-3-69 and reimbursed for actual and
2448 necessary expenses as authorized by Section 25-3-41.

2449 (b) Board members of the Oxford-Lafayette Business and
2450 Industrial Complex shall be paid per diem and reimbursed for



2451 expenses and mileage from local funds in accordance with Section
2452 37-6-13.

2453 (5) (a) Basic Education Course. The Mississippi School
2454 Boards Association shall be responsible for preparing and
2455 conducting a course of training for basic education for the local
2456 school board members of this state, in order for board members to
2457 carry out their duties more effectively and be exposed to new
2458 ideas involving school restructuring. The basic course shall be
2459 known as the "School Board Member Training Course" and shall
2460 consist of at least twelve (12) hours of training. The
2461 Mississippi School Boards Association shall issue certificates of
2462 completion to those school board members who complete the basic
2463 education course.

2464 (b) Continuing Education Course. The Mississippi
2465 School Boards Association shall be responsible for preparing and
2466 conducting a course of training for continuing education for the
2467 local school board members of this state, in order for board
2468 members to carry out their duties more effectively and be exposed
2469 to new ideas involving school restructuring. The continuing
2470 education course shall be known as the "Continuing Education
2471 Course for School Board Members" and shall consist of at least six
2472 (6) hours of training.

2473 (c) Additional Required Training. Effective July 1,
2474 2009, local school board members and the local superintendent that
2475 serve in a district with one or more failing schools as determined



2476 by the Mississippi Board of Education accountability system as
2477 provided for in Section 37-17-6, or serving in a school district
2478 that has a serious financial condition as determined by the State
2479 Auditor as provided for in Section 37-9-18, shall annually attend
2480 additional training provided by the Mississippi School Boards
2481 Association.

2482 The Mississippi School Boards Association shall, subject to
2483 appropriation, develop and conduct training specific to the local
2484 boards' role in improving learning outcomes and effective
2485 financial management. Such training shall be known as "Improving
2486 Student Outcomes and Academic Success" which shall consist of not
2487 less than six (6) hours of training and "Effective Financial
2488 Management In Local School Districts" which shall consist of not
2489 less than six (6) hours of training. Any local board members and
2490 the local superintendent that serve in a school district that
2491 meets the criteria for both of the training modules shall annually
2492 attend both training sessions for a total of not less than twelve
2493 (12) hours of training. At such time the school district is
2494 determined to no longer have failing schools; or no longer has a
2495 serious financial condition, such board member and the local
2496 superintendent shall no longer be required to attend the training
2497 as provided herein. The training as required under subsection (c)
2498 shall not replace, but is in addition to, the training required
2499 for new school board members and continuing board members as
2500 required under Section 37-7-306.



2501 The Mississippi School Boards Association shall issue
2502 certificates of completion to those school board members who
2503 complete the continuing education course. All costs and expenses
2504 for preparing and conducting the basic education course and the
2505 continuing education course provided for in this paragraph shall
2506 be paid out of any funds which are made available to the
2507 Mississippi School Boards Association upon authorization and
2508 appropriation by the Legislature to the State Department of
2509 Education.

2510 (6) The Mississippi School Boards Association shall prepare
2511 and submit a report each year to the State Board of Education and
2512 to the respective Chairs of the House and Senate Education
2513 Committees describing the activities and providing an evaluation
2514 of the continuing education programs offered by the association
2515 each year.

2516 (7) The School Executive Management Institute of the State
2517 Department of Education, or the Mississippi School Boards
2518 Association with the oversight of the State Board of Education, at
2519 least twice a year, shall prepare and conduct required courses of
2520 training for continuing education for the elementary and secondary
2521 school principals employed by the school districts of this state,
2522 in order for those principals to carry out their duties more
2523 effectively and be exposed to new ideas involving school
2524 management. The continuing education course shall be known as the
2525 "Continuing Education Course for Principals" and shall consist of



2526 at least six (6) hours of training. The content of the continuing
2527 education courses and the time and place such courses are to be
2528 conducted shall be determined by the School Executive Management
2529 Institute or the Mississippi School Boards Association; however,
2530 to the extent practicable, such training sessions shall be held
2531 within geographical proximity of local districts in order that
2532 travel times and costs shall not be prohibitive.

2533 The institute shall issue certificates of completion to those
2534 principals who complete such courses. All costs and expenses for
2535 preparing and conducting the basic and continuing education
2536 courses provided for in this subsection shall be paid out of any
2537 funds which are made available to the institute upon authorization
2538 and appropriation by the Legislature.

2539 (8) School district principals and other administrators with
2540 career level certifications at schools meeting the highest levels
2541 of accreditation standards, as defined by the State Board of
2542 Education, are exempt from the requirements of this section,
2543 subject to approval of the local school district superintendent.

2544 **SECTION 41.** Section 37-3-5, Mississippi Code of 1972, is
2545 amended as follows:

2546 37-3-5. The State Department of Education is hereby charged
2547 with the execution of all laws relating to the administrative,
2548 supervisory and consultative services to the public schools and
2549 agricultural high schools of the school districts throughout the
2550 State of Mississippi. The State Department of Education is also



2551 authorized to grant property to public * * * school districts and
2552 agricultural high schools of the State of Mississippi.

2553 Subject to the direction of the State Board of Education as
2554 provided by law, the administration, management and control of the
2555 department is hereby vested in the State Superintendent of Public
2556 Education, who shall be directly responsible for the rightful
2557 functioning thereof.

2558 **SECTION 42.** Section 37-3-11, Mississippi Code of 1972, is
2559 amended as follows:

2560 37-3-11. The State Superintendent of Public Education shall
2561 perform the duties assigned to him by the State Board of
2562 Education, and he shall have the following duties:

2563 (a) To serve as secretary for the State Board of
2564 Education;

2565 (b) To be the chief administrative officer of the State
2566 Department of Education;

2567 (c) To recommend to the State Board of Education, for
2568 its consideration, rules and regulations for the supervision of
2569 the public * * * schools and agricultural high schools of the
2570 school districts throughout the state and for the efficient
2571 organization and conduct of the same;

2572 (d) To collect data and make it available to the state
2573 board for determining the proper distribution of the state common
2574 school funds;



2575 (e) To keep a complete record of all official acts of
2576 the State Superintendent and the acts of the State Board of
2577 Education;

2578 (f) To prepare, have printed and furnish all officers
2579 charged with the administration of the laws pertaining to the
2580 public schools, such blank forms and books as may be necessary to
2581 the proper discharge of their duties, which printing is to be paid
2582 for out of funds provided by the Legislature;

2583 (g) To have printed in pamphlet form the laws
2584 pertaining to the public schools and publish therein forms for
2585 conducting school business, the rules and regulations for the
2586 government of schools that the State Superintendent or the State
2587 Board of Education may recommend, and such other matters as may be
2588 deemed worthy of public interest pertaining to the public schools,
2589 which printing is to be paid for out of funds provided by the
2590 Legislature;

2591 (h) To meet all superintendents annually at such time
2592 and place as the State Superintendent shall appoint for the
2593 purpose of accumulating facts relative to schools, to review the
2594 educational progress made in the various sections of the state, to
2595 compare views, discuss problems, hear discussions and suggestions
2596 relative to examinations and qualifications of teachers, methods
2597 of instruction, textbooks, summer schools for teachers, visitation
2598 of schools, consolidation of schools, health work in the schools,



2599 vocational education and other matters pertaining to the public
2600 school system;

2601 (i) To advise all superintendents upon all matters
2602 involving the welfare of the schools, and at the request of any
2603 superintendent, to give an opinion upon a written statement of
2604 facts on all questions and controversies arising out of the
2605 interpretation and construction of the school laws, in regard to
2606 rights, powers and duties of school officers and superintendents,
2607 and to keep a record of all such decisions. Before giving any
2608 opinion, the superintendent may submit the statement of facts to
2609 the Attorney General, and it shall be the duty of the Attorney
2610 General forthwith to examine such statement and suggest the proper
2611 decision to be made upon such fact;

2612 (j) To require annually, and as often as the State
2613 Superintendent may deem proper, of all superintendents, detailed
2614 reports on the educational business of the various districts;

2615 (k) On or before January 10 in each year to prepare,
2616 under the direction of the State Board of Education, the annual
2617 information report of the State Department of Education as
2618 described in Section 37-151-97;

2619 (l) To determine the number of educable children in the
2620 several school districts under rules and regulations prescribed by
2621 the State Board of Education; and

2622 (m) To perform such other duties as may be prescribed
2623 by the State Board of Education.



2624 **SECTION 43.** Section 37-3-46, Mississippi Code of 1972, is
2625 amended as follows:

2626 37-3-46. (1) The State Department of Education, in regard
2627 to any school within a school district or any school district not
2628 meeting adequate performance of accreditation standards, as
2629 defined by the State Board of Education, shall, subject to
2630 appropriation:

2631 (a) Provide to local * * * school districts, or
2632 specific schools within those districts, financial, training and
2633 other assistance to implement and maintain a state program of
2634 educational accountability and assessment of performance.

2635 (b) Provide to local * * * school districts, or
2636 specific schools within those districts, technical assistance and
2637 training in the development, implementation and administration of
2638 a personnel appraisal and compensation system for all school
2639 employees.

2640 (c) Provide to local * * * school districts, or
2641 specific schools within those districts, technical assistance in
2642 the development, implementation and administration of programs
2643 designed to keep children in school voluntarily and to prevent
2644 dropouts.

2645 (2) Schools or school districts receiving assistance from
2646 the State Department of Education as outlined in subsection (1) of
2647 this section shall be required to implement any training,



2648 programs, and any other requirements as specified by the State
2649 Superintendent of Public Education.

2650 **SECTION 44.** Section 37-3-49, Mississippi Code of 1972, is
2651 amended as follows:

2652 37-3-49. (1) The State Department of Education shall
2653 provide an instructional program and establish guidelines and
2654 procedures for managing such program in the public schools within
2655 the school districts throughout the state as part of the State
2656 Program of Educational Accountability and Assessment of
2657 Performance as prescribed in Section 37-3-46. Public school
2658 districts may (a) elect to adopt the instructional program and
2659 management system provided by the State Department of Education,
2660 or (b) elect to adopt an instructional program and management
2661 system which meets or exceeds criteria established by the State
2662 Department of Education for such. This provision shall begin with
2663 the courses taught in Grades K-8 which contain skills tested
2664 through the Mississippi Basic Skills Assessment Program and shall
2665 proceed through all secondary school courses mandated for
2666 graduation and all secondary school courses in the Mississippi
2667 end-of-course testing program. Other state core objectives must
2668 be included in the district's instructional program as they are
2669 provided by the State Department of Education along with
2670 instructional practices, resources, evaluation items and
2671 management procedures. Districts are encouraged to adapt this
2672 program and accompanying procedures to all other instructional



2673 areas. The department shall provide that such program and
2674 guidelines, or a program and guidelines developed by a local
2675 school district which incorporates the core objectives from the
2676 curriculum structure are enforced through the performance-based
2677 accreditation system. It is the intent of the Legislature that
2678 every effort be made to protect the instructional time in the
2679 classroom and reduce the amount of paperwork which must be
2680 completed by teachers. The State Department of Education shall
2681 take steps to insure that school districts properly use staff
2682 development time to work on the districts' instructional
2683 management plans.

2684 (2) The State Department of Education shall provide such
2685 instructional program and management guidelines which shall
2686 require for every public school district that:

2687 (a) All courses taught in Grades K-8 which contain
2688 skills which are tested through the Mississippi Basic Skills
2689 Assessment Program, all secondary school courses mandated for
2690 graduation, and all courses in the end-of-course testing program
2691 shall include the State Department of Education's written list of
2692 learning objectives.

2693 (b) The local school board must adopt the objectives
2694 that will form the core curriculum which will be systematically
2695 delivered throughout the district.

2696 (c) The set of objectives provided by the State
2697 Department of Education must be accompanied by suggested



2698 instructional practices and resources that would help teachers
2699 organize instruction so as to promote student learning of the
2700 objectives. Objectives added by the school district must also be
2701 accompanied by suggested instructional practices and resources
2702 that would help teachers organize instruction. The instructional
2703 practices and resources that are identified are to be used as
2704 suggestions and not as requirements that teachers must follow.
2705 The goal of the program is to have students to achieve the desired
2706 objective and not to limit teachers in the way they teach.

2707 (d) Standards for student performance must be
2708 established for each core objective in the local program and those
2709 standards establish the district's definition of mastery for each
2710 objective.

2711 (e) There shall be an annual review of student
2712 performance in the instructional program against locally
2713 established standards. When weaknesses exist in the local
2714 instructional program, the district shall take action to improve
2715 student performance.

2716 (3) The State Board of Education and the board of trustees
2717 of each school district shall adopt policies to limit and reduce
2718 the number and length of written reports that classroom teachers
2719 are required to prepare.

2720 (4) This section shall not be construed to limit teachers
2721 from using their own professional skills to help students master
2722 instructional objectives, nor shall it be construed as a call for



2723 more detailed or complex lesson plans or any increase in testing
2724 at the local school district level.

2725 (5) Districts meeting the highest levels of accreditation
2726 standards, as defined by the State Board of Education, shall be
2727 exempted from the provisions of subsection (2) of this section.

2728 **SECTION 45.** Section 37-3-51, Mississippi Code of 1972, is
2729 amended as follows:

2730 37-3-51. (1) Upon the conviction of any licensed personnel,
2731 as defined in Section * * * 37-9-1, employed by a public school
2732 district or any person employed by a charter or private elementary
2733 or secondary school in a position that requires licensure in the
2734 public school districts, of any felony, or of a sex offense as
2735 defined in subsection (2) of this section, the district attorney
2736 or other prosecuting attorney shall identify those defendants for
2737 the circuit clerk. Each circuit clerk shall provide the State
2738 Department of Education with notice of the conviction of any such
2739 personnel of a felony or a sex offense. In addition, if the
2740 convicted person is an employee of a charter school, the circuit
2741 clerk must provide the same notice to the Mississippi Charter
2742 School Authorizer Board.

2743 (2) "Sex offense" shall mean any of the following offenses:

2744 (a) Section 97-3-65, Mississippi Code of 1972, relating
2745 to the carnal knowledge of a child under fourteen (14) years of
2746 age;



2747 (b) Section 97-3-95, Mississippi Code of 1972, relating
2748 to sexual battery;

2749 (c) Section 97-5-21, Mississippi Code of 1972, relating
2750 to seduction of a child under age eighteen (18);

2751 (d) Section 97-5-23, Mississippi Code of 1972, relating
2752 to the touching of a child for lustful purposes;

2753 (e) Section 97-5-27, Mississippi Code of 1972, relating
2754 to the dissemination of sexually oriented material to children;

2755 (f) Section 97-5-33, Mississippi Code of 1972, relating
2756 to the exploitation of children;

2757 (g) Section 97-5-41, Mississippi Code of 1972, relating
2758 to the carnal knowledge of a stepchild, adopted child, or child of
2759 a cohabitating partner;

2760 (h) Section 97-29-59, Mississippi Code of 1972,
2761 relating to unnatural intercourse; or

2762 (i) Any other offense committed in another jurisdiction
2763 which, if committed in this state, would be deemed to be such a
2764 crime without regard to its designation elsewhere.

2765 (3) In addition, the State Department of Education is
2766 considered to be the employer of such personnel for purposes of
2767 requesting * * * criminal record background checks.

2768 **SECTION 46.** Section 37-3-53, Mississippi Code of 1972, is
2769 amended as follows:

2770 37-3-53. Each school year, the State Board of Education,
2771 acting through the Office of Educational Accountability, shall



2772 develop a public school reporting system, or "Mississippi Report
2773 Card," on the performance of students and public schools,
2774 including charter schools, at the local, district and state level.
2775 In developing the report card, the Office of Educational
2776 Accountability shall collect school, district and state level
2777 student achievement data in the appropriate grades as designated
2778 by the State Board of Education in all core subjects, and compare
2779 the data with national standards to identify students' strengths
2780 and weaknesses. The Mississippi Report Card shall provide more
2781 than reports to parents on the level at which their children are
2782 performing; the report shall provide clear and comparable public
2783 information on the level at which schools, school districts and
2784 the state public education system are performing. The Office of
2785 Educational Accountability shall encourage local school districts
2786 and the general public to use Mississippi Report Card information
2787 along with local individual student data to assess the quality of
2788 instructional programs and the performance of schools and to plan
2789 and implement programs of instructional improvement.

2790 Beginning with the 1998-1999 school year, the Mississippi
2791 Report Card shall include information, as compiled by the Office
2792 of Compulsory School Attendance Enforcement, which demonstrates
2793 clearly the absenteeism and dropout rates in each school district,
2794 charter school and the state as a whole and whether those rates
2795 reflect a positive or negative change from the same information as
2796 reported in the previous year's Mississippi Report Card.



2797 Each local school district shall be required to develop and
2798 publish an annual report as prescribed by the State Board of
2799 Education. By November 1 of each year, as prescribed by the State
2800 Board of Education, the report shall be published in a newspaper
2801 having general circulation in the county and posted on the school
2802 district's website in a printable format. The public notice shall
2803 include information on the report's availability on the district's
2804 website, with the website address, and the location(s) in the
2805 school district where a copy of the report can be obtained.

2806 **SECTION 47.** Section 37-3-61, Mississippi Code of 1972, is
2807 amended as follows:

2808 37-3-61. The State Board of Education may provide for the
2809 establishment of an Alliance for Families program for the purpose
2810 of mobilizing public and parental support for education and to
2811 strengthen communication between the school, student and parents.
2812 The program's goal shall be to increase student success in
2813 Mississippi public * * * school districts, K-12, by generating
2814 focused, effective parent involvement. The objectives of the
2815 program shall be as follows:

2816 (a) To engage parents in supporting the schools and
2817 their children's education.

2818 (b) To implement effective home-school communication
2819 systems which allow parents to be kept well informed about the
2820 school and their children's progress.



2821 (c) To train school administrators on successful
2822 strategies for involving parents both at home and at school and in
2823 developing community support for the schools.

2824 (d) To train teachers on successful strategies for
2825 communicating with parents and teaching parents to reinforce
2826 skills being learned at school.

2827 (e) To promote reading as the key curricular activity
2828 for parental focus.

2829 (f) To involve the business, medical and religious
2830 communities in supporting the schools through direct assistance,
2831 and to develop positive public relations for the schools in the
2832 community.

2833 (g) Publication of a resource manual to assist schools
2834 and school districts in implementation of Alliance for Families
2835 program.

2836 **SECTION 48.** Section 37-3-105, Mississippi Code of 1972, is
2837 amended as follows:

2838 37-3-105. Beginning with the 2009-2010 school year, the
2839 State Department of Education shall require that in-service
2840 training shall include an emphasis on intensive, comprehensive and
2841 researched-based reading methods for all licensed teachers
2842 teaching Grades K through 3 in a public school district. The
2843 education may be accomplished through self-review of suitable
2844 intensive, comprehensive and researched-based reading materials.



2845 **SECTION 49.** Section 37-5-61, Mississippi Code of 1972, is
2846 amended as follows:

2847 37-5-61. (1) There shall be a county superintendent of
2848 education in each county.

2849 (2) Said superintendent shall serve as the executive
2850 secretary of the county board of education, but shall have no vote
2851 in the proceedings before the board and no voice in fixing the
2852 policies thereof.

2853 (3) In addition, said superintendent shall be the director
2854 of all schools in the county school district which are outside the
2855 municipal separate school districts.

2856 (4) Said superintendent shall be elected at the same time
2857 and in the same manner as other county officers are elected and
2858 shall hold office for a term of four (4) years.

2859 **SECTION 50.** Section 37-7-455, Mississippi Code of 1972, is
2860 amended as follows:

2861 37-7-455. (1) Any land, buildings or other property that is
2862 not used for school purposes and which is not needed in the
2863 operation of the schools of the district may be sold in the manner
2864 established in this section but only after each charter school
2865 located in the school district has notified the school board that
2866 it is not exercising its right of first refusal on the property,
2867 as provided under Section 31 of this act. Except as otherwise
2868 provided in subsections (2) and (3) of this section, all such
2869 land, buildings or other property shall be sold only after the



2870 receipt of sealed bids therefor after the time and place of making
2871 such sale has been duly advertised in some newspaper having a
2872 general circulation in the county in which the property is located
2873 once each week for three (3) consecutive weeks with the first
2874 publication to be made not less than fifteen (15) days prior to
2875 the date upon which such bids are to be received and opened. The
2876 property shall be sold to the highest and best bidder for cash,
2877 but the school board shall have the right to reject any and all
2878 bids. If the property is not sold pursuant to such advertisement,
2879 the school board, by resolution, may set a date for an open
2880 meeting of the school board to be held within sixty (60) days
2881 after the date upon which the bids were opened. At the meeting
2882 held pursuant to such resolution, the school board may sell by
2883 auction the property for a consideration not less than the highest
2884 sealed bid previously received pursuant to the advertisement. At
2885 the meeting, any interested party may bid for cash, and the
2886 property shall be sold to the highest and best bidder for cash,
2887 but the school board shall have the right to reject any and all
2888 bids. The school board may require a written confirmation of bids
2889 received at such called meeting before selling the property at
2890 auction, but it shall not be necessary that sealed bids be
2891 received before conducting the auction.

2892 (2) As an alternative to the procedures established under
2893 subsection (1) of this section, the school board of a school
2894 district may elect, in its discretion, to sell by public auction



2895 any property, other than real property or buildings of the school
2896 district, which is not used for school or related school purposes
2897 and not needed in the operation of the schools, according to the
2898 procedure in Section 17-25-25.

2899 (3) As an alternative to the procedures established under
2900 subsection (1) or (2) of this section, the county board of
2901 education of a county having a population in excess of ten
2902 thousand (10,000) according to the 2000 decennial census and in
2903 which U.S. Highway 45 intersects with Mississippi Highway 16, may
2904 elect, in its discretion, to transfer and sell the buildings of
2905 the school district and the real property upon which the buildings
2906 are located which are not used as school facilities or for
2907 school-related purposes and not needed in the operation of the
2908 schools, after advertising for and receiving competitive bids for
2909 the sale of such property. If any bid is offered by a nonprofit
2910 501(c)(3) entity which has made substantial improvements to the
2911 buildings, the fair market value of the improvements shall be
2912 deemed to be consideration for, a part of, the bid offered by the
2913 entity. In this case, the school board shall enter a finding on
2914 its minutes that the nonprofit entity has made substantial
2915 improvements to the property and the property is no longer needed
2916 for school district purposes.

2917 (4) When the sale of such property is authorized and
2918 approved by the school board, the president of the school board
2919 shall be authorized and empowered to execute a conveyance of the



2920 property upon the terms and for the consideration fixed by the
2921 board. The school board shall reserve unto the district all oil,
2922 gas and minerals in, on or under the land, and all proceeds
2923 derived from royalties upon the reserved mineral interests shall
2924 be used as provided by Section 37-7-457.

2925 **SECTION 51.** Section 37-7-473, Mississippi Code of 1972, is
2926 amended as follows:

2927 37-7-473. School buildings, land, property and related
2928 facilities may be sold, conveyed, leased or otherwise disposed of
2929 under Sections 37-7-471 through 37-7-483, to any charter school,
2930 to any group of persons, to any association, club or corporation,
2931 or to any county, municipality or other political subdivision, to
2932 be used as a charter school facility, to be used as a civic,
2933 community, recreational or youth center, or to be used by any
2934 county or district fair association in connection with its
2935 activities, or to be used for church purposes, or to be used as a
2936 library or other public building, or to be used as a factory or
2937 otherwise in connection with an industrial enterprise, or to be
2938 used as part of a development activity to stimulate economic
2939 development activities within the district, or to enhance property
2940 values within the district, or to be used for any similar or
2941 related purpose or activity.

2942 **SECTION 52.** Section 37-9-1, Mississippi Code of 1972, is
2943 amended as follows:



2944 37-9-1. (1) For the purposes of this chapter, the terms
2945 "superintendent" and "principal" shall have such meaning as are
2946 ascribed to them under the provisions of Section 37-19-1. The
2947 term "licensed employee" shall mean any other employee of a public
2948 school district required to hold a valid license by the Commission
2949 on Teacher and Administrator Education, Certification and
2950 Licensure and Development. The term "non-instructional employee"
2951 shall include all employees of school districts other than
2952 superintendents, principals and licensed employees.

2953 (2) Unless a statute in this chapter specifically is made
2954 applicable to charter schools, the provisions of this chapter only
2955 apply to public school districts, the employees of public school
2956 districts and the public schools that are within those school
2957 districts.

2958 **SECTION 53.** Section 37-9-103, Mississippi Code of 1972, is
2959 amended as follows:

2960 37-9-103. (1) As used in Sections 37-9-101 through
2961 37-9-113, the word "employee" shall include:

2962 (a) Any teacher, principal, superintendent or other
2963 professional personnel employed by the local school district for a
2964 continuous period of two (2) years with that district and required
2965 to have a valid license issued by the State Department of
2966 Education as a prerequisite of employment; or

2967 (b) Any teacher, principal, superintendent or other
2968 professional personnel who has completed a continuous period of



2969 two (2) years of employment in a Mississippi public school
2970 district and one (1) full year of employment with the school
2971 district of current employment, and who is required to have a
2972 valid license issued by the State Department of Education as a
2973 prerequisite of employment.

2974 (2) (a) The Education Employment Procedures Law shall not
2975 apply to any category of employee as defined in this section
2976 employed in any school district after the Governor declares a
2977 state of emergency under the provisions of Section 37-17-6(11).
2978 The Education Employment Procedures Law shall not be applicable in
2979 any school district for the full period of time that those
2980 conditions, as defined in Section 37-17-6(11), exist.

2981 (b) The Education Employment Procedures Law shall not
2982 apply to any category of teacher, administrator or other employee
2983 * * * employed to work in any charter school * * *.

2984 (3) For purposes of Sections 37-9-101 through 37-9-113, the
2985 term "days" means calendar days.

2986 **SECTION 54.** Section 37-11-1, Mississippi Code of 1972, is
2987 amended as follows:

2988 37-11-1. (1) Subject to the provisions of subsection (2) of
2989 this section, after a pupil has been assigned to a particular
2990 public school in a school district, the principal, or anyone else
2991 vested with the authority of assigning pupils to classes,
2992 knowingly shall not place such pupil in a class where the pupil's



2993 presence would serve to adversely affect, hinder, or retard the
2994 academic development of the other pupils in the class.

2995 (2) (a) A parent or guardian of twins or higher order
2996 multiples, as defined in paragraph (d) of this subsection, may
2997 request that the children be placed in the same classroom or in
2998 separate classrooms if the children are in the same grade level at
2999 the same school in the school district. The school may recommend
3000 classroom placement and provide professional education advice to
3001 the parent or guardian to assist the parent or guardian in making
3002 the best decision for the children's education. A school must
3003 provide the placement requested by the children's parent or
3004 guardian unless: (i) the parent or guardian has requested that
3005 the children, who are different sexes, be placed in the same
3006 classroom and the students in the school have been assigned to
3007 different classrooms according to sex, as authorized under Section
3008 37-11-3; or (ii) the school board of the school district makes a
3009 classroom placement determination following the school principal's
3010 request according to this subsection.

3011 (b) A parent or guardian making a request under this
3012 subsection must submit a written request for the classroom
3013 placement to the school principal no later than fourteen (14)
3014 calendar days after the first day of each school year or, if the
3015 children are enrolled in the school after the school year
3016 commences, no later than fourteen (14) calendar days after the
3017 children's first day of attendance in the school.



3018 (c) At the end of the initial grading period during
3019 which children have been in the same classroom or separate
3020 classrooms pursuant to their parent or guardian's request under
3021 this subsection, if the principal, in consultation with the
3022 children's classroom teacher or teachers, determines that the
3023 requested classroom placement is disruptive to the school, the
3024 principal may request that the school board determine the
3025 children's classroom placement.

3026 (d) For purposes of this section, the term "higher
3027 order multiples" means triplets, quadruplets, quintuplets or more.

3028 **SECTION 55.** Section 37-11-17, Mississippi Code of 1972, is
3029 amended as follows:

3030 37-11-17. (1) The State Board of Education, the Board of
3031 Trustees of State Institutions of Higher Learning, the * * *
3032 Mississippi Community College Board, the boards of trustees of the
3033 several junior colleges, the county boards of education, the
3034 governing authorities of any county, municipal or other public
3035 school districts, such other boards set up by law for any
3036 educational institution, school, college or university, or their
3037 authorized representative, or the State Health Officer or his
3038 authorized representative, may require any teacher, supervisor,
3039 janitor or other employee of the school to submit to a thorough
3040 physical examination, deemed advisable to determine whether he has
3041 any infectious or communicable disease.



3042 (2) The State Board of Education may develop a program to
3043 accomplish the identification of public school district students
3044 with abnormal spinal curvature. No state funds shall be expended
3045 for the purposes of implementing this subsection. Such program
3046 shall:

3047 (a) Provide that an adequate number of school personnel
3048 in each district be instructed by qualified medical experts in the
3049 proper examination of students for abnormal spinal curvatures;

3050 (b) Provide that all public school district students
3051 who are at least ten (10) years old be screened at least every two
3052 (2) years but at least in the fourth, sixth, eighth and tenth
3053 grades or at such other times as may be recommended by medical
3054 experts on a per case basis;

3055 (c) Provide that students identified as having abnormal
3056 spinal curvatures or potential for abnormal spinal curvatures be
3057 referred to the county health officer or to the student's personal
3058 physician or chiropractor with notice of the evaluation; and

3059 (d) Provide for notification of the parent or guardian
3060 of any student identified under this program and for the supplying
3061 to such parent or guardian information on the condition and
3062 resources available for the correction or treatment of such
3063 condition. However, the requirement for screening shall not apply
3064 to a child whose parent or guardian objects thereto on grounds
3065 that the requirement conflicts with his conscientiously held
3066 religious beliefs.



3067 **SECTION 56.** Section 37-11-25, Mississippi Code of 1972, is
3068 brought forward as follows:

3069 37-11-25. If any public school official of this state or of
3070 any county or municipality or school district thereof, or any
3071 superintendent, principal, or teacher in the public schools, or
3072 any trustee of a school district shall be interested, either
3073 directly or indirectly, in the proceeds or profits of the sale or
3074 rental of any book, furniture, equipment or other property to be
3075 used in any public schools of this state such person shall be
3076 guilty of a misdemeanor and, upon conviction, he shall be fined
3077 not less than Two Hundred Dollars (\$200.00) nor more than Five
3078 Hundred Dollars (\$500.00). However, nothing in this section shall
3079 be construed to apply to the receipt of royalties on books or
3080 other publications used in the public schools.

3081 **SECTION 57.** Section 37-11-57, Mississippi Code of 1972, is
3082 amended as follows:

3083 37-11-57. (1) Except in the case of excessive force or
3084 cruel and unusual punishment, a public school teacher, assistant
3085 teacher, principal, or an assistant principal acting within the
3086 course and scope of his employment shall not be liable for any
3087 action carried out in conformity with state or federal law or
3088 rules or regulations of the State Board of Education or the local
3089 school board or governing board of a charter school regarding the
3090 control, discipline, suspension and expulsion of students. The
3091 local school board shall provide any necessary legal defense to a



3092 teacher, assistant teacher, principal, or assistant principal in
3093 the school district who was acting within the course and scope of
3094 his employment in any action which may be filed against such
3095 school personnel. A school district or charter school, as the
3096 case may be, shall be entitled to reimbursement for legal fees and
3097 expenses from its employee if a court finds that the act of the
3098 employee was outside the course and scope of his employment, or
3099 that the employee was acting with criminal intent. Any action by
3100 a school district or charter school against its employee and any
3101 action by the employee against the school district or charter
3102 school for necessary legal fees and expenses shall be tried to the
3103 court in the same suit brought against the school employee.

3104 (2) Corporal punishment administered in a reasonable manner,
3105 or any reasonable action to maintain control and discipline of
3106 students taken by a public school teacher, assistant teacher,
3107 principal or assistant principal acting within the scope of his
3108 employment or function and in accordance with any state or federal
3109 laws or rules or regulations of the State Board of Education or
3110 the local school board or governing board of a charter school does
3111 not constitute negligence or child abuse. No public school
3112 teacher, assistant teacher, principal or assistant principal so
3113 acting shall be held liable in a suit for civil damages alleged to
3114 have been suffered by a student as a result of the administration
3115 of corporal punishment, or the taking of action to maintain
3116 control and discipline of a student, unless the court determines



3117 that the teacher, assistant teacher, principal or assistant
3118 principal acted in bad faith or with malicious purpose or in a
3119 manner exhibiting a wanton and willful disregard of human rights
3120 or safety. For the purposes of this subsection, "corporal
3121 punishment" means the reasonable use of physical force or physical
3122 contact by a teacher, assistant teacher, principal or assistant
3123 principal, as may be necessary to maintain discipline, to enforce
3124 a school rule, for self-protection or for the protection of other
3125 students from disruptive students.

3126 **SECTION 58.** Section 37-13-21, Mississippi Code of 1972, is
3127 amended as follows:

3128 37-13-21. The State Board of Health and the various county
3129 health departments are hereby authorized and empowered to
3130 establish and provide for health education programs in the public
3131 * * * school districts of this state and to employ county health
3132 educators for such purpose. In order to effectuate such programs
3133 the county superintendents of education of counties in which such
3134 programs have been established, with the approval of the county
3135 board of education, and the board of trustees of the municipal
3136 separate school districts are authorized and empowered, in their
3137 discretion, to cooperate and join with the said State Board of
3138 Health and the county health departments in such program. For
3139 such purposes the said county superintendents of education, with
3140 the approval of the county board of education, are hereby
3141 authorized and empowered to expend such funds as may be necessary



3142 from the common school funds of the county, and the board of
3143 trustees of municipal separate school districts are hereby
3144 authorized and empowered to expend such funds as may be necessary
3145 from the maintenance funds of such districts for the purpose of
3146 defraying the expenses of such cooperative health education
3147 programs. Those students whose parents or guardians shall make
3148 written application to the proper authorities on the ground that
3149 such program is inconsistent with the tenets and practices of the
3150 known religious organization with which they are affiliated shall
3151 not be required to participate in the program.

3152 The State Board of Health and various county health
3153 departments shall have the power and authority to enter into such
3154 agreements and joint programs with the said county superintendents
3155 of education and boards of trustees of municipal separate school
3156 districts as may be necessary, proper and desirable in carrying
3157 out the purposes of this section, and in establishing and carrying
3158 on health education programs in the public * * * school districts
3159 of this state, and the said county superintendents of education,
3160 with the approval and consent of the county board of education,
3161 and the board of trustees of municipal separate school districts
3162 shall have the power and authority to enter into such agreements
3163 and joint programs with each other and with the State Board of
3164 Health and county health departments as may be necessary for such
3165 purpose.



3166 **SECTION 59.** Section 37-13-41, Mississippi Code of 1972, is
3167 amended as follows:

3168 37-13-41. All principals and/or superintendents of public
3169 schools * * * in all school districts in Mississippi shall report
3170 to their county superintendent of education upon forms prepared
3171 and sent to the county superintendent of education by the director
3172 of the division of instruction, giving the type and amount of work
3173 done in each grade of their respective school, with other
3174 information that may be desired by the director. The county
3175 superintendents of education shall compile this information on
3176 forms sent out by the director. This shall be made in duplicate,
3177 one (1) copy to be sent to the director, and the other filed as
3178 other public records are filed in the county superintendents'
3179 offices. This report shall be made to the director by the county
3180 superintendents of education not later than the first of June each
3181 year.

3182 **SECTION 60.** Section 37-13-91, Mississippi Code of 1972, is
3183 amended as follows:

3184 37-13-91. (1) This section shall be referred to as the
3185 "Mississippi Compulsory School Attendance Law."

3186 (2) The following terms as used in this section are defined
3187 as follows:

3188 (a) "Parent" means the father or mother to whom a child
3189 has been born, or the father or mother by whom a child has been
3190 legally adopted.



3191 (b) "Guardian" means a guardian of the person of a
3192 child, other than a parent, who is legally appointed by a court of
3193 competent jurisdiction.

3194 (c) "Custodian" means any person having the present
3195 care or custody of a child, other than a parent or guardian of the
3196 child.

3197 (d) "School day" means not less than five (5) and not
3198 more than eight (8) hours of actual teaching in which both
3199 teachers and pupils are in regular attendance for scheduled
3200 schoolwork.

3201 (e) "School" means any public school, including a
3202 charter school, in this state or any nonpublic school in this
3203 state which is in session each school year for at least one
3204 hundred eighty (180) school days, except that the "nonpublic"
3205 school term shall be the number of days that each school shall
3206 require for promotion from grade to grade.

3207 (f) "Compulsory-school-age child" means a child who has
3208 attained or will attain the age of six (6) years on or before
3209 September 1 of the calendar year and who has not attained the age
3210 of seventeen (17) years on or before September 1 of the calendar
3211 year; and shall include any child who has attained or will attain
3212 the age of five (5) years on or before September 1 and has
3213 enrolled in a full-day public school kindergarten program.
3214 Provided, however, that the parent or guardian of any child
3215 enrolled in a full-day public school kindergarten program shall be



3216 allowed to disenroll the child from the program on a one-time
3217 basis, and such child shall not be deemed a compulsory-school-age
3218 child until the child attains the age of six (6) years.

3219 (g) "School attendance officer" means a person employed
3220 by the State Department of Education pursuant to Section 37-13-89.

3221 (h) "Appropriate school official" means the
3222 superintendent of the school district, or his designee, or, in the
3223 case of a nonpublic school, the principal or the headmaster.

3224 (i) "Nonpublic school" means an institution for the
3225 teaching of children, consisting of a physical plant, whether
3226 owned or leased, including a home, instructional staff members and
3227 students, and which is in session each school year. This
3228 definition shall include, but not be limited to, private, church,
3229 parochial and home instruction programs.

3230 (3) A parent, guardian or custodian of a
3231 compulsory-school-age child in this state shall cause the child to
3232 enroll in and attend a public school or legitimate nonpublic
3233 school for the period of time that the child is of compulsory
3234 school age, except under the following circumstances:

3235 (a) When a compulsory-school-age child is physically,
3236 mentally or emotionally incapable of attending school as
3237 determined by the appropriate school official based upon
3238 sufficient medical documentation.

3239 (b) When a compulsory-school-age child is enrolled in
3240 and pursuing a course of special education, remedial education or



3241 education for handicapped or physically or mentally disadvantaged
3242 children.

3243 (c) When a compulsory-school-age child is being
3244 educated in a legitimate home instruction program.

3245 The parent, guardian or custodian of a compulsory-school-age
3246 child described in this subsection, or the parent, guardian or
3247 custodian of a compulsory-school-age child attending any charter
3248 school or nonpublic school, or the appropriate school official for
3249 any or all children attending a charter school or nonpublic school
3250 shall complete a "certificate of enrollment" in order to
3251 facilitate the administration of this section.

3252 The form of the certificate of enrollment shall be prepared
3253 by the Office of Compulsory School Attendance Enforcement of the
3254 State Department of Education and shall be designed to obtain the
3255 following information only:

3256 (i) The name, address, telephone number and date
3257 of birth of the compulsory-school-age child;

3258 (ii) The name, address and telephone number of the
3259 parent, guardian or custodian of the compulsory-school-age child;

3260 (iii) A simple description of the type of
3261 education the compulsory-school-age child is receiving and, if the
3262 child is enrolled in a nonpublic school, the name and address of
3263 the school; and

3264 (iv) The signature of the parent, guardian or
3265 custodian of the compulsory-school-age child or, for any or all



3266 compulsory-school-age child or children attending a charter school
3267 or nonpublic school, the signature of the appropriate school
3268 official and the date signed.

3269 The certificate of enrollment shall be returned to the school
3270 attendance officer where the child resides on or before September
3271 15 of each year. Any parent, guardian or custodian found by the
3272 school attendance officer to be in noncompliance with this section
3273 shall comply, after written notice of the noncompliance by the
3274 school attendance officer, with this subsection within ten (10)
3275 days after the notice or be in violation of this section.

3276 However, in the event the child has been enrolled in a public
3277 school within fifteen (15) calendar days after the first day of
3278 the school year as required in subsection (6), the parent or
3279 custodian may, at a later date, enroll the child in a legitimate
3280 nonpublic school or legitimate home instruction program and send
3281 the certificate of enrollment to the school attendance officer and
3282 be in compliance with this subsection.

3283 For the purposes of this subsection, a legitimate nonpublic
3284 school or legitimate home instruction program shall be those not
3285 operated or instituted for the purpose of avoiding or
3286 circumventing the compulsory attendance law.

3287 (4) An "unlawful absence" is an absence during a school day
3288 by a compulsory-school-age child, which absence is not due to a
3289 valid excuse for temporary nonattendance. Days missed from school
3290 due to disciplinary suspension shall not be considered an



3291 "excused" absence under this section. This subsection shall not
3292 apply to children enrolled in a nonpublic school.

3293 Each of the following shall constitute a valid excuse for
3294 temporary nonattendance of a compulsory-school-age child enrolled
3295 in a noncharter public school, provided satisfactory evidence of
3296 the excuse is provided to the superintendent of the school
3297 district, or his designee:

3298 (a) An absence is excused when the absence results from
3299 the compulsory-school-age child's attendance at an authorized
3300 school activity with the prior approval of the superintendent of
3301 the school district, or his designee. These activities may
3302 include field trips, athletic contests, student conventions,
3303 musical festivals and any similar activity.

3304 (b) An absence is excused when the absence results from
3305 illness or injury which prevents the compulsory-school-age child
3306 from being physically able to attend school.

3307 (c) An absence is excused when isolation of a
3308 compulsory-school-age child is ordered by the county health
3309 officer, by the State Board of Health or appropriate school
3310 official.

3311 (d) An absence is excused when it results from the
3312 death or serious illness of a member of the immediate family of a
3313 compulsory-school-age child. The immediate family members of a
3314 compulsory-school-age child shall include children, spouse,



3315 grandparents, parents, brothers and sisters, including
3316 stepbrothers and stepsisters.

3317 (e) An absence is excused when it results from a
3318 medical or dental appointment of a compulsory-school-age child.

3319 (f) An absence is excused when it results from the
3320 attendance of a compulsory-school-age child at the proceedings of
3321 a court or an administrative tribunal if the child is a party to
3322 the action or under subpoena as a witness.

3323 (g) An absence may be excused if the religion to which
3324 the compulsory-school-age child or the child's parents adheres,
3325 requires or suggests the observance of a religious event. The
3326 approval of the absence is within the discretion of the
3327 superintendent of the school district, or his designee, but
3328 approval should be granted unless the religion's observance is of
3329 such duration as to interfere with the education of the child.

3330 (h) An absence may be excused when it is demonstrated
3331 to the satisfaction of the superintendent of the school district,
3332 or his designee, that the purpose of the absence is to take
3333 advantage of a valid educational opportunity such as travel,
3334 including vacations or other family travel. Approval of the
3335 absence must be gained from the superintendent of the school
3336 district, or his designee, before the absence, but the approval
3337 shall not be unreasonably withheld.

3338 (i) An absence may be excused when it is demonstrated
3339 to the satisfaction of the superintendent of the school district,



3340 or his designee, that conditions are sufficient to warrant the
3341 compulsory-school-age child's nonattendance. However, no absences
3342 shall be excused by the school district superintendent, or his
3343 designee, when any student suspensions or expulsions circumvent
3344 the intent and spirit of the compulsory attendance law.

3345 (5) Any parent, guardian or custodian of a
3346 compulsory-school-age child subject to this section who refuses or
3347 willfully fails to perform any of the duties imposed upon him or
3348 her under this section or who intentionally falsifies any
3349 information required to be contained in a certificate of
3350 enrollment, shall be guilty of contributing to the neglect of a
3351 child and, upon conviction, shall be punished in accordance with
3352 Section 97-5-39.

3353 Upon prosecution of a parent, guardian or custodian of a
3354 compulsory-school-age child for violation of this section, the
3355 presentation of evidence by the prosecutor that shows that the
3356 child has not been enrolled in school within eighteen (18)
3357 calendar days after the first day of the school year of the public
3358 school which the child is eligible to attend, or that the child
3359 has accumulated twelve (12) unlawful absences during the school
3360 year at the public school in which the child has been enrolled,
3361 shall establish a prima facie case that the child's parent,
3362 guardian or custodian is responsible for the absences and has
3363 refused or willfully failed to perform the duties imposed upon him
3364 or her under this section. However, no proceedings under this



3365 section shall be brought against a parent, guardian or custodian
3366 of a compulsory-school-age child unless the school attendance
3367 officer has contacted promptly the home of the child and has
3368 provided written notice to the parent, guardian or custodian of
3369 the requirement for the child's enrollment or attendance.

3370 (6) If a compulsory-school-age child has not been enrolled
3371 in a school within fifteen (15) calendar days after the first day
3372 of the school year of the school which the child is eligible to
3373 attend or the child has accumulated five (5) unlawful absences
3374 during the school year of the public school in which the child is
3375 enrolled, the school district superintendent or his designee shall
3376 report, within two (2) school days or within five (5) calendar
3377 days, whichever is less, the absences to the school attendance
3378 officer. The State Department of Education shall prescribe a
3379 uniform method for schools to utilize in reporting the unlawful
3380 absences to the school attendance officer. The superintendent, or
3381 his designee, also shall report any student suspensions or student
3382 expulsions to the school attendance officer when they occur.

3383 (7) When a school attendance officer has made all attempts
3384 to secure enrollment and/or attendance of a compulsory-school-age
3385 child and is unable to effect the enrollment and/or attendance,
3386 the attendance officer shall file a petition with the youth court
3387 under Section 43-21-451 or shall file a petition in a court of
3388 competent jurisdiction as it pertains to parent or child.
3389 Sheriffs, deputy sheriffs and municipal law enforcement officers



3390 shall be fully authorized to investigate all cases of
3391 nonattendance and unlawful absences by compulsory-school-age
3392 children, and shall be authorized to file a petition with the
3393 youth court under Section 43-21-451 or file a petition or
3394 information in the court of competent jurisdiction as it pertains
3395 to parent or child for violation of this section. The youth court
3396 shall expedite a hearing to make an appropriate adjudication and a
3397 disposition to ensure compliance with the Compulsory School
3398 Attendance Law, and may order the child to enroll or re-enroll in
3399 school. The superintendent of the school district to which the
3400 child is ordered may assign, in his discretion, the child to the
3401 alternative school program of the school established pursuant to
3402 Section 37-13-92.

3403 (8) The State Board of Education shall adopt rules and
3404 regulations for the purpose of reprimanding any school
3405 superintendents who fail to timely report unexcused absences under
3406 the provisions of this section.

3407 (9) Notwithstanding any provision or implication herein to
3408 the contrary, it is not the intention of this section to impair
3409 the primary right and the obligation of the parent or parents, or
3410 person or persons in loco parentis to a child, to choose the
3411 proper education and training for such child, and nothing in this
3412 section shall ever be construed to grant, by implication or
3413 otherwise, to the State of Mississippi, any of its officers,
3414 agencies or subdivisions any right or authority to control,



3415 manage, supervise or make any suggestion as to the control,
3416 management or supervision of any private or parochial school or
3417 institution for the education or training of children, of any kind
3418 whatsoever that is not a public school according to the laws of
3419 this state; and this section shall never be construed so as to
3420 grant, by implication or otherwise, any right or authority to any
3421 state agency or other entity to control, manage, supervise,
3422 provide for or affect the operation, management, program,
3423 curriculum, admissions policy or discipline of any such school or
3424 home instruction program.

3425 **SECTION 61.** Section 37-15-1, Mississippi Code of 1972, is
3426 amended as follows:

3427 37-15-1. The State Board of Education shall prepare and
3428 provide necessary forms for keeping permanent records and
3429 cumulative folders for each pupil in the public schools, including
3430 charter schools, of the state. In the permanent record and
3431 cumulative folders, the teachers and principals shall keep
3432 information concerning the pupil's date of birth, as verified by
3433 the documentation authorized in this section, record of
3434 attendance, grades and withdrawal from the school, including the
3435 date of any expulsion from the school * * * and a description of
3436 the student's act or behavior resulting in the expulsion. The
3437 records also shall contain information pertaining to immunization
3438 and such other information as the State Board of Education may
3439 prescribe. The cumulative folder, in addition to that information



3440 maintained in the permanent records, also shall contain such other
3441 information as the State Board of Education shall prescribe. It
3442 shall be the responsibility of the person in charge of each school
3443 to enforce the requirement for evidence of the age of each pupil
3444 before enrollment. If the first prescribed evidence is not
3445 available, the next evidence obtainable in the order set forth
3446 below shall be accepted:

3447 (a) A certified birth certificate;

3448 (b) A duly attested transcript of a certificate of
3449 baptism showing the date of birth and place of baptism of the
3450 child, accompanied by an affidavit sworn to by a parent,
3451 grandparent or custodian;

3452 (c) An insurance policy on the child's life which has
3453 been in force for at least two (2) years;

3454 (d) A bona fide contemporary Bible record of the
3455 child's birth accompanied by an affidavit sworn to by the parent,
3456 grandparent or custodian;

3457 (e) A passport or certificate of arrival in the United
3458 States showing the age of the child;

3459 (f) A transcript of record of age shown in the child's
3460 school record of at least four (4) years prior to application,
3461 stating date of birth; or

3462 (g) If none of these evidences can be produced, an
3463 affidavit of age sworn to by a parent, grandparent or custodian.

3464 Any child enrolling in kindergarten or Grade 1 shall present the



3465 required evidence of age upon enrollment. Any child in Grades 2
3466 through 12 not in compliance at the end of sixty (60) days from
3467 enrollment shall be suspended until in compliance.

3468 **SECTION 62.** Section 37-15-3, Mississippi Code of 1972, is
3469 amended as follows:

3470 37-15-3. Such cumulative folders as are provided for in
3471 Section 37-15-1 shall be kept in the school wherein the pupils are
3472 in attendance. Both the permanent records and the cumulative
3473 folders shall be available to school officials, including teachers
3474 within the school district who have been determined by the school
3475 district to have legitimate educational interests. In no case,
3476 however, shall such records be available to the general public.
3477 Transcripts of courses and grades may be furnished when requested
3478 by the parent or guardian or eligible pupil as prescribed in the
3479 Family Educational Rights and Privacy Act of 1974, as amended, 20
3480 USCS Section 1232. Such records shall be kept for each pupil
3481 throughout his entire public school enrollment period. In the
3482 event a pupil transfers to a public school, including a charter
3483 school, then the cumulative folder shall be furnished to the head
3484 of the school to which the pupil transfers; if a pupil transfers
3485 to a private school, then a copy of the cumulative folder shall be
3486 furnished to the head of the school to which the pupil transfers.
3487 The permanent record shall be kept permanently by the school
3488 district from which the pupil transferred.



3489 At no time may a permanent record of a student be destroyed,
3490 but cumulative folders may be destroyed by order of the school
3491 board of the school district in not less than five (5) years after
3492 the permanent record of the pupil has become inactive and has been
3493 transferred to the central depository of the district. Provided,
3494 however, that where a school district makes complete copies of
3495 inactive permanent records on photographic film, microfilm, or any
3496 other acceptable form of medium for storage which may be
3497 reproduced as needed, such permanent records may be destroyed
3498 after the photographic film or microfilm copy has been stored in
3499 the central depository of the district.

3500 **SECTION 63.** Section 37-15-6, Mississippi Code of 1972, is
3501 amended as follows:

3502 37-15-6. For the purpose of providing notice to public and
3503 private school officials, both within and outside the boundaries
3504 of the state, of the expulsion of any public school student, the
3505 State Department of Education may develop a central reporting
3506 system for maintaining information concerning each expulsion from
3507 a public school. In establishing and maintaining the reporting
3508 system, the department may require each school district and
3509 charter school to report, within a certain period of time after an
3510 expulsion, as established by the department, information such as
3511 the following:

- 3512 (a) The name of the student expelled;
- 3513 (b) The date the student was expelled;



3514 (c) The age of the student at the time of the
3515 expulsion;
3516 (d) The school from which the student was expelled;
3517 (e) The reason for the expulsion, including a detailed
3518 description of the student's act or acts;
3519 (f) The duration of the period of expulsion, if not
3520 indefinite; and
3521 (g) Any other information that the department deems
3522 necessary for school officials in a public or private school,
3523 where a student is seeking enrollment, to determine whether or not
3524 a student should be denied enrollment based upon a previous
3525 expulsion.

3526 Any information maintained by the department under the
3527 authority of this section shall be strictly confidential. The
3528 information shall be available to school officials at a public or
3529 private school only upon their request and only when a student
3530 seeks enrollment or admission to that school. In no case shall
3531 the information be available to the general public.

3532 **SECTION 64.** Section 37-15-9, Mississippi Code of 1972, is
3533 amended as follows:

3534 37-15-9. (1) Except as provided in subsection (2) and
3535 subject to the provisions of subsection (3) of this section, no
3536 child shall be enrolled or admitted to any kindergarten which is a
3537 part of * * * a public school * * * during any school year unless
3538 such child will reach his fifth birthday on or before September 1



3539 of said school year, and no child shall be enrolled or admitted to
3540 the first grade in any public school * * * during any school year
3541 unless such child will reach his sixth birthday on or before
3542 September 1 of said school year. No pupil shall be permanently
3543 enrolled in a public school in the State of Mississippi who
3544 formerly was enrolled in another public or private school within
3545 the state until the cumulative record of the pupil shall have been
3546 received from the school from which he transferred. Should such
3547 record have become lost or destroyed, then it shall be the duty of
3548 the superintendent or principal of the school where the pupil last
3549 attended school to initiate a new record.

3550 (2) Subject to the provisions of subsection (3) of this
3551 section, any child who transfers from an out-of-state public or
3552 private school in which that state's law provides for a
3553 first-grade or kindergarten enrollment date subsequent to
3554 September 1, shall be allowed to enroll in the public schools of
3555 Mississippi, at the same grade level as their prior out-of-state
3556 enrollment, if:

3557 (a) The parent, legal guardian or custodian of such
3558 child was a legal resident of the state from which the child is
3559 transferring;

3560 (b) The out-of-state school from which the child is
3561 transferring is duly accredited by that state's appropriate
3562 accrediting authority;



3563 (c) Such child was legally enrolled in a public or
3564 private school for a minimum of four (4) weeks in the previous
3565 state; and

3566 (d) The superintendent of schools in the applicable
3567 Mississippi school district or the principal of a charter school,
3568 as the case may be, has determined that the child was making
3569 satisfactory educational progress in the previous state.

3570 (3) When any child applies for admission or enrollment in
3571 any public school in the state, the parent, guardian or child, in
3572 the absence of an accompanying parent or guardian, shall indicate
3573 on the school registration form if the enrolling child has been
3574 expelled from any public or private school or is currently a party
3575 to an expulsion proceeding. If it is determined from the child's
3576 cumulative record or application for admission or enrollment that
3577 the child has been expelled, the school district or charter school
3578 may deny the student admission and enrollment until the
3579 superintendent of the school, or his designee, or principal of the
3580 charter school, as the case may be, has reviewed the child's
3581 cumulative record and determined that the child has participated
3582 in successful rehabilitative efforts including, but not limited
3583 to, progress in an alternative school or similar program. If the
3584 child is a party to an expulsion proceeding, the child may be
3585 admitted to a public school pending final disposition of the
3586 expulsion proceeding. If the expulsion proceeding results in the
3587 expulsion of the child, the public school may revoke such



3588 admission to school. If the child was expelled or is a party to
3589 an expulsion proceeding for an act involving violence, weapons,
3590 alcohol, illegal drugs or other activity that may result in
3591 expulsion, the school district or charter school shall not be
3592 required to grant admission or enrollment to the child before one
3593 (1) calendar year after the date of the expulsion.

3594 **SECTION 65.** Section 37-16-1, Mississippi Code of 1972, is
3595 amended as follows:

3596 37-16-1. The primary purpose of the statewide testing
3597 program is to provide information needed for state-level
3598 decisions. The program shall be designed to:

3599 (a) Assist in the identification of educational needs
3600 at the state, district and school levels.

3601 (b) Assess how well districts and schools are meeting
3602 state goals and minimum performance standards.

3603 (c) Provide information to aid in the development of
3604 policy issues and concerns.

3605 (d) Provide a basis for comparisons among districts,
3606 between charter schools throughout the state and nonpublic charter
3607 schools in those school districts in which charter schools are
3608 located, and between districts, the state and the nation, where
3609 appropriate.

3610 (e) Produce data which can be used to aid in the
3611 identification of exceptional educational programs or processes.



3612 **SECTION 66.** Section 37-16-3, Mississippi Code of 1972, is
3613 amended as follows:

3614 37-16-3. (1) The State Department of Education is directed
3615 to implement a program of statewide assessment testing which shall
3616 provide for the improvement of the operation and management of the
3617 public schools. The statewide program shall be timed, as far as
3618 possible, so as not to conflict with ongoing district assessment
3619 programs. As part of the program, the department shall:

3620 (a) Establish, with the approval of the State Board of
3621 Education, minimum performance standards related to the goals for
3622 education contained in the state's plan including, but not limited
3623 to, basic skills in reading, writing and mathematics. The minimum
3624 performance standards shall be approved by April 1 in each year
3625 they are established.

3626 (b) Conduct a uniform statewide testing program in
3627 grades deemed appropriate in the public schools, including charter
3628 schools. The program may test skill areas, basic skills and high
3629 school course content.

3630 (c) Monitor the results of the assessment program and,
3631 at any time the composite student performance of a school or basic
3632 program is found to be below the established minimum standards,
3633 notify the district superintendent or the governing board of the
3634 charter school, as the case may be, the school principal and the
3635 school advisory committee or other existing parent group of the
3636 situation within thirty (30) days of its determination. The



3637 department shall further provide technical assistance to * * * a
3638 school district in the identification of the causes of this
3639 deficiency and shall recommend courses of action for its
3640 correction.

3641 (d) Provide technical assistance to the school
3642 districts, when requested, in the development of student
3643 performance standards in addition to the established minimum
3644 statewide standards.

3645 (e) Issue security procedure regulations providing for
3646 the security and integrity of the tests that are administered
3647 under the basic skills assessment program.

3648 (2) Uniform basic skills tests shall be completed by each
3649 student in the appropriate grade. These tests shall be
3650 administered in such a manner as to preserve the integrity and
3651 validity of the assessment. In the event of excused or unexcused
3652 student absences, make-up tests shall be given. The school
3653 superintendent of every school district in the state and the
3654 principal of each charter school shall annually certify to the
3655 State Department of Education that each student enrolled in the
3656 appropriate grade has completed the required basic skills
3657 assessment test for his or her grade in a valid test
3658 administration.

3659 **SECTION 67.** Section 37-17-1, Mississippi Code of 1972, is
3660 amended as follows:



3661 37-17-1. (1) The power and authority to prescribe standards
3662 for the accreditation of noncharter public schools, to insure
3663 compliance with such standards and to establish procedures for the
3664 accreditation of noncharter public schools is hereby vested in the
3665 State Board of Education. The board shall, by orders placed upon
3666 its minutes, adopt all necessary rules and regulations to
3667 effectuate the purposes of this chapter and shall provide, through
3668 the State Department of Education, for the necessary personnel for
3669 the enforcement of standards so established.

3670 (2) A charter school authorized by the Mississippi Charter
3671 School Authorizer Board must be granted accreditation by the State
3672 Board of Education based solely on the approval of the school by
3673 the authorizer. If the authorizer, at any time, revokes a
3674 school's charter, the State Board of Education shall withdraw the
3675 accreditation of the charter school immediately.

3676 **SECTION 68.** Section 37-17-6, Mississippi Code of 1972, is
3677 amended as follows:

3678 **[Effective until the date Laws of 2012, Chapter 525, is**
3679 **effectuated under Section 5 of the Voting Rights Act of 1965, as**
3680 **amended and extended, this section will read:]**

3681 37-17-6. (1) The State Board of Education, acting through
3682 the Commission on School Accreditation, shall establish and
3683 implement a permanent performance-based accreditation system, and
3684 all noncharter public elementary and secondary schools shall be
3685 accredited under this system.



3686 (2) No later than June 30, 1995, the State Board of
3687 Education, acting through the Commission on School Accreditation,
3688 shall require school districts to provide school classroom space
3689 that is air-conditioned as a minimum requirement for
3690 accreditation.

3691 (3) (a) Beginning with the 1994-1995 school year, the State
3692 Board of Education, acting through the Commission on School
3693 Accreditation, shall require that school districts employ
3694 certified school librarians according to the following formula:

3695	Number of Students	Number of Certified
3696	Per School Library	School Librarians
3697	0 - 499 Students	1/2 Full-time Equivalent
3698		Certified Librarian
3699	500 or More Students	1 Full-time Certified
3700		Librarian

3701 (b) The State Board of Education, however, may increase
3702 the number of positions beyond the above requirements.

3703 (c) The assignment of certified school librarians to
3704 the particular schools shall be at the discretion of the local
3705 school district. No individual shall be employed as a certified
3706 school librarian without appropriate training and certification as
3707 a school librarian by the State Department of Education.

3708 (d) School librarians in the district shall spend at
3709 least fifty percent (50%) of direct work time in a school library



3710 and shall devote no more than one-fourth (1/4) of the workday to
3711 administrative activities that are library related.

3712 (e) Nothing in this subsection shall prohibit any
3713 school district from employing more certified school librarians
3714 than are provided for in this section.

3715 (f) Any additional millage levied to fund school
3716 librarians required for accreditation under this subsection shall
3717 be included in the tax increase limitation set forth in Sections
3718 37-57-105 and 37-57-107 and shall not be deemed a new program for
3719 purposes of the limitation.

3720 (4) On or before December 31, 2002, the State Board of
3721 Education shall implement the performance-based accreditation
3722 system for school districts and for individual noncharter public
3723 schools which shall include the following:

3724 (a) High expectations for students and high standards
3725 for all schools, with a focus on the basic curriculum;

3726 (b) Strong accountability for results with appropriate
3727 local flexibility for local implementation;

3728 (c) A process to implement accountability at both the
3729 school district level and the school level;

3730 (d) Individual schools shall be held accountable for
3731 student growth and performance;

3732 (e) Set annual performance standards for each of the
3733 schools of the state and measure the performance of each school
3734 against itself through the standard that has been set for it;



3735 (f) A determination of which schools exceed their
3736 standards and a plan for providing recognition and rewards to
3737 those schools;

3738 (g) A determination of which schools are failing to
3739 meet their standards and a determination of the appropriate role
3740 of the State Board of Education and the State Department of
3741 Education in providing assistance and initiating possible
3742 intervention. A failing district is a district that fails to meet
3743 both the absolute student achievement standards and the rate of
3744 annual growth expectation standards as set by the State Board of
3745 Education for two (2) consecutive years. The State Board of
3746 Education shall establish the level of benchmarks by which
3747 absolute student achievement and growth expectations shall be
3748 assessed. In setting the benchmarks for school districts, the
3749 State Board of Education may also take into account such factors
3750 as graduation rates, dropout rates, completion rates, the extent
3751 to which the school or district employs qualified teachers in
3752 every classroom, and any other factors deemed appropriate by the
3753 State Board of Education. The State Board of Education, acting
3754 through the State Department of Education, shall apply a simple
3755 "A," "B," "C," "D" and "F" designation to the current school and
3756 school district statewide accountability performance
3757 classification labels beginning with the State Accountability
3758 Results for the 2011-2012 school year and following, and in the
3759 school, district and state report cards required under state and



3760 federal law. Under the new designations, a school or school
3761 district that has earned a "Star" rating shall be designated an
3762 "A" school or school district; a school or school district that
3763 has earned a "High-Performing" rating shall be designated a "B"
3764 school or school district; a school or school district that has
3765 earned a "Successful" rating shall be designated a "C" school or
3766 school district; a school or school district that has earned an
3767 "Academic Watch" rating shall be designated a "D" school or school
3768 district; a school or school district that has earned a
3769 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
3770 be designated an "F" school or school district. Effective with
3771 the implementation of any new curriculum and assessment standards,
3772 the State Board of Education, acting through the State Department
3773 of Education, is further authorized and directed to change the
3774 school and school district accreditation rating system to a simple
3775 "A," "B," "C," "D" and "F" designation based on a combination of
3776 student achievement scores and student growth as measured by the
3777 statewide testing programs developed by the State Board of
3778 Education pursuant to Chapter 16, Title 37, Mississippi Code of
3779 1972. In any statute or regulation containing the former
3780 accreditation designations, the new designations shall be
3781 applicable;

3782 (h) Development of a comprehensive student assessment
3783 system to implement these requirements; and



3784 (i) The State Board of Education may, based on a
3785 written request that contains specific reasons for requesting a
3786 waiver from the school districts affected by Hurricane Katrina of
3787 2005, hold harmless school districts from assignment of district
3788 and school level accountability ratings for the 2005-2006 school
3789 year. The State Board of Education upon finding an extreme
3790 hardship in the school district may grant the request. It is the
3791 intent of the Legislature that all school districts maintain the
3792 highest possible academic standards and instructional programs in
3793 all schools as required by law and the State Board of Education.

3794 The State Board of Education may continue to assign school
3795 district performance levels by using a number classification and
3796 may assign individual school performance levels by using a number
3797 classification to be consistent with school district performance
3798 levels.

3799 (5) Nothing in this section shall be deemed to require a
3800 nonpublic school that receives no local, state or federal funds
3801 for support to become accredited by the State Board of Education.

3802 (6) The State Board of Education shall create an
3803 accreditation audit unit under the Commission on School
3804 Accreditation to determine whether schools are complying with
3805 accreditation standards.

3806 (7) The State Board of Education shall be specifically
3807 authorized and empowered to withhold adequate education program
3808 fund allocations, whichever is applicable, to any public school



3809 district for failure to timely report student, school personnel
3810 and fiscal data necessary to meet state and/or federal
3811 requirements.

3812 (8) Deleted.

3813 (9) The State Board of Education shall establish, for those
3814 school districts failing to meet accreditation standards, a
3815 program of development to be complied with in order to receive
3816 state funds, except as otherwise provided in subsection (14) of
3817 this section when the Governor has declared a state of emergency
3818 in a school district or as otherwise provided in Section 206,
3819 Mississippi Constitution of 1890. The state board, in
3820 establishing these standards, shall provide for notice to schools
3821 and sufficient time and aid to enable schools to attempt to meet
3822 these standards, unless procedures under subsection (14) of this
3823 section have been invoked.

3824 (10) Beginning July 1, 1998, the State Board of Education
3825 shall be charged with the implementation of the program of
3826 development in each applicable school district as follows:

3827 (a) Develop an impairment report for each district
3828 failing to meet accreditation standards in conjunction with school
3829 district officials;

3830 (b) Notify any applicable school district failing to
3831 meet accreditation standards that it is on probation until
3832 corrective actions are taken or until the deficiencies have been
3833 removed. The local school district shall develop a corrective



3834 action plan to improve its deficiencies. For district academic
3835 deficiencies, the corrective action plan for each such school
3836 district shall be based upon a complete analysis of the following:
3837 student test data, student grades, student attendance reports,
3838 student dropout data, existence and other relevant data. The
3839 corrective action plan shall describe the specific measures to be
3840 taken by the particular school district and school to improve:
3841 (i) instruction; (ii) curriculum; (iii) professional development;
3842 (iv) personnel and classroom organization; (v) student incentives
3843 for performance; (vi) process deficiencies; and (vii) reporting to
3844 the local school board, parents and the community. The corrective
3845 action plan shall describe the specific individuals responsible
3846 for implementing each component of the recommendation and how each
3847 will be evaluated. All corrective action plans shall be provided
3848 to the State Board of Education as may be required. The decision
3849 of the State Board of Education establishing the probationary
3850 period of time shall be final;

3851 (c) Offer, during the probationary period, technical
3852 assistance to the school district in making corrective actions.
3853 Beginning July 1, 1998, subject to the availability of funds, the
3854 State Department of Education shall provide technical and/or
3855 financial assistance to all such school districts in order to
3856 implement each measure identified in that district's corrective
3857 action plan through professional development and on-site
3858 assistance. Each such school district shall apply for and utilize



3859 all available federal funding in order to support its corrective
3860 action plan in addition to state funds made available under this
3861 paragraph;

3862 (d) Assign department personnel or contract, in its
3863 discretion, with the institutions of higher learning or other
3864 appropriate private entities with experience in the academic,
3865 finance and other operational functions of schools to assist
3866 school districts;

3867 (e) Provide for publication of public notice at least
3868 one time during the probationary period, in a newspaper published
3869 within the jurisdiction of the school district failing to meet
3870 accreditation standards, or if no newspaper is published therein,
3871 then in a newspaper having a general circulation therein. The
3872 publication shall include the following: declaration of school
3873 system's status as being on probation; all details relating to the
3874 impairment report; and other information as the State Board of
3875 Education deems appropriate. Public notices issued under this
3876 section shall be subject to Section 13-3-31 and not contrary to
3877 other laws regarding newspaper publication.

3878 (11) (a) If the recommendations for corrective action are
3879 not taken by the local school district or if the deficiencies are
3880 not removed by the end of the probationary period, the Commission
3881 on School Accreditation shall conduct a hearing to allow the
3882 affected school district to present evidence or other reasons why
3883 its accreditation should not be withdrawn. After its



3884 consideration of the results of the hearing, the Commission on
3885 School Accreditation shall be authorized, with the approval of the
3886 State Board of Education, to withdraw the accreditation of a
3887 public school district, and issue a request to the Governor that a
3888 state of emergency be declared in that district.

3889 (b) If the State Board of Education and the Commission
3890 on School Accreditation determine that an extreme emergency
3891 situation exists in a school district that jeopardizes the safety,
3892 security or educational interests of the children enrolled in the
3893 schools in that district and that emergency situation is believed
3894 to be related to a serious violation or violations of
3895 accreditation standards or state or federal law, or when a school
3896 district meets the State Board of Education's definition of a
3897 failing school district for two (2) consecutive full school years,
3898 or if more than fifty percent (50%) of the schools within the
3899 school district are designated as Schools At-Risk in any one (1)
3900 year, the State Board of Education may request the Governor to
3901 declare a state of emergency in that school district. For
3902 purposes of this paragraph, the declarations of a state of
3903 emergency shall not be limited to those instances when a school
3904 district's impairments are related to a lack of financial
3905 resources, but also shall include serious failure to meet minimum
3906 academic standards, as evidenced by a continued pattern of poor
3907 student performance.



3908 (c) Whenever the Governor declares a state of emergency
3909 in a school district in response to a request made under paragraph
3910 (a) or (b) of this subsection, the State Board of Education may
3911 take one or more of the following actions:

3912 (i) Declare a state of emergency, under which some
3913 or all of state funds can be escrowed except as otherwise provided
3914 in Section 206, Constitution of 1890, until the board determines
3915 corrective actions are being taken or the deficiencies have been
3916 removed, or that the needs of students warrant the release of
3917 funds. The funds may be released from escrow for any program
3918 which the board determines to have been restored to standard even
3919 though the state of emergency may not as yet be terminated for the
3920 district as a whole;

3921 (ii) Override any decision of the local school
3922 board or superintendent of education, or both, concerning the
3923 management and operation of the school district, or initiate and
3924 make decisions concerning the management and operation of the
3925 school district;

3926 (iii) Assign an interim conservator, or in its
3927 discretion, contract with a private entity with experience in the
3928 academic, finance and other operational functions of schools and
3929 school districts, who will have those powers and duties prescribed
3930 in subsection (14) of this section;

3931 (iv) Grant transfers to students who attend this
3932 school district so that they may attend other accredited schools



3933 or districts in a manner that is not in violation of state or
3934 federal law;

3935 (v) For states of emergency declared under
3936 paragraph (a) only, if the accreditation deficiencies are related
3937 to the fact that the school district is too small, with too few
3938 resources, to meet the required standards and if another school
3939 district is willing to accept those students, abolish that
3940 district and assign that territory to another school district or
3941 districts. If the school district has proposed a voluntary
3942 consolidation with another school district or districts, then if
3943 the State Board of Education finds that it is in the best interest
3944 of the pupils of the district for the consolidation to proceed,
3945 the voluntary consolidation shall have priority over any such
3946 assignment of territory by the State Board of Education;

3947 (vi) For states of emergency declared under
3948 paragraph (b) only, reduce local supplements paid to school
3949 district employees, including, but not limited to, instructional
3950 personnel, assistant teachers and extracurricular activities
3951 personnel, if the district's impairment is related to a lack of
3952 financial resources, but only to an extent that will result in the
3953 salaries being comparable to districts similarly situated, as
3954 determined by the State Board of Education;

3955 (vii) For states of emergency declared under
3956 paragraph (b) only, the State Board of Education may take any
3957 action as prescribed in Section 37-17-13.



3958 (d) At the time that satisfactory corrective action has
3959 been taken in a school district in which a state of emergency has
3960 been declared, the State Board of Education may request the
3961 Governor to declare that the state of emergency no longer exists
3962 in the district.

3963 (e) There is established a Mississippi Recovery School
3964 District within the State Department of Education under the
3965 supervision of a deputy superintendent appointed by the State
3966 Superintendent of Public Education, who is subject to the approval
3967 by the State Board of Education. The Mississippi Recovery School
3968 District shall provide leadership and oversight of all school
3969 districts that are subject to state conservatorship, as defined in
3970 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
3971 have all the authority granted under these two (2) chapters. The
3972 Mississippi Department of Education, with the approval of the
3973 State Board of Education, shall develop policies for the operation
3974 and management of the Mississippi Recovery School District. The
3975 deputy state superintendent is responsible for the Mississippi
3976 Recovery School District and shall be authorized to oversee the
3977 administration of the Mississippi Recovery School District,
3978 oversee conservators assigned by the State Board of Education to a
3979 local school district, hear appeals from school districts under
3980 conservatorship that would normally be filed by students, parents
3981 or employees and heard by a local school board, which hearings on
3982 appeal shall be conducted in a prompt and timely manner in the



3983 school district from which the appeal originated in order to
3984 ensure the ability of appellants, other parties and witnesses to
3985 appeal without undue burden of travel costs or loss of time from
3986 work, and perform other related duties as assigned by the State
3987 Superintendent of Public Education. The deputy state
3988 superintendent is responsible for the Mississippi Recovery School
3989 District and shall determine, based on rigorous professional
3990 qualifications set by the State Board of Education, the
3991 appropriate individuals to be engaged to be conservators and
3992 financial advisors, if applicable, of all school districts subject
3993 to state conservatorship. After State Board of Education
3994 approval, these individuals shall be deemed independent
3995 contractors.

3996 (12) Upon the declaration of a state of emergency in a
3997 school district under subsection (11) of this section, the
3998 Commission on School Accreditation shall be responsible for public
3999 notice at least once a week for at least three (3) consecutive
4000 weeks in a newspaper published within the jurisdiction of the
4001 school district failing to meet accreditation standards, or if no
4002 newspaper is published therein, then in a newspaper having a
4003 general circulation therein. The size of the notice shall be no
4004 smaller than one-fourth (1/4) of a standard newspaper page and
4005 shall be printed in bold print. If a conservator has been
4006 appointed for the school district, the notice shall begin as
4007 follows: "By authority of Section 37-17-6, Mississippi Code of



4008 1972, as amended, adopted by the Mississippi Legislature during
4009 the 1991 Regular Session, this school district (name of school
4010 district) is hereby placed under the jurisdiction of the State
4011 Department of Education acting through its appointed conservator
4012 (name of conservator)."

4013 The notice also shall include, in the discretion of the State
4014 Board of Education, any or all details relating to the school
4015 district's emergency status, including the declaration of a state
4016 of emergency in the school district and a description of the
4017 district's impairment deficiencies, conditions of any
4018 conservatorship and corrective actions recommended and being
4019 taken. Public notices issued under this section shall be subject
4020 to Section 13-3-31 and not contrary to other laws regarding
4021 newspaper publication.

4022 Upon termination of the state of emergency in a school
4023 district, the Commission on School Accreditation shall cause
4024 notice to be published in the school district in the same manner
4025 provided in this section, to include any or all details relating
4026 to the corrective action taken in the school district that
4027 resulted in the termination of the state of emergency.

4028 (13) The State Board of Education or the Commission on
4029 School Accreditation shall have the authority to require school
4030 districts to produce the necessary reports, correspondence,
4031 financial statements, and any other documents and information
4032 necessary to fulfill the requirements of this section.



4033 Nothing in this section shall be construed to grant any
4034 individual, corporation, board or conservator the authority to
4035 levy taxes except in accordance with presently existing statutory
4036 provisions.

4037 (14) (a) Whenever the Governor declares a state of
4038 emergency in a school district in response to a request made under
4039 subsection (11) of this section, the State Board of Education, in
4040 its discretion, may assign an interim conservator to the school
4041 district, or in its discretion, may contract with an appropriate
4042 private entity with experience in the academic, finance and other
4043 operational functions of schools and school districts, who will be
4044 responsible for the administration, management and operation of
4045 the school district, including, but not limited to, the following
4046 activities:

4047 (i) Approving or disapproving all financial
4048 obligations of the district, including, but not limited to, the
4049 employment, termination, nonrenewal and reassignment of all
4050 licensed and nonlicensed personnel, contractual agreements and
4051 purchase orders, and approving or disapproving all claim dockets
4052 and the issuance of checks; in approving or disapproving
4053 employment contracts of superintendents, assistant superintendents
4054 or principals, the interim conservator shall not be required to
4055 comply with the time limitations prescribed in Sections 37-9-15
4056 and 37-9-105;



4057 (ii) Supervising the day-to-day activities of the
4058 district's staff, including reassigning the duties and
4059 responsibilities of personnel in a manner which, in the
4060 determination of the conservator, will best suit the needs of the
4061 district;

4062 (iii) Reviewing the district's total financial
4063 obligations and operations and making recommendations to the
4064 district for cost savings, including, but not limited to,
4065 reassigning the duties and responsibilities of staff;

4066 (iv) Attending all meetings of the district's
4067 school board and administrative staff;

4068 (v) Approving or disapproving all athletic, band
4069 and other extracurricular activities and any matters related to
4070 those activities;

4071 (vi) Maintaining a detailed account of
4072 recommendations made to the district and actions taken in response
4073 to those recommendations;

4074 (vii) Reporting periodically to the State Board of
4075 Education on the progress or lack of progress being made in the
4076 district to improve the district's impairments during the state of
4077 emergency; and

4078 (viii) Appointing a parent advisory committee,
4079 comprised of parents of students in the school district that may
4080 make recommendations to the conservator concerning the
4081 administration, management and operation of the school district.



4082 Except when, in the determination of the State Board of
4083 Education, the school district's impairment is related to a lack
4084 of financial resources, the cost of the salary of the conservator
4085 and any other actual and necessary costs related to the
4086 conservatorship paid by the State Department of Education shall be
4087 reimbursed by the local school district from funds other than
4088 adequate education program funds. The department shall submit an
4089 itemized statement to the superintendent of the local school
4090 district for reimbursement purposes, and any unpaid balance may be
4091 withheld from the district's adequate education program funds.

4092 At the time that the Governor, in accordance with the request
4093 of the State Board of Education, declares that the state of
4094 emergency no longer exists in a school district, the powers and
4095 responsibilities of the interim conservator assigned to the
4096 district shall cease.

4097 (b) In order to provide loans to school districts under
4098 a state of emergency that have impairments related to a lack of
4099 financial resources, the School District Emergency Assistance Fund
4100 is created as a special fund in the State Treasury into which
4101 monies may be transferred or appropriated by the Legislature from
4102 any available public education funds.

4103 The State Board of Education may loan monies from the School
4104 District Emergency Assistance Fund to a school district that is
4105 under a state of emergency in those amounts, as determined by the
4106 board, that are necessary to correct the district's impairments



4107 related to a lack of financial resources. The loans shall be
4108 evidenced by an agreement between the school district and the
4109 State Board of Education and shall be repayable in principal,
4110 without necessity of interest, to the State General Fund or the
4111 Education Enhancement Fund, depending on the source of funding for
4112 the loan, by the school district from any allowable funds that are
4113 available. The total amount loaned to the district shall be due
4114 and payable within five (5) years after the impairments related to
4115 a lack of financial resources are corrected. If a school district
4116 fails to make payments on the loan in accordance with the terms of
4117 the agreement between the district and the State Board of
4118 Education, the State Department of Education, in accordance with
4119 rules and regulations established by the State Board of Education,
4120 may withhold that district's adequate education program funds in
4121 an amount and manner that will effectuate repayment consistent
4122 with the terms of the agreement; the funds withheld by the
4123 department shall be deposited into the State General Fund or the
4124 Education Enhancement Fund, as the case may be.

4125 The State Board of Education shall develop a protocol that
4126 will outline the performance standards and requisite time line
4127 deemed necessary for extreme emergency measures. If the State
4128 Board of Education determines that an extreme emergency exists,
4129 simultaneous with the powers exercised in this subsection, it
4130 shall take immediate action against all parties responsible for
4131 the affected school districts having been determined to be in an



4132 extreme emergency. The action shall include, but not be limited
4133 to, initiating civil actions to recover funds and criminal actions
4134 to account for criminal activity. Any funds recovered by the
4135 State Auditor or the State Board of Education from the surety
4136 bonds of school officials or from any civil action brought under
4137 this subsection shall be applied toward the repayment of any loan
4138 made to a school district hereunder.

4139 (15) If a majority of the membership of the school board of
4140 any school district resigns from office, the State Board of
4141 Education shall be authorized to assign an interim conservator,
4142 who shall be responsible for the administration, management and
4143 operation of the school district until the time as new board
4144 members are selected or the Governor declares a state of emergency
4145 in that school district under subsection (11), whichever occurs
4146 first. In that case, the State Board of Education, acting through
4147 the interim conservator, shall have all powers which were held by
4148 the previously existing school board, and may take any action as
4149 prescribed in Section 37-17-13 and/or one or more of the actions
4150 authorized in this section.

4151 (16) (a) If the Governor declares a state of emergency in a
4152 school district, the State Board of Education may take all such
4153 action pertaining to that school district as is authorized under
4154 subsection (11) or (14) of Section 37-17-6, including the
4155 appointment of an interim conservator. The State Board of
4156 Education shall also have the authority to issue a written request



4157 with documentation to the Governor asking that the office of the
4158 superintendent of the school district be subject to recall. If
4159 the Governor declares that the office of the superintendent of the
4160 school district is subject to recall, the local school board or
4161 the county election commission, as the case may be, shall take the
4162 following action:

4163 (i) If the office of superintendent is an elected
4164 office, in those years in which there is no general election, the
4165 name shall be submitted by the State Board of Education to the
4166 county election commission, and the county election commission
4167 shall submit the question at a special election to the voters
4168 eligible to vote for the office of superintendent within the
4169 county, and the special election shall be held within sixty (60)
4170 days from notification by the State Board of Education. The
4171 ballot shall read substantially as follows:

4172 "Shall County Superintendent of Education _____ (here the
4173 name of the superintendent shall be inserted) of the _____
4174 (here the title of the school district shall be inserted) be
4175 retained in office? Yes _____ No _____"

4176 If a majority of those voting on the question votes against
4177 retaining the superintendent in office, a vacancy shall exist
4178 which shall be filled in the manner provided by law; otherwise,
4179 the superintendent shall remain in office for the term of that
4180 office, and at the expiration of the term shall be eligible for
4181 qualification and election to another term or terms.



4182 (ii) If the office of superintendent is an
4183 appointive office, the name of the superintendent shall be
4184 submitted by the president of the local school board at the next
4185 regular meeting of the school board for retention in office or
4186 dismissal from office. If a majority of the school board voting
4187 on the question vote against retaining the superintendent in
4188 office, a vacancy shall exist which shall be filled as provided by
4189 law, otherwise the superintendent shall remain in office for the
4190 duration of his employment contract.

4191 (b) The State Board of Education may issue a written
4192 request with documentation to the Governor asking that the
4193 membership of the school board of the school district shall be
4194 subject to recall. Whenever the Governor declares that the
4195 membership of the school board is subject to recall, the county
4196 election commission or the local governing authorities, as the
4197 case may be, shall take the following action:

4198 (i) If the members of the local school board are
4199 elected to office, in those years in which the specific member's
4200 office is not up for election, the name of the school board member
4201 shall be submitted by the State Board of Education to the county
4202 election commission, and the county election commission at a
4203 special election shall submit the question to the voters eligible
4204 to vote for the particular member's office within the county or
4205 school district, as the case may be, and the special election
4206 shall be held within sixty (60) days from notification by the



4207 State Board of Education. The ballot shall read substantially as
4208 follows:

4209 "Members of the _____ (here the title of the school
4210 district shall be inserted) School Board who are not up for
4211 election this year are subject to recall because of the school
4212 district's failure to meet critical accountability standards as
4213 defined in the letter of notification to the Governor from the
4214 State Board of Education. Shall the member of the school board
4215 representing this area, _____ (here the name of the school
4216 board member holding the office shall be inserted), be retained in
4217 office? Yes _____ No _____"

4218 If a majority of those voting on the question vote against
4219 retaining the member of the school board in office, a vacancy in
4220 that board member's office shall exist, which shall be filled in
4221 the manner provided by law; otherwise, the school board member
4222 shall remain in office for the term of that office, and at the
4223 expiration of the term of office, the member shall be eligible for
4224 qualification and election to another term or terms of office.
4225 However, if a majority of the school board members are recalled in
4226 the special election, the Governor shall authorize the board of
4227 supervisors of the county in which the school district is situated
4228 to appoint members to fill the offices of the members recalled.
4229 The board of supervisors shall make those appointments in the
4230 manner provided by law for filling vacancies on the school board,



4231 and the appointed members shall serve until the office is filled
4232 at the next regular special election or general election.

4233 (ii) If the local school board is an appointed
4234 school board, the name of all school board members shall be
4235 submitted as a collective board by the president of the municipal
4236 or county governing authority, as the case may be, at the next
4237 regular meeting of the governing authority for retention in office
4238 or dismissal from office. If a majority of the governing
4239 authority voting on the question vote against retaining the board
4240 in office, a vacancy shall exist in each school board member's
4241 office, which shall be filled as provided by law; otherwise, the
4242 members of the appointed school board shall remain in office for
4243 the duration of their term of appointment, and those members may
4244 be reappointed.

4245 (iii) If the local school board is comprised of
4246 both elected and appointed members, the elected members shall be
4247 subject to recall in the manner provided in subparagraph (i) of
4248 this subsection, and the appointed members shall be subject to
4249 recall in the manner provided in subparagraph (ii).

4250 (17) Beginning with the school district audits conducted for
4251 the 1997-1998 fiscal year, the State Board of Education, acting
4252 through the Commission on School Accreditation, shall require each
4253 school district to comply with standards established by the State
4254 Department of Audit for the verification of fixed assets and the



4255 auditing of fixed assets records as a minimum requirement for
4256 accreditation.

4257 (18) Before December 1, 1999, the State Board of Education
4258 shall recommend a program to the Education Committees of the House
4259 of Representatives and the Senate for identifying and rewarding
4260 public schools that improve or are high performing. The program
4261 shall be described by the board in a written report, which shall
4262 include criteria and a process through which improving schools and
4263 high-performing schools will be identified and rewarded.

4264 The State Superintendent of Public Education and the State
4265 Board of Education also shall develop a comprehensive
4266 accountability plan to ensure that local school boards,
4267 superintendents, principals and teachers are held accountable for
4268 student achievement. A written report on the accountability plan
4269 shall be submitted to the Education Committees of both houses of
4270 the Legislature before December 1, 1999, with any necessary
4271 legislative recommendations.

4272 (19) Before January 1, 2008, the State Board of Education
4273 shall evaluate and submit a recommendation to the Education
4274 Committees of the House of Representatives and the Senate on
4275 inclusion of graduation rate and dropout rate in the school level
4276 accountability system.

4277 (20) If a local school district is determined as failing and
4278 placed into conservatorship for reasons authorized by the
4279 provisions of this section, the conservator appointed to the



4280 district shall, within forty-five (45) days after being appointed,
4281 present a detailed and structured corrective action plan to move
4282 the local school district out of conservatorship status to the
4283 local school board and local superintendent of education if they
4284 have not been removed by the conservator, or if the board and
4285 superintendent have been removed, to the local governing authority
4286 of the municipality or county in which the school district under
4287 conservatorship is located. A copy of the conservator's
4288 corrective action plan shall also be filed with the State Board of
4289 Education.

4290 **[Effective from and after the date Laws of 2012, Chapter 525,**
4291 **is effectuated under Section 5 of the Voting Rights Act of 1965,**
4292 **as amended and extended, this section will read:]**

4293 37-17-6. (1) The State Board of Education, acting through
4294 the Commission on School Accreditation, shall establish and
4295 implement a permanent performance-based accreditation system, and
4296 all noncharter public elementary and secondary schools shall be
4297 accredited under this system.

4298 (2) No later than June 30, 1995, the State Board of
4299 Education, acting through the Commission on School Accreditation,
4300 shall require school districts to provide school classroom space
4301 that is air-conditioned as a minimum requirement for
4302 accreditation.

4303 (3) (a) Beginning with the 1994-1995 school year, the State
4304 Board of Education, acting through the Commission on School



4305 Accreditation, shall require that school districts employ
4306 certified school librarians according to the following formula:

4307	Number of Students	Number of Certified
4308	Per School Library	School Librarians
4309	0 - 499 Students	1/2 Full-time Equivalent
4310		Certified Librarian
4311	500 or More Students	1 Full-time Certified
4312		Librarian

4313 (b) The State Board of Education, however, may increase
4314 the number of positions beyond the above requirements.

4315 (c) The assignment of certified school librarians to
4316 the particular schools shall be at the discretion of the local
4317 school district. No individual shall be employed as a certified
4318 school librarian without appropriate training and certification as
4319 a school librarian by the State Department of Education.

4320 (d) School librarians in the district shall spend at
4321 least fifty percent (50%) of direct work time in a school library
4322 and shall devote no more than one-fourth (1/4) of the workday to
4323 administrative activities that are library related.

4324 (e) Nothing in this subsection shall prohibit any
4325 school district from employing more certified school librarians
4326 than are provided for in this section.

4327 (f) Any additional millage levied to fund school
4328 librarians required for accreditation under this subsection shall
4329 be included in the tax increase limitation set forth in Sections



4330 37-57-105 and 37-57-107 and shall not be deemed a new program for
4331 purposes of the limitation.

4332 (4) On or before December 31, 2002, the State Board of
4333 Education shall implement the performance-based accreditation
4334 system for school districts and for individual noncharter public
4335 schools which shall include the following:

4336 (a) High expectations for students and high standards
4337 for all schools, with a focus on the basic curriculum;

4338 (b) Strong accountability for results with appropriate
4339 local flexibility for local implementation;

4340 (c) A process to implement accountability at both the
4341 school district level and the school level;

4342 (d) Individual schools shall be held accountable for
4343 student growth and performance;

4344 (e) Set annual performance standards for each of the
4345 schools of the state and measure the performance of each school
4346 against itself through the standard that has been set for it;

4347 (f) A determination of which schools exceed their
4348 standards and a plan for providing recognition and rewards to
4349 those schools;

4350 (g) A determination of which schools are failing to
4351 meet their standards and a determination of the appropriate role
4352 of the State Board of Education and the State Department of
4353 Education in providing assistance and initiating possible
4354 intervention. A failing district is a district that fails to meet



4355 both the absolute student achievement standards and the rate of
4356 annual growth expectation standards as set by the State Board of
4357 Education for two (2) consecutive years. The State Board of
4358 Education shall establish the level of benchmarks by which
4359 absolute student achievement and growth expectations shall be
4360 assessed. In setting the benchmarks for school districts, the
4361 State Board of Education may also take into account such factors
4362 as graduation rates, dropout rates, completion rates, the extent
4363 to which the school or district employs qualified teachers in
4364 every classroom, and any other factors deemed appropriate by the
4365 State Board of Education. The State Board of Education, acting
4366 through the State Department of Education, shall apply a simple
4367 "A," "B," "C," "D" and "F" designation to the current school and
4368 school district statewide accountability performance
4369 classification labels beginning with the State Accountability
4370 Results for the 2011-2012 school year and following, and in the
4371 school, district and state report cards required under state and
4372 federal law. Under the new designations, a school or school
4373 district that has earned a "Star" rating shall be designated an
4374 "A" school or school district; a school or school district that
4375 has earned a "High-Performing" rating shall be designated a "B"
4376 school or school district; a school or school district that has
4377 earned a "Successful" rating shall be designated a "C" school or
4378 school district; a school or school district that has earned an
4379 "Academic Watch" rating shall be designated a "D" school or school



4380 district; a school or school district that has earned a
4381 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
4382 be designated an "F" school or school district. Effective with
4383 the implementation of any new curriculum and assessment standards,
4384 the State Board of Education, acting through the State Department
4385 of Education, is further authorized and directed to change the
4386 school and school district accreditation rating system to a simple
4387 "A," "B," "C," "D" and "F" designation based on a combination of
4388 student achievement scores and student growth as measured by the
4389 statewide testing programs developed by the State Board of
4390 Education pursuant to Chapter 16, Title 37, Mississippi Code of
4391 1972. In any statute or regulation containing the former
4392 accreditation designations, the new designations shall be
4393 applicable;

4394 (h) Development of a comprehensive student assessment
4395 system to implement these requirements; and

4396 (i) The State Board of Education may, based on a
4397 written request that contains specific reasons for requesting a
4398 waiver from the school districts affected by Hurricane Katrina of
4399 2005, hold harmless school districts from assignment of district
4400 and school level accountability ratings for the 2005-2006 school
4401 year. The State Board of Education upon finding an extreme
4402 hardship in the school district may grant the request. It is the
4403 intent of the Legislature that all school districts maintain the



4404 highest possible academic standards and instructional programs in
4405 all schools as required by law and the State Board of Education.

4406 The State Board of Education may continue to assign school
4407 district performance levels by using a number classification and
4408 may assign individual school performance levels by using a number
4409 classification to be consistent with school district performance
4410 levels.

4411 (5) Nothing in this section shall be deemed to require a
4412 nonpublic school that receives no local, state or federal funds
4413 for support to become accredited by the State Board of Education.

4414 (6) The State Board of Education shall create an
4415 accreditation audit unit under the Commission on School
4416 Accreditation to determine whether schools are complying with
4417 accreditation standards.

4418 (7) The State Board of Education shall be specifically
4419 authorized and empowered to withhold adequate education program
4420 fund allocations, whichever is applicable, to any public school
4421 district for failure to timely report student, school personnel
4422 and fiscal data necessary to meet state and/or federal
4423 requirements.

4424 (8) Deleted.

4425 (9) The State Board of Education shall establish, for those
4426 school districts failing to meet accreditation standards, a
4427 program of development to be complied with in order to receive
4428 state funds, except as otherwise provided in subsection (14) of



4429 this section when the Governor has declared a state of emergency
4430 in a school district or as otherwise provided in Section 206,
4431 Mississippi Constitution of 1890. The state board, in
4432 establishing these standards, shall provide for notice to schools
4433 and sufficient time and aid to enable schools to attempt to meet
4434 these standards, unless procedures under subsection (14) of this
4435 section have been invoked.

4436 (10) Beginning July 1, 1998, the State Board of Education
4437 shall be charged with the implementation of the program of
4438 development in each applicable school district as follows:

4439 (a) Develop an impairment report for each district
4440 failing to meet accreditation standards in conjunction with school
4441 district officials;

4442 (b) Notify any applicable school district failing to
4443 meet accreditation standards that it is on probation until
4444 corrective actions are taken or until the deficiencies have been
4445 removed. The local school district shall develop a corrective
4446 action plan to improve its deficiencies. For district academic
4447 deficiencies, the corrective action plan for each such school
4448 district shall be based upon a complete analysis of the following:
4449 student test data, student grades, student attendance reports,
4450 student dropout data, existence and other relevant data. The
4451 corrective action plan shall describe the specific measures to be
4452 taken by the particular school district and school to improve:
4453 (i) instruction; (ii) curriculum; (iii) professional development;



4454 (iv) personnel and classroom organization; (v) student incentives
4455 for performance; (vi) process deficiencies; and (vii) reporting to
4456 the local school board, parents and the community. The corrective
4457 action plan shall describe the specific individuals responsible
4458 for implementing each component of the recommendation and how each
4459 will be evaluated. All corrective action plans shall be provided
4460 to the State Board of Education as may be required. The decision
4461 of the State Board of Education establishing the probationary
4462 period of time shall be final;

4463 (c) Offer, during the probationary period, technical
4464 assistance to the school district in making corrective actions.
4465 Beginning July 1, 1998, subject to the availability of funds, the
4466 State Department of Education shall provide technical and/or
4467 financial assistance to all such school districts in order to
4468 implement each measure identified in that district's corrective
4469 action plan through professional development and on-site
4470 assistance. Each such school district shall apply for and utilize
4471 all available federal funding in order to support its corrective
4472 action plan in addition to state funds made available under this
4473 paragraph;

4474 (d) Assign department personnel or contract, in its
4475 discretion, with the institutions of higher learning or other
4476 appropriate private entities with experience in the academic,
4477 finance and other operational functions of schools to assist
4478 school districts;



4479 (e) Provide for publication of public notice at least
4480 one time during the probationary period, in a newspaper published
4481 within the jurisdiction of the school district failing to meet
4482 accreditation standards, or if no newspaper is published therein,
4483 then in a newspaper having a general circulation therein. The
4484 publication shall include the following: declaration of school
4485 system's status as being on probation; all details relating to the
4486 impairment report; and other information as the State Board of
4487 Education deems appropriate. Public notices issued under this
4488 section shall be subject to Section 13-3-31 and not contrary to
4489 other laws regarding newspaper publication.

4490 (11) (a) If the recommendations for corrective action are
4491 not taken by the local school district or if the deficiencies are
4492 not removed by the end of the probationary period, the Commission
4493 on School Accreditation shall conduct a hearing to allow the
4494 affected school district to present evidence or other reasons why
4495 its accreditation should not be withdrawn. Additionally, if the
4496 local school district violates accreditation standards that have
4497 been determined by the policies and procedures of the State Board
4498 of Education to be a basis for withdrawal of school district's
4499 accreditation without a probationary period, the Commission on
4500 School Accreditation shall conduct a hearing to allow the affected
4501 school district to present evidence or other reasons why its
4502 accreditation should not be withdrawn. After its consideration of
4503 the results of the hearing, the Commission on School Accreditation



4504 shall be authorized, with the approval of the State Board of
4505 Education, to withdraw the accreditation of a public school
4506 district, and issue a request to the Governor that a state of
4507 emergency be declared in that district.

4508 (b) If the State Board of Education and the Commission
4509 on School Accreditation determine that an extreme emergency
4510 situation exists in a school district that jeopardizes the safety,
4511 security or educational interests of the children enrolled in the
4512 schools in that district and that emergency situation is believed
4513 to be related to a serious violation or violations of
4514 accreditation standards or state or federal law, or when a school
4515 district meets the State Board of Education's definition of a
4516 failing school district for two (2) consecutive full school years,
4517 or if more than fifty percent (50%) of the schools within the
4518 school district are designated as Schools At-Risk in any one (1)
4519 year, the State Board of Education may request the Governor to
4520 declare a state of emergency in that school district. For
4521 purposes of this paragraph, the declarations of a state of
4522 emergency shall not be limited to those instances when a school
4523 district's impairments are related to a lack of financial
4524 resources, but also shall include serious failure to meet minimum
4525 academic standards, as evidenced by a continued pattern of poor
4526 student performance.

4527 (c) Whenever the Governor declares a state of emergency
4528 in a school district in response to a request made under paragraph



4529 (a) or (b) of this subsection, the State Board of Education may
4530 take one or more of the following actions:

4531 (i) Declare a state of emergency, under which some
4532 or all of state funds can be escrowed except as otherwise provided
4533 in Section 206, Constitution of 1890, until the board determines
4534 corrective actions are being taken or the deficiencies have been
4535 removed, or that the needs of students warrant the release of
4536 funds. The funds may be released from escrow for any program
4537 which the board determines to have been restored to standard even
4538 though the state of emergency may not as yet be terminated for the
4539 district as a whole;

4540 (ii) Override any decision of the local school
4541 board or superintendent of education, or both, concerning the
4542 management and operation of the school district, or initiate and
4543 make decisions concerning the management and operation of the
4544 school district;

4545 (iii) Assign an interim conservator, or in its
4546 discretion, contract with a private entity with experience in the
4547 academic, finance and other operational functions of schools and
4548 school districts, who will have those powers and duties prescribed
4549 in subsection (14) of this section;

4550 (iv) Grant transfers to students who attend this
4551 school district so that they may attend other accredited schools
4552 or districts in a manner that is not in violation of state or
4553 federal law;



4554 (v) For states of emergency declared under
4555 paragraph (a) only, if the accreditation deficiencies are related
4556 to the fact that the school district is too small, with too few
4557 resources, to meet the required standards and if another school
4558 district is willing to accept those students, abolish that
4559 district and assign that territory to another school district or
4560 districts. If the school district has proposed a voluntary
4561 consolidation with another school district or districts, then if
4562 the State Board of Education finds that it is in the best interest
4563 of the pupils of the district for the consolidation to proceed,
4564 the voluntary consolidation shall have priority over any such
4565 assignment of territory by the State Board of Education;

4566 (vi) For states of emergency declared under
4567 paragraph (b) only, reduce local supplements paid to school
4568 district employees, including, but not limited to, instructional
4569 personnel, assistant teachers and extracurricular activities
4570 personnel, if the district's impairment is related to a lack of
4571 financial resources, but only to an extent that will result in the
4572 salaries being comparable to districts similarly situated, as
4573 determined by the State Board of Education;

4574 (vii) For states of emergency declared under
4575 paragraph (b) only, the State Board of Education may take any
4576 action as prescribed in Section 37-17-13.

4577 (d) At the time that satisfactory corrective action has
4578 been taken in a school district in which a state of emergency has



4579 been declared, the State Board of Education may request the
4580 Governor to declare that the state of emergency no longer exists
4581 in the district.

4582 (e) The parent or legal guardian of a school-age child
4583 who is enrolled in a school district whose accreditation has been
4584 withdrawn by the Commission on School Accreditation and without
4585 approval of that school district may file a petition in writing to
4586 a school district accredited by the Commission on School
4587 Accreditation for a legal transfer. The school district
4588 accredited by the Commission on School Accreditation may grant the
4589 transfer according to the procedures of Section 37-15-31(1)(b).
4590 In the event the accreditation of the student's home district is
4591 restored after a transfer has been approved, the student may
4592 continue to attend the transferee school district. The per-pupil
4593 amount of the adequate education program allotment, including the
4594 collective "add-on program" costs for the student's home school
4595 district shall be transferred monthly to the school district
4596 accredited by the Commission on School Accreditation that has
4597 granted the transfer of the school-age child.

4598 (f) Upon the declaration of a state of emergency for
4599 any school district in which the Governor has previously declared
4600 a state of emergency, the State Board of Education may either (i)
4601 establish a conservatorship or (ii) abolish the school district
4602 and administratively consolidate the school district with one or
4603 more existing school districts or (iii) reduce the size of the



4604 district and administratively consolidate parts of the district,
4605 as determined by the State Board of Education; provided, however,
4606 that no school district which is not under conservatorship shall
4607 be required to accept additional territory over the objection of
4608 the district.

4609 (g) There is established a Mississippi Recovery School
4610 District within the State Department of Education under the
4611 supervision of a deputy superintendent appointed by the State
4612 Superintendent of Public Education, who is subject to the approval
4613 by the State Board of Education. The Mississippi Recovery School
4614 District shall provide leadership and oversight of all school
4615 districts that are subject to state conservatorship, as defined in
4616 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
4617 have all the authority granted under these two (2) chapters. The
4618 Mississippi Department of Education, with the approval of the
4619 State Board of Education, shall develop policies for the operation
4620 and management of the Mississippi Recovery School District. The
4621 deputy state superintendent is responsible for the Mississippi
4622 Recovery School District and shall be authorized to oversee the
4623 administration of the Mississippi Recovery School District,
4624 oversee conservators assigned by the State Board of Education to a
4625 local school district, hear appeals from school districts under
4626 conservatorship that would normally be filed by students, parents
4627 or employees and heard by a local school board, which hearings on
4628 appeal shall be conducted in a prompt and timely manner in the



4629 school district from which the appeal originated in order to
4630 ensure the ability of appellants, other parties and witnesses to
4631 appeal without undue burden of travel costs or loss of time from
4632 work, and perform other related duties as assigned by the State
4633 Superintendent of Public Education. The deputy state
4634 superintendent is responsible for the Mississippi Recovery School
4635 District and shall determine, based on rigorous professional
4636 qualifications set by the State Board of Education, the
4637 appropriate individuals to be engaged to be conservators and
4638 financial advisors, if applicable, of all school districts subject
4639 to state conservatorship. After State Board of Education
4640 approval, these individuals shall be deemed independent
4641 contractors.

4642 (12) Upon the declaration of a state of emergency in a
4643 school district under subsection (11) of this section, the
4644 Commission on School Accreditation shall be responsible for public
4645 notice at least once a week for at least three (3) consecutive
4646 weeks in a newspaper published within the jurisdiction of the
4647 school district failing to meet accreditation standards, or if no
4648 newspaper is published therein, then in a newspaper having a
4649 general circulation therein. The size of the notice shall be no
4650 smaller than one-fourth (1/4) of a standard newspaper page and
4651 shall be printed in bold print. If a conservator has been
4652 appointed for the school district, the notice shall begin as
4653 follows: "By authority of Section 37-17-6, Mississippi Code of



4654 1972, as amended, adopted by the Mississippi Legislature during
4655 the 1991 Regular Session, this school district (name of school
4656 district) is hereby placed under the jurisdiction of the State
4657 Department of Education acting through its appointed conservator
4658 (name of conservator)."

4659 The notice also shall include, in the discretion of the State
4660 Board of Education, any or all details relating to the school
4661 district's emergency status, including the declaration of a state
4662 of emergency in the school district and a description of the
4663 district's impairment deficiencies, conditions of any
4664 conservatorship and corrective actions recommended and being
4665 taken. Public notices issued under this section shall be subject
4666 to Section 13-3-31 and not contrary to other laws regarding
4667 newspaper publication.

4668 Upon termination of the state of emergency in a school
4669 district, the Commission on School Accreditation shall cause
4670 notice to be published in the school district in the same manner
4671 provided in this section, to include any or all details relating
4672 to the corrective action taken in the school district that
4673 resulted in the termination of the state of emergency.

4674 (13) The State Board of Education or the Commission on
4675 School Accreditation shall have the authority to require school
4676 districts to produce the necessary reports, correspondence,
4677 financial statements, and any other documents and information
4678 necessary to fulfill the requirements of this section.



4679 Nothing in this section shall be construed to grant any
4680 individual, corporation, board or conservator the authority to
4681 levy taxes except in accordance with presently existing statutory
4682 provisions.

4683 (14) (a) Whenever the Governor declares a state of
4684 emergency in a school district in response to a request made under
4685 subsection (11) of this section, the State Board of Education, in
4686 its discretion, may assign an interim conservator to the school
4687 district, or in its discretion, may contract with an appropriate
4688 private entity with experience in the academic, finance and other
4689 operational functions of schools and school districts, who will be
4690 responsible for the administration, management and operation of
4691 the school district, including, but not limited to, the following
4692 activities:

4693 (i) Approving or disapproving all financial
4694 obligations of the district, including, but not limited to, the
4695 employment, termination, nonrenewal and reassignment of all
4696 licensed and nonlicensed personnel, contractual agreements and
4697 purchase orders, and approving or disapproving all claim dockets
4698 and the issuance of checks; in approving or disapproving
4699 employment contracts of superintendents, assistant superintendents
4700 or principals, the interim conservator shall not be required to
4701 comply with the time limitations prescribed in Sections 37-9-15
4702 and 37-9-105;



4703 (ii) Supervising the day-to-day activities of the
4704 district's staff, including reassigning the duties and
4705 responsibilities of personnel in a manner which, in the
4706 determination of the conservator, will best suit the needs of the
4707 district;

4708 (iii) Reviewing the district's total financial
4709 obligations and operations and making recommendations to the
4710 district for cost savings, including, but not limited to,
4711 reassigning the duties and responsibilities of staff;

4712 (iv) Attending all meetings of the district's
4713 school board and administrative staff;

4714 (v) Approving or disapproving all athletic, band
4715 and other extracurricular activities and any matters related to
4716 those activities;

4717 (vi) Maintaining a detailed account of
4718 recommendations made to the district and actions taken in response
4719 to those recommendations;

4720 (vii) Reporting periodically to the State Board of
4721 Education on the progress or lack of progress being made in the
4722 district to improve the district's impairments during the state of
4723 emergency; and

4724 (viii) Appointing a parent advisory committee,
4725 comprised of parents of students in the school district that may
4726 make recommendations to the conservator concerning the
4727 administration, management and operation of the school district.



4728 Except when, in the determination of the State Board of
4729 Education, the school district's impairment is related to a lack
4730 of financial resources, the cost of the salary of the conservator
4731 and any other actual and necessary costs related to the
4732 conservatorship paid by the State Department of Education shall be
4733 reimbursed by the local school district from funds other than
4734 adequate education program funds. The department shall submit an
4735 itemized statement to the superintendent of the local school
4736 district for reimbursement purposes, and any unpaid balance may be
4737 withheld from the district's adequate education program funds.

4738 At the time that the Governor, in accordance with the request
4739 of the State Board of Education, declares that the state of
4740 emergency no longer exists in a school district, the powers and
4741 responsibilities of the interim conservator assigned to the
4742 district shall cease.

4743 (b) In order to provide loans to school districts under
4744 a state of emergency or under conservatorship that have
4745 impairments related to a lack of financial resources, the School
4746 District Emergency Assistance Fund is created as a special fund in
4747 the State Treasury into which monies may be transferred or
4748 appropriated by the Legislature from any available public
4749 education funds. Funds in the School District Emergency
4750 Assistance Fund up to a maximum balance of Three Million Dollars
4751 (\$3,000,000.00) annually shall not lapse but shall be available
4752 for expenditure in subsequent years subject to approval of the



4753 State Board of Education. Any amount in the fund in excess of
4754 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
4755 year shall lapse into the State General Fund or the Education
4756 Enhancement Fund, depending on the source of the fund.

4757 The State Board of Education may loan monies from the School
4758 District Emergency Assistance Fund to a school district that is
4759 under a state of emergency or under conservatorship, in those
4760 amounts, as determined by the board, that are necessary to correct
4761 the district's impairments related to a lack of financial
4762 resources. The loans shall be evidenced by an agreement between
4763 the school district and the State Board of Education and shall be
4764 repayable in principal, without necessity of interest, to the
4765 School District Emergency Assistance Fund * * * by the school
4766 district from any allowable funds that are available. The total
4767 amount loaned to the district shall be due and payable within five
4768 (5) years after the impairments related to a lack of financial
4769 resources are corrected. If a school district fails to make
4770 payments on the loan in accordance with the terms of the agreement
4771 between the district and the State Board of Education, the State
4772 Department of Education, in accordance with rules and regulations
4773 established by the State Board of Education, may withhold that
4774 district's adequate education program funds in an amount and
4775 manner that will effectuate repayment consistent with the terms of
4776 the agreement; the funds withheld by the department shall be
4777 deposited into the School District Emergency Assistance Fund.



4778 The State Board of Education shall develop a protocol that
4779 will outline the performance standards and requisite time line
4780 deemed necessary for extreme emergency measures. If the State
4781 Board of Education determines that an extreme emergency exists,
4782 simultaneous with the powers exercised in this subsection, it
4783 shall take immediate action against all parties responsible for
4784 the affected school districts having been determined to be in an
4785 extreme emergency. The action shall include, but not be limited
4786 to, initiating civil actions to recover funds and criminal actions
4787 to account for criminal activity. Any funds recovered by the
4788 State Auditor or the State Board of Education from the surety
4789 bonds of school officials or from any civil action brought under
4790 this subsection shall be applied toward the repayment of any loan
4791 made to a school district hereunder.

4792 (15) If a majority of the membership of the school board of
4793 any school district resigns from office, the State Board of
4794 Education shall be authorized to assign an interim conservator,
4795 who shall be responsible for the administration, management and
4796 operation of the school district until the time as new board
4797 members are selected or the Governor declares a state of emergency
4798 in that school district under subsection (11), whichever occurs
4799 first. In that case, the State Board of Education, acting through
4800 the interim conservator, shall have all powers which were held by
4801 the previously existing school board, and may take any action as



4802 prescribed in Section 37-17-13 and/or one or more of the actions
4803 authorized in this section.

4804 (16) (a) If the Governor declares a state of emergency in a
4805 school district, the State Board of Education may take all such
4806 action pertaining to that school district as is authorized under
4807 subsection (11) or (14) of Section 37-17-6, including the
4808 appointment of an interim conservator. The State Board of
4809 Education shall also have the authority to issue a written request
4810 with documentation to the Governor asking that the office of the
4811 superintendent of the school district be subject to recall. If
4812 the Governor declares that the office of the superintendent of the
4813 school district is subject to recall, the local school board or
4814 the county election commission, as the case may be, shall take the
4815 following action:

4816 (i) If the office of superintendent is an elected
4817 office, in those years in which there is no general election, the
4818 name shall be submitted by the State Board of Education to the
4819 county election commission, and the county election commission
4820 shall submit the question at a special election to the voters
4821 eligible to vote for the office of superintendent within the
4822 county, and the special election shall be held within sixty (60)
4823 days from notification by the State Board of Education. The
4824 ballot shall read substantially as follows:

4825 "Shall County Superintendent of Education _____ (here the
4826 name of the superintendent shall be inserted) of the _____



4827 (here the title of the school district shall be inserted) be
4828 retained in office? Yes _____ No _____"

4829 If a majority of those voting on the question votes against
4830 retaining the superintendent in office, a vacancy shall exist
4831 which shall be filled in the manner provided by law; otherwise,
4832 the superintendent shall remain in office for the term of that
4833 office, and at the expiration of the term shall be eligible for
4834 qualification and election to another term or terms.

4835 (ii) If the office of superintendent is an
4836 appointive office, the name of the superintendent shall be
4837 submitted by the president of the local school board at the next
4838 regular meeting of the school board for retention in office or
4839 dismissal from office. If a majority of the school board voting
4840 on the question vote against retaining the superintendent in
4841 office, a vacancy shall exist which shall be filled as provided by
4842 law, otherwise the superintendent shall remain in office for the
4843 duration of his employment contract.

4844 (b) The State Board of Education may issue a written
4845 request with documentation to the Governor asking that the
4846 membership of the school board of the school district shall be
4847 subject to recall. Whenever the Governor declares that the
4848 membership of the school board is subject to recall, the county
4849 election commission or the local governing authorities, as the
4850 case may be, shall take the following action:



4851 (i) If the members of the local school board are
4852 elected to office, in those years in which the specific member's
4853 office is not up for election, the name of the school board member
4854 shall be submitted by the State Board of Education to the county
4855 election commission, and the county election commission at a
4856 special election shall submit the question to the voters eligible
4857 to vote for the particular member's office within the county or
4858 school district, as the case may be, and the special election
4859 shall be held within sixty (60) days from notification by the
4860 State Board of Education. The ballot shall read substantially as
4861 follows:

4862 "Members of the _____ (here the title of the school
4863 district shall be inserted) School Board who are not up for
4864 election this year are subject to recall because of the school
4865 district's failure to meet critical accountability standards as
4866 defined in the letter of notification to the Governor from the
4867 State Board of Education. Shall the member of the school board
4868 representing this area, _____ (here the name of the school
4869 board member holding the office shall be inserted), be retained in
4870 office? Yes _____ No _____"

4871 If a majority of those voting on the question vote against
4872 retaining the member of the school board in office, a vacancy in
4873 that board member's office shall exist, which shall be filled in
4874 the manner provided by law; otherwise, the school board member
4875 shall remain in office for the term of that office, and at the



4876 expiration of the term of office, the member shall be eligible for
4877 qualification and election to another term or terms of office.
4878 However, if a majority of the school board members are recalled in
4879 the special election, the Governor shall authorize the board of
4880 supervisors of the county in which the school district is situated
4881 to appoint members to fill the offices of the members recalled.
4882 The board of supervisors shall make those appointments in the
4883 manner provided by law for filling vacancies on the school board,
4884 and the appointed members shall serve until the office is filled
4885 at the next regular special election or general election.

4886 (ii) If the local school board is an appointed
4887 school board, the name of all school board members shall be
4888 submitted as a collective board by the president of the municipal
4889 or county governing authority, as the case may be, at the next
4890 regular meeting of the governing authority for retention in office
4891 or dismissal from office. If a majority of the governing
4892 authority voting on the question vote against retaining the board
4893 in office, a vacancy shall exist in each school board member's
4894 office, which shall be filled as provided by law; otherwise, the
4895 members of the appointed school board shall remain in office for
4896 the duration of their term of appointment, and those members may
4897 be reappointed.

4898 (iii) If the local school board is comprised of
4899 both elected and appointed members, the elected members shall be
4900 subject to recall in the manner provided in subparagraph (i) of



4901 this subsection, and the appointed members shall be subject to
4902 recall in the manner provided in subparagraph (ii).

4903 (17) Beginning with the school district audits conducted for
4904 the 1997-1998 fiscal year, the State Board of Education, acting
4905 through the Commission on School Accreditation, shall require each
4906 school district to comply with standards established by the State
4907 Department of Audit for the verification of fixed assets and the
4908 auditing of fixed assets records as a minimum requirement for
4909 accreditation.

4910 (18) Before December 1, 1999, the State Board of Education
4911 shall recommend a program to the Education Committees of the House
4912 of Representatives and the Senate for identifying and rewarding
4913 public schools that improve or are high performing. The program
4914 shall be described by the board in a written report, which shall
4915 include criteria and a process through which improving schools and
4916 high-performing schools will be identified and rewarded.

4917 The State Superintendent of Public Education and the State
4918 Board of Education also shall develop a comprehensive
4919 accountability plan to ensure that local school boards,
4920 superintendents, principals and teachers are held accountable for
4921 student achievement. A written report on the accountability plan
4922 shall be submitted to the Education Committees of both houses of
4923 the Legislature before December 1, 1999, with any necessary
4924 legislative recommendations.



4925 (19) Before January 1, 2008, the State Board of Education
4926 shall evaluate and submit a recommendation to the Education
4927 Committees of the House of Representatives and the Senate on
4928 inclusion of graduation rate and dropout rate in the school level
4929 accountability system.

4930 (20) If a local school district is determined as failing and
4931 placed into conservatorship for reasons authorized by the
4932 provisions of this section, the conservator appointed to the
4933 district shall, within forty-five (45) days after being appointed,
4934 present a detailed and structured corrective action plan to move
4935 the local school district out of conservatorship status to the
4936 local school board and local superintendent of education if they
4937 have not been removed by the conservator, or if the board and
4938 superintendent have been removed, to the local governing authority
4939 of the municipality or county in which the school district under
4940 conservatorship is located. A copy of the conservator's
4941 corrective action plan shall also be filed with the State Board of
4942 Education.

4943 **SECTION 69.** Section 37-18-1, Mississippi Code of 1972, is
4944 amended as follows:

4945 37-18-1. (1) The State Board of Education shall establish,
4946 design and implement a Superior-Performing Schools Program and an
4947 Exemplary Schools Program for identifying and rewarding public
4948 schools, including charter schools, that improve. The State Board
4949 of Education shall develop rules and regulations for the program,



4950 establish criteria and establish a process through which
4951 Superior-Performing and Exemplary Schools will be identified and
4952 rewarded. Upon full implementation of the statewide testing
4953 program, Superior-Performing, Exemplary or School At-Risk
4954 designation shall be made by the State Board of Education in
4955 accordance with the following:

4956 (a) A growth expectation will be established by testing
4957 students annually and, using a psychometrically approved formula,
4958 by tracking their progress. This growth expectation will result
4959 in a composite score each year for each school.

4960 (b) A determination will be made as to the percentage
4961 of students proficient in each school. This measurement will
4962 define what a student must know in order to be deemed proficient
4963 at each grade level and will clearly show how well a student is
4964 performing. The definition of proficiency shall be developed for
4965 each grade, based on a demonstrated range of performance in
4966 relation to content as reflected in the Mississippi Curriculum
4967 Frameworks. This range of performance must be established through
4968 a formal procedure including educators, parents, community leaders
4969 and other stakeholders.

4970 (c) A school has the following two (2) methods for
4971 designation as either a Superior-Performing or an Exemplary
4972 School, to be determined on an annual basis:

4973 (i) A school exceeds its growth expectation by a
4974 percentage established by the State Board of Education; or



4975 (ii) A school achieves the grade level proficiency
4976 standard established by the State Board of Education.

4977 Any school designated as a School At-Risk which exceeds its
4978 growth expectation by a percentage established by the State Board
4979 of Education shall no longer be considered a School At-Risk and
4980 shall be eligible for monetary awards under this section.

4981 (2) Superior-Performing and Exemplary Schools may apply to
4982 the State Board of Education for monetary incentives to be used
4983 for selected school needs, as identified by a vote of all licensed
4984 and instructional personnel employed at the school. These
4985 incentive funds may be used for specific school needs, including,
4986 but not limited to:

4987 (a) Funding for professional development activities.
4988 Staff participating in such activities will report to the school
4989 and school district or, in the case of a charter school, the
4990 governing board of the school about the benefits and lessons
4991 learned from such training;

4992 (b) Technology needs;

4993 (c) Sabbaticals for teachers or administrators, or
4994 both, to pursue additional professional development or educational
4995 enrichment;

4996 (d) Paid professional leave;

4997 (e) Training for parents, including, but not limited
4998 to, the following:

4999 (i) Curriculum;



- 5000 (ii) Chapter 1;
- 5001 (iii) Special need students;
- 5002 (iv) Student rights and responsibility;
- 5003 (v) School and community relations;
- 5004 (vi) Effective parenting.

5005 All funds awarded under this subsection shall be subject to
5006 specific appropriation therefor by the Legislature.

5007 (3) The State Board of Education shall provide special
5008 recognition to all schools receiving Superior-Performing or
5009 Exemplary designation and, in the case of noncharter public
5010 schools, their school districts. Examples of such recognition
5011 include, but are not limited to: public announcements and events;
5012 special recognition of student progress and effort; certificates
5013 of recognition and plaques for teachers, principals,
5014 superintendents, support and classified personnel and parents; and
5015 media announcements utilizing the services of Mississippi
5016 Educational Television.

5017 **SECTION 70.** Section 37-21-3, Mississippi Code of 1972, is
5018 amended as follows:

5019 37-21-3. (1) No person shall act in the capacity of
5020 teacher, assistant teacher or teacher's aide in any federal or
5021 state funded program of early childhood education or "Headstart,"
5022 or perform any of the functions, duties or powers of the same,
5023 unless that person shall be qualified in the following manner:



5024 (a) A head teacher or any other employee or consultant
5025 receiving a salary or fee equivalent to that of a head teacher,
5026 shall possess a college degree or its equivalent.

5027 (b) A teacher shall possess a full junior college or
5028 two (2) years of college education or its equivalent.

5029 (c) An assistant teacher shall possess a high school
5030 diploma or its equivalent.

5031 (d) A teacher's aide shall possess an eighth-grade
5032 education or its equivalent.

5033 (2) Persons employed as a teacher, assistant teacher or in
5034 any other capacity in a pre-kindergarten or early childhood
5035 education program in a charter school authorized by the
5036 Mississippi Charter School Authorizer Board are exempt from the
5037 requirements of this section.

5038 **SECTION 71.** Section 37-41-1, Mississippi Code of 1972, is
5039 amended as follows:

5040 37-41-1. The State Board of Education is authorized,
5041 empowered and directed to promulgate rules and regulations
5042 relating to the transportation of students enrolled in the public
5043 school districts, including rules and regulations for:

5044 (a) Setting standards for public school district bus
5045 routes;

5046 (b) Setting standards for public school district buses;

5047 (c) Setting standards for public school district bus
5048 drivers;



5049 (d) Formulating procedure for selecting public school
5050 district bus drivers;

5051 (e) Formulating courses of training for public school
5052 district bus drivers and mechanics, and assist in administering
5053 and financing such courses;

5054 (f) Providing operation procedure for public school
5055 district buses to insure safety of pupils;

5056 (g) Formulating specifications for use in purchasing
5057 public school district buses; getting bids on public school
5058 district buses; equipment and supplies; and fixing prices based
5059 upon said bids which school districts may not exceed in purchasing
5060 said equipment;

5061 (h) Formulating specifications for use by school
5062 districts in purchasing used school buses; and

5063 (i) Providing a system of records and reports for the
5064 purpose of carrying out the provisions of Sections 37-41-1 through
5065 37-41-51, and providing the superintendent of schools with a
5066 sufficient supply of report forms.

5067 All rules and regulations adopted and promulgated by the
5068 State Board of Education relating to school district bus drivers
5069 shall also be applicable to drivers of privately owned buses
5070 transporting public school district children.

5071 All rules and regulations adopted and promulgated by the
5072 State Board of Education pursuant to the authority conferred by
5073 this section shall be spread at large upon the minutes of the



5074 State Board of Education and copies thereof shall be furnished to
5075 all school boards not less than thirty (30) days prior to the
5076 effective date of such rules and regulations.

5077 The provisions of this chapter are applicable to school
5078 districts and the transportation of students enrolled in public
5079 school districts. Charter schools authorized by the Mississippi
5080 Charter School Authorizer Board are exempt from the provisions of
5081 this chapter.

5082 **SECTION 72.** Section 37-41-3, Mississippi Code of 1972, is
5083 amended as follows:

5084 37-41-3. Pupils of legal school age, which shall include
5085 kindergarten pupils, and in actual attendance in the public
5086 schools who live a distance of one (1) mile or more by the nearest
5087 traveled road from the school to which they are assigned by the
5088 school district in which they are enrolled shall be entitled to
5089 transportation within the meaning of this chapter. Nothing
5090 contained in this section shall be construed to bar any child from
5091 such transportation where he or she lives less than one (1) mile
5092 and is on the regular route of travel of a school bus and space is
5093 available in such bus for such transportation. No state funds
5094 shall be paid for the transportation of children living within one
5095 (1) mile of the school, except as otherwise provided in this
5096 chapter, and such children shall not be included in transportation
5097 reports. In the development of route plans, economy shall be a
5098 prime consideration. There shall be no duplication of routes



5099 except in circumstances where it is totally unavoidable. The
5100 State Department of Education shall have authority to investigate
5101 school bus routing when there is reason to believe the provisions
5102 of this statute are being violated. The State Board of Education
5103 shall have authority to withhold transportation funds when school
5104 districts fail to correct unnecessary route duplication. Provided
5105 further, that all school districts are hereby authorized to lease
5106 or contract with any public or private individual, partnership,
5107 corporation, association, agency or other organization for the
5108 implementation of transportation of pupils as provided for in this
5109 section.

5110 The school boards may provide transportation to such crippled
5111 and physically handicapped children as may be designated by such
5112 boards, when the failure to do so would result in undue hardship,
5113 even though the children are not otherwise entitled to
5114 transportation under the provisions of this chapter. The State
5115 Department of Education shall require all school districts during
5116 the 1993-1994 school year to equip school buses with properly
5117 designed seat belts to protect such physically handicapped
5118 children, and school districts are authorized to expend funds
5119 therefor from nonminimum program or other sources.

5120 Where space is available, students attending junior colleges
5121 shall be allowed transportation on established routes in
5122 district-owned buses. However, no additional funds shall be



5123 allocated or expended for such purposes, and such persons shall
5124 not be included in transportation reports.

5125 Children enrolled in special or alternative programs approved
5126 by school boards may be provided transportation even though such
5127 children are not otherwise entitled to transportation under the
5128 provisions of this chapter. No additional funds shall be
5129 allocated or expended for such purpose, and such children shall
5130 not be included in transportation reports.

5131 **SECTION 73.** Section 37-41-23, Mississippi Code of 1972, is
5132 amended as follows:

5133 37-41-23. The State Board of Education shall prescribe
5134 keeping and preservation of all records and the making of all
5135 reports and the description thereof as the board may deem
5136 necessary for the efficient operation of the school district
5137 transportation system of this state. It shall be unlawful for any
5138 pay certificate to be issued to any school district carrier or bus
5139 driver until all such reports required by the regulations of the
5140 State Board of Education shall have been filed in accordance with
5141 said regulations. Any person making a false list, report, or
5142 record required by the aforesaid rules and regulations of the
5143 State Board of Education shall be subject to the penalties
5144 provided by Section 37-41-25.

5145 **SECTION 74.** Section 37-41-25, Mississippi Code of 1972, is
5146 brought forward as follows:



5147 37-41-25. Any superintendent of schools, member of the
5148 school board, superintendent, principal or carrier, or bus driver,
5149 who shall knowingly make any false report, list or record, or who
5150 shall knowingly make use of any false report, list or record
5151 concerning the number of school children being transported or
5152 entitled to be transported in any county or school district shall
5153 be guilty of a misdemeanor and upon conviction shall be punished
5154 by imprisonment in the county jail for a period not to exceed
5155 sixty (60) days, or by a fine of not less than One Hundred Dollars
5156 (\$100.00) nor more than Three Hundred Dollars (\$300.00), or by
5157 both such fine and imprisonment, in the discretion of the court.
5158 In addition, any such person shall be civilly liable for all
5159 amounts of public funds which are illegally, unlawfully or
5160 wrongfully expended or paid out by virtue of or pursuant to such
5161 false report, list or record, and upon conviction or adjudication
5162 of civil liability hereunder such person shall forfeit his license
5163 to teach for a period of three (3) years, if such person is the
5164 holder of such a license. Any suit to recover such funds
5165 illegally, unlawfully, or wrongfully expended or paid out may be
5166 brought in the name of the State of Mississippi by the Attorney
5167 General or the proper district attorney or county attorney. In
5168 the event such suit be brought against a person who is under bond,
5169 the sureties upon such bond shall likewise be liable for such
5170 amount illegally, unlawfully or wrongfully expended or paid out.



5171 **SECTION 75.** Section 37-41-31, Mississippi Code of 1972, is
5172 amended as follows:

5173 37-41-31. In each case where pupils are transported to and
5174 from the public schools in the school districts of this state in
5175 privately owned vehicles, the contract for such transportation
5176 shall be let to the lowest responsible bidder who is able to
5177 furnish a solvent bond for the faithful performance of his
5178 contract. This shall be done after each route over which such
5179 pupils are to be transported has been laid out and established as
5180 provided in this chapter. Such contracts shall be awarded upon
5181 receipt of sealed bids or proposals after the time and place of
5182 letting such contracts and the manner of bidding have been duly
5183 advertised in some newspaper published in the county in accordance
5184 with the procedures provided in Section 31-7-13(c). If no
5185 newspaper is published in the county, then the advertisement shall
5186 be made by publication for the required time in some newspaper
5187 having a general circulation therein, and, in addition, by posting
5188 a copy thereof for that time in at least three (3) public places
5189 in the county, one (1) of which shall be at the county courthouse
5190 in each judicial district of the county. The awarding of all such
5191 contracts shall, however, in all respects be subject to the
5192 provisions of Section 37-41-29.

5193 Private contracts for the transportation of exceptional
5194 children, as defined in Section 37-23-3, may be negotiated by the
5195 local school board without the necessity of the advertising for or



5196 taking of bids. The same may apply under extraordinary
5197 circumstances where regular transportation is considered to be
5198 impractical. The local school board may negotiate and contract
5199 for the transportation described in this paragraph so long as the
5200 local school board complies with the school transportation
5201 regulations promulgated by the State Board of Education.

5202 Contracts shall be made for four (4) years, at the discretion
5203 of the local school board. Any and all bids may be rejected. At
5204 the expiration of any transportation contract, if the school board
5205 believes a route should remain substantially as established and
5206 finds that the carrier thereon has rendered efficient and
5207 satisfactory services it may extend the contract for not more than
5208 four (4) years, subject, however, to the provisions of Section
5209 37-41-29.

5210 **SECTION 76.** Section 37-41-43, Mississippi Code of 1972, is
5211 amended as follows:

5212 37-41-43. All publicly owned school district buses which are
5213 hereafter acquired, and all publicly owned school district buses
5214 which shall hereafter be repainted, whether presently owned or
5215 hereafter acquired, and all publicly owned school district buses
5216 which do not have the name of the county or school district owning
5217 same painted thereon, whether such buses be owned by the county or
5218 a school district, shall have painted on both sides thereof the
5219 name of the county or school district owning same. Such words
5220 shall be painted on each such bus in letters at least five (5)



5221 inches in height and in a color which is in contrast with the
5222 color of the vehicle.

5223 **SECTION 77.** Section 37-41-45, Mississippi Code of 1972, is
5224 amended as follows:

5225 37-41-45. It shall be a misdemeanor for any person to use a
5226 publicly owned school district bus for any purpose other than one
5227 in connection with the school, and, upon conviction thereof, such
5228 person shall be fined not less than Fifty Dollars (\$50.00). When
5229 any publicly owned school district bus is being operated on the
5230 public roads or highways at a time other than the usual and
5231 customary time for the transportation of children to and from the
5232 public schools, members of the Highway Safety Patrol, sheriffs,
5233 constables and other peace officers shall have the power and
5234 authority to stop such bus for the purpose of ascertaining whether
5235 the trip then being made is authorized by law. If it be found
5236 that such trip is unauthorized, such highway patrolman, sheriff,
5237 constable or other peace or police officer shall forthwith report
5238 the same to the school board owning such bus and to the State
5239 Department of Education.

5240 **SECTION 78.** Section 37-41-49, Mississippi Code of 1972, is
5241 amended as follows:

5242 37-41-49. In case of any violation by a school district bus
5243 driver or carrier of the safety regulations established by the
5244 State Board of Education, such violation shall be deemed a



5245 misdemeanor and such offender may be punished as provided in
5246 Section 37-41-47.

5247 **SECTION 79.** Section 37-41-53, Mississippi Code of 1972, is
5248 amended as follows:

5249 37-41-53. (1) Each school board, person, firm or
5250 corporation transporting public school district children on the
5251 public roads, streets and highways of the state with motor
5252 vehicles shall have the motor vehicles inspected according to the
5253 laws of the state. Each motor vehicle shall be inspected by a
5254 competent mechanic to be safe for transporting pupils on the
5255 roads, streets and highways of the state before it is released for
5256 such purpose. If such motor vehicle is found to be unsafe for
5257 transporting pupils, then it shall be properly repaired or
5258 adjusted as necessary before being used to transport pupils. The
5259 provisions of this subsection shall not apply to vehicles owned by
5260 individuals and under private contract to the school district and
5261 used exclusively for transporting members of their immediate
5262 families.

5263 (2) The State Department of Education may inspect, at its
5264 discretion, any school bus used for transporting school district
5265 pupils to and from the public schools or for activity purposes to
5266 determine the safety of such motor vehicle for operation on the
5267 roads, streets and highways of this state. In the event a vehicle
5268 is inspected and is found to be unsafe for transporting pupils, a
5269 report shall be filed with the appropriate school district



5270 official indicating its deficiencies with recommendations for
5271 correcting such deficiencies.

5272 (3) If it is determined that any school district buses are
5273 in such defective condition as to constitute an emergency safety
5274 hazard, those buses may be condemned and removed from service and
5275 shall not be returned to service until adequate repairs are
5276 completed and such buses are reinspected by the State Department
5277 of Education. Any school district official who approves the
5278 operation of any school bus that has been removed from service
5279 under the conditions listed above, prior to being reinspected by
5280 the State Department of Education, shall be guilty of a
5281 misdemeanor and, upon conviction, shall be punished by
5282 imprisonment in the county jail for a period not to exceed sixty
5283 (60) days, or a fine of not less than Five Hundred Dollars
5284 (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by
5285 both such fine and imprisonment, in the discretion of the court.

5286 **SECTION 80.** Section 37-41-57, Mississippi Code of 1972, is
5287 brought forward as follows:

5288 37-41-57. The State Board of Education shall adopt and
5289 enforce regulations not inconsistent with the traffic laws and
5290 regulations of this state to govern the design and operation of
5291 all school buses used for the transportation of school children
5292 when owned and operated by any school board or privately owned and
5293 operated under contract with any school board in this state. Such
5294 regulations shall by reference be made a part of any such contract



5295 with a school board. Every school board, its officers and
5296 employees, and every person employed under contract by a school
5297 board shall be subject to said regulations.

5298 Any officer or employee of any school board who violates any
5299 of said regulations or fails to include the obligation to comply
5300 with said regulations in any contract executed by them on behalf
5301 of a school board shall be guilty of misconduct and subject to
5302 removal from office or employment. Any person operating a school
5303 bus under a contract with a school board who fails to comply with
5304 any of said regulations shall be guilty of breach of contract and
5305 such contract shall be cancelled after notice and hearing by the
5306 responsible officers of such school board.

5307 **SECTION 81.** Section 37-43-1, Mississippi Code of 1972, is
5308 amended as follows:

5309 37-43-1. (1) This chapter is intended to furnish a plan for
5310 the adoption, purchase, distribution, care and use of free
5311 textbooks to be loaned to the pupils in all elementary and high
5312 schools, other than charter schools, of Mississippi.

5313 (2) The books herein provided by the State Board of
5314 Education, which shall be the State Textbook Procurement
5315 Commission, shall be distributed and loaned free of cost to the
5316 children of the free public * * * school districts of the state
5317 and of all other schools located in the state, which maintain
5318 educational standards equivalent to the standards established by
5319 the State Department of Education for the state schools as



5320 outlined in the Approval Requirements of the State Board of
5321 Education for Nonpublic Schools.

5322 (3) Teachers shall permit all pupils in all grades of any
5323 public school in any school district to carry to their homes for
5324 home study, the free textbooks loaned to them, and any other
5325 regular textbooks whether they be free textbooks or not.

5326 (4) For the purposes of this chapter, the term "board" shall
5327 mean the State Board of Education.

5328 (5) "Textbook" shall be defined as any medium or manual of
5329 instruction which contains a systematic presentation of the
5330 principles of a subject and which constitutes a major
5331 instructional vehicle for that subject.

5332 (6) In addition to the authority granted in this chapter,
5333 local school boards shall make available to the parents or legal
5334 guardians of any children of school age who reside in the school
5335 district administered by the school board, upon request, any
5336 textbooks on the state surplus inventory list. The parent or
5337 legal guardian is responsible for the return of the textbook(s) to
5338 the local school district upon completion of the textbook(s) use.
5339 Failure to return the textbook(s) to the school district will
5340 result in the parents or legal guardians being responsible for
5341 compensating the school district for the fair market value of the
5342 textbook(s).

5343 **SECTION 82.** Section 37-43-39, Mississippi Code of 1972, is
5344 brought forward as follows:



5345 37-43-39. No teacher in any of the schools of the state, and
5346 no county or municipal superintendent of schools, and no person
5347 officially connected with the government of or direction of any
5348 school shall, during the term of his office as said superintendent
5349 or during the time of his or her employment as teacher, act as
5350 agent or attorney for any textbook publishing company selling
5351 textbooks in this state. If, after election as county or
5352 municipal superintendent or employment as teacher, any person
5353 filling such position accepts the agency or attorneyship of any
5354 textbook publishing company, the acceptance of such agency or
5355 attorneyship shall work a forfeiture of the office or position as
5356 teacher held at the time of the acceptance of such agency or
5357 attorneyship.

5358 **SECTION 83.** Section 37-45-23, Mississippi Code of 1972, is
5359 amended as follows:

5360 37-45-23. Subject to the provisions of any applicable
5361 statute, the commission shall formulate policies and approve or
5362 disapprove plans for the location and construction of all
5363 necessary elementary and secondary noncharter public school
5364 buildings.

5365 **SECTION 84.** Section 37-47-9, Mississippi Code of 1972, is
5366 amended as follows:

5367 37-47-9. It is found and determined that the state should
5368 make an annual grant of Twenty-four Dollars (\$24.00) for each
5369 child in average daily attendance in the public schools of the



5370 various school districts of this state during each school year,
5371 and that such monies should be applied for the purpose of
5372 establishing and maintaining adequate physical facilities for the
5373 public school * * * district and/or the payment of existing debt
5374 therefor.

5375 The grant to which * * * each public school is entitled under
5376 the provisions of this section shall be credited to the school
5377 district of which such school is part. If any change is made in
5378 the operation or boundaries of any such school district, equitable
5379 reallocations shall be made by the commission of all balances to
5380 the credit of such school district, and all debits charged against
5381 the districts affected by the change in the boundaries or system
5382 of operation. The obligation of the state to make remittance of
5383 the sums appropriated or otherwise provided to make the annual
5384 grants provided by this section shall be subordinate to the pledge
5385 made to secure the state school bonds authorized under this
5386 chapter and the sinking fund created for their retirement. The
5387 grants shall be computed annually as soon as practicable after the
5388 end of the school year, and shall be based on the average daily
5389 attendance for such school year in all of the public schools
5390 operated by each school district as determined by the State
5391 Department of Education.

5392 **SECTION 85.** Section 37-143-11, Mississippi Code of 1972, is
5393 amended as follows:



5394 37-143-11. (1) It is the intention of the Legislature to
5395 attract and retain qualified teachers by awarding incentive loans
5396 to persons declaring an intention to serve in the teaching field
5397 and who actually render service to the state while possessing an
5398 appropriate teaching license.

5399 (2) There is established the "William F. Winter Teacher
5400 Scholar Loan Program."

5401 (3) To the extent of appropriations available, students who
5402 are enrolled in any baccalaureate degree-granting institution of
5403 higher learning in the State of Mississippi accredited by the
5404 Southern Association of Colleges and Schools and approved by the
5405 Mississippi Commission on College Accreditation, or any accredited
5406 nonprofit community or junior college, and who have expressed in
5407 writing a present intention to teach in Mississippi, shall be
5408 eligible for student loans to be applied to the costs of their
5409 college education. Persons who have been admitted to a teacher
5410 education program or a nontraditional teacher internship licensure
5411 program authorized under Section 37-3-2(6)(b), as approved by the
5412 State Board of Education, shall also qualify for loans at approved
5413 institutions. The Board of Trustees of State Institutions of
5414 Higher Learning shall provide that teacher education majors and
5415 noneducation majors shall have equal access to scholarship/loans
5416 under authority of this section.



5417 (4) A freshman establishing initial eligibility shall be
5418 eligible for a maximum of four (4) annual loans and a senior shall
5419 be eligible for one (1) annual loan.

5420 (5) The maximum annual loan shall be set by the Board of
5421 Trustees of State Institutions of Higher Learning at an amount not
5422 to exceed the cost of attendance at any baccalaureate
5423 degree-granting institution of higher learning in the State of
5424 Mississippi. However, it is the intent of the Legislature that
5425 the maximum annual loan amounts under the William F. Winter
5426 Teacher Scholar Loan Program shall not be of such amounts that
5427 would compete with the Critical Needs Teacher Scholarship Program.

5428 (6) The loans of persons who actually render service as
5429 licensed teachers or nontraditional teacher interns authorized
5430 under Section 37-3-2(6)(b) in a public school, including a charter
5431 school, in Mississippi for a major portion of the school day for
5432 at least seventy-eight (78) school days during each of eight (8)
5433 school semesters of the ten (10) immediately after obtaining a
5434 baccalaureate degree, shall be converted to interest-free
5435 scholarships. Conversion shall be based on two (2) semesters of
5436 service for each year a loan was received, and the Board of
5437 Trustees of State Institutions of Higher Learning shall not
5438 authorize the conversion of loans into interest-free scholarships
5439 at any other ratio, except as follows: Participants in the
5440 William F. Winter Teacher Scholar Loan Program may have their
5441 loans converted into interest-free scholarships at the same ratio



5442 as under the Critical Needs Teacher Scholarship Program if they
5443 render service as a licensed teacher or nontraditional teacher
5444 intern authorized under Section 37-3-2(6)(b) in a public school
5445 district in a geographical area of the state where there is a
5446 critical shortage of teachers, as designated by the State Board of
5447 Education, or in a charter school located in such a school
5448 district.

5449 (7) Persons failing to complete an appropriate program of
5450 study shall immediately become liable to the Board of Trustees of
5451 State Institutions of Higher Learning for the sum of all
5452 outstanding loans, except in the case of a deferral of debt for
5453 cause by the board, after which period of deferral, study may be
5454 resumed. Persons failing to meet teaching requirements in any
5455 required semester shall immediately be in breach of contract and
5456 become liable to the board for the amount of the corresponding
5457 loan received, with interest accruing at the current Stafford Loan
5458 rate at the time the breach occurs, except in the case of a
5459 deferral of debt for cause by the board, after which period of
5460 deferral, teaching duties required hereunder will be resumed. If
5461 the claim for payment of such loan is placed in the hands of an
5462 attorney for collection after default, then the obligor shall be
5463 liable for an additional amount equal to a reasonable attorney's
5464 fee.



5465 (8) A loan made pursuant to this section shall not be
5466 voidable by reason of the age of the borrower at the time of
5467 receiving the loan.

5468 (9) Failure to repay any loan and interest that becomes due
5469 shall be cause for the revocation of a person's teaching license
5470 by the State Department of Education.

5471 (10) All monies repaid to the Board of Trustees of State
5472 Institutions of Higher Learning hereunder shall be added to the
5473 appropriations made for purposes of this section, and those
5474 appropriations shall not lapse.

5475 (11) The Board of Trustees of State Institutions of Higher
5476 Learning with the concurrence of the State Board of Education
5477 shall jointly promulgate regulations necessary for the proper
5478 administration of this section.

5479 (12) If insufficient funds are available for requested loans
5480 to a qualified student during any fiscal year, the Board of
5481 Trustees of State Institutions of Higher Learning shall make pro
5482 rata reductions in the loans made to qualifying applicants.
5483 Priority consideration shall be given to persons receiving
5484 previous loans and participating in the program.

5485 (13) The Board of Trustees of State Institutions of Higher
5486 Learning shall make an annual report to the Legislature. Each
5487 report shall contain a complete enumeration of the board's
5488 activities, loans or scholarships granted, names of persons to
5489 whom granted and the institutions attended by those receiving the



5490 same, names of persons to whom loans or scholarships were granted
5491 who were not education majors, the teaching location of applicants
5492 who have received their education and become licensed teachers
5493 within this state as a result of the loans and/or scholarships.
5494 The board shall make a full report and account of receipts and
5495 expenditures for salaries and expenses incurred under the
5496 provisions of this section. The board shall, upon its records and
5497 any published reports, distinguish between those recipients who
5498 have breached their contracts but with the board's permission who
5499 have paid their financial obligations in full, and those
5500 recipients who have breached their contracts and remain
5501 financially indebted to the state.

5502 **SECTION 86.** Section 37-143-12, Mississippi Code of 1972, is
5503 amended as follows:

5504 37-143-12. **Speech-Language Pathologists Loan Forgiveness**
5505 **Program.** (1) There is established a Speech-Language Pathologists
5506 Loan Forgiveness Program. It is the intent of the Legislature
5507 that persons declaring an intention to work in an accredited
5508 public school (K-12), including a charter school, located in the
5509 State of Mississippi as a speech-language pathologist shall be
5510 eligible for a loan for the purpose of acquiring a master's level
5511 education in such profession. The Board of Trustees of State
5512 Institutions of Higher Learning shall enter into contracts with
5513 applicants, providing that such loans may be discharged by working
5514 as a master's level speech-language pathologist in an accredited



5515 public school (K-12), including a charter school, located in the
5516 State of Mississippi, for a period of time after graduation equal
5517 to the period of study provided under the loan. Such contracts
5518 shall provide that for each year of service, the appropriate
5519 portion of the outstanding balance of principal and interest of
5520 such loan shall be converted to interest-free scholarships and
5521 discharged.

5522 (2) The Board of Trustees of State Institutions of Higher
5523 Learning, with the concurrence of the State Board of Education,
5524 shall jointly establish rules and regulations as it deems
5525 necessary and proper to carry out the purposes and intent of this
5526 section.

5527 The provisions of this section shall be subject to specific
5528 appropriation therefor by the Legislature.

5529 **SECTION 87.** Section 37-151-5, Mississippi Code of 1972, is
5530 amended as follows:

5531 37-151-5. As used in Sections 37-151-5 and 37-151-7:

5532 (a) "Adequate program" or "adequate education program"
5533 or "Mississippi Adequate Education Program (MAEP)" shall mean the
5534 program to establish adequate current operation funding levels
5535 necessary for the programs of such school district to meet at
5536 least a successful Level III rating of the accreditation system as
5537 established by the State Board of Education using current
5538 statistically relevant state assessment data.



5539 (b) "Educational programs or elements of programs not
5540 included in the adequate education program calculations, but which
5541 may be included in appropriations and transfers to school
5542 districts" shall mean:

5543 (i) "Capital outlay" shall mean those funds used
5544 for the constructing, improving, equipping, renovating or major
5545 repairing of school buildings or other school facilities, or the
5546 cost of acquisition of land whereon to construct or establish such
5547 school facilities.

5548 (ii) "Pilot programs" shall mean programs of a
5549 pilot or experimental nature usually designed for special purposes
5550 and for a specified period of time other than those included in
5551 the adequate education program.

5552 (iii) "Adult education" shall mean public
5553 education dealing primarily with students above eighteen (18)
5554 years of age not enrolled as full-time public school students and
5555 not classified as students of technical schools, colleges or
5556 universities of the state.

5557 (iv) "Food service programs" shall mean those
5558 programs dealing directly with the nutritional welfare of the
5559 student, such as the school lunch and school breakfast programs.

5560 (c) "Base student" shall mean that student
5561 classification that represents the most economically educated
5562 pupil in a school system meeting the definition of successful, as
5563 determined by the State Board of Education.



5564 (d) "Base student cost" shall mean the funding level
5565 necessary for providing an adequate education program for one (1)
5566 base student, subject to any minimum amounts prescribed in Section
5567 37-151-7(1).

5568 (e) "Add-on program costs" shall mean those items which
5569 are included in the adequate education program appropriations and
5570 are outside of the program calculations:

5571 (i) "Transportation" shall mean transportation to
5572 and from public schools for the students of Mississippi's public
5573 schools provided for under law and funded from state funds.

5574 (ii) "Vocational or technical education program"
5575 shall mean a secondary vocational or technical program approved by
5576 the State Department of Education and provided for from state
5577 funds.

5578 (iii) "Special education program" shall mean a
5579 program for exceptional children as defined and authorized by
5580 Sections 37-23-1 through 37-23-9, and approved by the State
5581 Department of Education and provided from state funds.

5582 (iv) "Gifted education program" shall mean those
5583 programs for the instruction of intellectually or academically
5584 gifted children as defined and provided for in Section 37-23-175
5585 et seq.

5586 (v) "Alternative school program" shall mean those
5587 programs for certain compulsory-school-age students as defined and
5588 provided for in Sections 37-13-92 and 37-19-22.



5589 (vi) "Extended school year programs" shall mean
5590 those programs authorized by law which extend beyond the normal
5591 school year.

5592 (vii) "University-based programs" shall mean those
5593 university-based programs for handicapped children as defined and
5594 provided for in Section 37-23-131 et seq.

5595 (viii) "Bus driver training" programs shall mean
5596 those driver training programs as provided for in Section 37-41-1.

5597 (f) "Teacher" shall include any employee of a local
5598 school who is required by law to obtain a teacher's license from
5599 the State Board of Education and who is assigned to an
5600 instructional area of work as defined by the State Department of
5601 Education.

5602 (g) "Principal" shall mean the head of an attendance
5603 center or division thereof.

5604 (h) "Superintendent" shall mean the head of a school
5605 district.

5606 (i) "School district" shall mean any type of school
5607 district in the State of Mississippi, and shall include
5608 agricultural high schools.

5609 (j) "Minimum school term" shall mean a term of at least
5610 one hundred eighty (180) days of school in which both teachers and
5611 pupils are in regular attendance for scheduled classroom
5612 instruction for not less than sixty percent (60%) of the normal
5613 school day. It is the intent of the Legislature that any tax



5614 levies generated to produce additional local funds required by any
5615 school district to operate school terms in excess of one hundred
5616 seventy-five (175) days shall not be construed to constitute a new
5617 program for the purposes of exemption from the limitation on tax
5618 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
5619 programs mandated by the Legislature.

5620 (k) The term "transportation density" shall mean the
5621 number of transported children in average daily attendance per
5622 square mile of area served in a school district, as determined by
5623 the State Department of Education.

5624 (l) The term "transported children" shall mean children
5625 being transported to school who live within legal limits for
5626 transportation and who are otherwise qualified for being
5627 transported to school at public expense as fixed by Mississippi
5628 state law.

5629 (m) The term "year of teaching experience" shall mean
5630 nine (9) months of actual teaching in the public or private
5631 schools. In no case shall more than one (1) year of teaching
5632 experience be given for all services in one (1) calendar or school
5633 year. In determining a teacher's experience, no deduction shall
5634 be made because of the temporary absence of the teacher because of
5635 illness or other good cause, and the teacher shall be given credit
5636 therefor. Beginning with the 2003-2004 school year, the State
5637 Board of Education shall fix a number of days, not to exceed
5638 forty-five (45) consecutive school days, during which a teacher



5639 may not be under contract of employment during any school year and
5640 still be considered to have been in full-time employment for a
5641 regular scholastic term. If a teacher exceeds the number of days
5642 established by the State Board of Education that a teacher may not
5643 be under contract but may still be employed, that teacher shall
5644 not be credited with a year of teaching experience. In
5645 determining the experience of school librarians, each complete
5646 year of continuous, full-time employment as a professional
5647 librarian in a public library in this or some other state shall be
5648 considered a year of teaching experience. If a full-time school
5649 administrator returns to actual teaching in the public schools,
5650 the term "year of teaching experience" shall include the period of
5651 time he or she served as a school administrator. In determining
5652 the salaries of teachers who have experience in any branch of the
5653 military, the term "year of teaching experience" shall include
5654 each complete year of actual classroom instruction while serving
5655 in the military. In determining the experience of speech-language
5656 pathologists and audiologists, each complete year of continuous
5657 full-time post master's degree employment in an educational
5658 setting in this or some other state shall be considered a year of
5659 teaching experience. Provided, however, that school districts are
5660 authorized, in their discretion, to negotiate the salary levels
5661 applicable to certificated employees employed after July 1, 2009,
5662 who are receiving retirement benefits from the retirement system
5663 of another state, and the annual experience increment provided in



5664 Section 37-19-7 shall not be applicable to any such retired
5665 certificated employee.

5666 (n) The term "average daily attendance" shall be the
5667 figure which results when the total aggregate attendance during
5668 the period or months counted is divided by the number of days
5669 during the period or months counted upon which both teachers and
5670 pupils are in regular attendance for scheduled classroom
5671 instruction less the average daily attendance for self-contained
5672 special education classes and, prior to full implementation of the
5673 adequate education program the department shall deduct the average
5674 daily attendance for the alternative school program provided for
5675 in Section 37-19-22.

5676 (o) The term "local supplement" shall mean the amount
5677 paid to an individual teacher over and above the adequate
5678 education program salary schedule for regular teaching duties.

5679 (p) The term "aggregate amount of support from ad
5680 valorem taxation" shall mean the amounts produced by the
5681 district's total tax levies for operations.

5682 (q) The term "adequate education program funds" shall
5683 mean all funds, both state and local, constituting the
5684 requirements for meeting the cost of the adequate program as
5685 provided for in Section 37-151-7.

5686 (r) "Department" shall mean the State Department of
5687 Education.



5688 (s) "Commission" shall mean the Mississippi Commission
5689 on School Accreditation created under Section 37-17-3.

5690 (t) The term "successful school district" shall mean a
5691 Level III school district as designated by the State Board of
5692 Education using current statistically relevant state assessment
5693 data.

5694 (u) "Dual enrollment-dual credit programs" shall mean
5695 programs for potential or recent high school student dropouts to
5696 dually enroll in their home high school and a local community
5697 college in a dual credit program consisting of high school
5698 completion coursework and a credential, certificate or degree
5699 program at the community college, as provided in Section
5700 37-15-38(19).

5701 (v) "Charter school" means a public school that is
5702 established and operating under the terms of a charter contract
5703 between the school's governing board and the Mississippi Charter
5704 School Authorizer Board.

5705 **SECTION 88.** Section 37-151-7, Mississippi Code of 1972, is
5706 amended as follows:

5707 37-151-7. The annual allocation to each school district for
5708 the operation of the adequate education program shall be
5709 determined as follows:

5710 (1) **Computation of the basic amount to be included for**
5711 **current operation in the adequate education program.** The



5712 following procedure shall be followed in determining the annual
5713 allocation to each school district:

5714 (a) **Determination of average daily attendance.**

5715 Effective with fiscal year 2011, the State Department of Education
5716 shall determine the percentage change from the prior year of each
5717 year of each school district's average of months two (2) and three
5718 (3) average daily attendance (ADA) for the three (3) immediately
5719 preceding school years of the year for which funds are being
5720 appropriated. For any school district that experiences a positive
5721 growth in the average of months two (2) and three (3) ADA each
5722 year of the three (3) years, the average percentage growth over
5723 the three-year period shall be multiplied times the school
5724 district's average of months two (2) and three (3) ADA for the
5725 year immediately preceding the year for which MAEP funds are being
5726 appropriated. The resulting amount shall be added to the school
5727 district's average of months two (2) and three (3) ADA for the
5728 year immediately preceding the year for which MAEP funds are being
5729 appropriated to arrive at the ADA to be used in determining a
5730 school district's MAEP allocation. Otherwise, months two (2) and
5731 three (3) ADA for the year immediately preceding the year for
5732 which MAEP funds are being appropriated will be used in
5733 determining a school district's MAEP allocation. In any fiscal
5734 year prior to 2010 in which the MAEP formula is not fully funded,
5735 for those districts that do not demonstrate a three-year positive
5736 growth in months two (2) and three (3) ADA, months one (1) through



5737 nine (9) ADA of the second preceding year for which funds are
5738 being appropriated or months two (2) and three (3) ADA of the
5739 preceding year for which funds are being appropriated, whichever
5740 is greater, shall be used to calculate the district's MAEP
5741 allocation. The district's average daily attendance shall be
5742 computed and currently maintained in accordance with regulations
5743 promulgated by the State Board of Education. The district's
5744 average daily attendance shall include any student enrolled in a
5745 Dual Enrollment-Dual Credit Program as defined and provided in
5746 Section 37-15-38(19). The State Department of Education shall
5747 make payments for Dual Enrollment-Dual Credit Programs to the home
5748 school in which the student is enrolled, in accordance with
5749 regulations promulgated by the State Board of Education. The
5750 community college providing services to students in a Dual
5751 Enrollment-Dual Credit Program shall require payment from the home
5752 school district for services provided to such students at a rate
5753 of one hundred percent (100%) of ADA. All MAEP/state funding
5754 shall cease upon completion of high school graduation
5755 requirements.

5756 (b) **Determination of base student cost.** Effective with
5757 fiscal year 2011 and every fourth fiscal year thereafter, the
5758 State Board of Education, on or before August 1, with adjusted
5759 estimate no later than January 2, shall submit to the Legislative
5760 Budget Office and the Governor a proposed base student cost
5761 adequate to provide the following cost components of educating a



5762 pupil in a successful school district: (i) Instructional Cost;
5763 (ii) Administrative Cost; (iii) Operation and Maintenance of
5764 Plant; and (iv) Ancillary Support Cost. For purposes of these
5765 calculations, the Department of Education shall utilize financial
5766 data from the second preceding year of the year for which funds
5767 are being appropriated.

5768 For the instructional cost component, the Department of
5769 Education shall select districts that have been identified as
5770 instructionally successful and have a ratio of a number of
5771 teachers per one thousand (1,000) students that is between one (1)
5772 standard deviation above the mean and two (2) standard deviations
5773 below the mean of the statewide average of teachers per one
5774 thousand (1,000) students. The instructional cost component shall
5775 be calculated by dividing the latest available months one (1)
5776 through nine (9) ADA into the instructional expenditures of these
5777 selected districts. For the purpose of this calculation, the
5778 Department of Education shall use the following funds, functions
5779 and objects:

5780 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
5781 1210, 1220, 2150-2159 Objects 210 and 215;

5782 Fund 1130 All Functions, Object Code 210 and 215;

5783 Fund 2001 Functions 1110-1199 Objects 100-999;

5784 Fund 2070 Functions 1110-1199 Objects 100-999;

5785 Fund 2420 Functions 1110-1199 Objects 100-999;

5786 Fund 2711 All Functions, Object Code 210 and 215.



5787 Prior to the calculation of the instructional cost component,
5788 there shall be subtracted from the above expenditures any revenue
5789 received for Chickasaw Cession payments, Master Teacher
5790 Certification payments and the district's portion of state revenue
5791 received from the MAEP at-risk allocation.

5792 For the administrative cost component, the Department of
5793 Education shall select districts that have been identified as
5794 instructionally successful and have a ratio of an administrative
5795 staff to nonadministrative staff between one (1) standard
5796 deviation above the mean and two (2) standard deviations below the
5797 mean of the statewide average administrative staff to
5798 nonadministrative staff. The administrative cost component shall
5799 be calculated by dividing the latest available months one (1)
5800 through nine (9) ADA of the selected districts into the
5801 administrative expenditures of these selected districts. For the
5802 purpose of this calculation, the Department of Education shall use
5803 the following funds, functions and objects:

5804 Fund 1120 Functions 2300-2599, Functions 2800-2899,
5805 Objects 100-999;

5806 Fund 2711 Functions 2300-2599, Functions 2800-2899,
5807 Objects 100-999.

5808 For the plant and maintenance cost component, the Department
5809 of Education shall select districts that have been identified as
5810 instructionally successful and have a ratio of plant and
5811 maintenance expenditures per one hundred thousand (100,000) square



5812 feet of building space and a ratio of maintenance workers per one
5813 hundred thousand (100,000) square feet of building space that are
5814 both between one (1) standard deviation above the mean and two (2)
5815 standard deviations below the mean of the statewide average. The
5816 plant and maintenance cost component shall be calculated by
5817 dividing the latest available months one (1) through nine (9) ADA
5818 of the selected districts into the plant and maintenance
5819 expenditures of these selected districts. For the purpose of this
5820 calculation, the Department of Education shall use the following
5821 funds, functions and objects:

5822 Fund 1120 Functions 2600-2699, Objects 100-699

5823 and Objects 800-999;

5824 Fund 2711 Functions 2600-2699, Objects 100-699

5825 and Objects 800-999;

5826 Fund 2430 Functions 2600-2699, Objects 100-699

5827 and Objects 800-999.

5828 For the ancillary support cost component, the Department of
5829 Education shall select districts that have been identified as
5830 instructionally successful and have a ratio of a number of
5831 librarians, media specialists, guidance counselors and
5832 psychologists per one thousand (1,000) students that is between
5833 one (1) standard deviation above the mean and two (2) standard
5834 deviations below the mean of the statewide average of librarians,
5835 media specialists, guidance counselors and psychologists per one
5836 thousand (1,000) students. The ancillary cost component shall be



5837 calculated by dividing the latest available months one (1) through
5838 nine (9) ADA into the ancillary expenditures instructional
5839 expenditures of these selected districts. For the purpose of this
5840 calculation, the Department of Education shall use the following
5841 funds, functions and objects:

5842 Fund 1120 Functions 2110-2129, Objects 100-999;
5843 Fund 1120 Functions 2140-2149, Objects 100-999;
5844 Fund 1120 Functions 2220-2229, Objects 100-999;
5845 Fund 2001 Functions 2100-2129, Objects 100-999;
5846 Fund 2001 Functions 2140-2149, Objects 100-999;
5847 Fund 2001 Functions 2220-2229, Objects 100-999.

5848 The total base cost for each year shall be the sum of the
5849 instructional cost component, administrative cost component, plant
5850 and maintenance cost component and ancillary support cost
5851 component, and any estimated adjustments for additional state
5852 requirements as determined by the State Board of Education.

5853 Provided, however, that the base student cost in fiscal year 1998
5854 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

5855 For each of the fiscal years between the recalculation of the
5856 base student cost under the provisions of this paragraph (b), the
5857 base student cost shall be increased by an amount equal to forty
5858 percent (40%) of the base student cost for the previous fiscal
5859 year, multiplied by the latest annual rate of inflation for the
5860 State of Mississippi as determined by the State Economist, plus
5861 any adjustments for additional state requirements such as, but not



5862 limited to, teacher pay raises and health insurance premium
5863 increases.

5864 (c) **Determination of the basic adequate education**
5865 **program cost.** The basic amount for current operation to be
5866 included in the Mississippi Adequate Education Program for each
5867 school district shall be computed as follows:

5868 Multiply the average daily attendance of the district by the
5869 base student cost as established by the Legislature, which yields
5870 the total base program cost for each school district.

5871 (d) **Adjustment to the base student cost for at-risk**
5872 **pupils.** The amount to be included for at-risk pupil programs for
5873 each school district shall be computed as follows: Multiply the
5874 base student cost for the appropriate fiscal year as determined
5875 under paragraph (b) by five percent (5%), and multiply that
5876 product by the number of pupils participating in the federal free
5877 school lunch program in such school district, which yields the
5878 total adjustment for at-risk pupil programs for such school
5879 district.

5880 (e) **Add-on program cost.** The amount to be allocated to
5881 school districts in addition to the adequate education program
5882 cost for add-on programs for each school district shall be
5883 computed as follows:

5884 (i) Transportation cost shall be the amount
5885 allocated to such school district for the operational support of
5886 the district transportation system from state funds.



5887 (ii) Vocational or technical education program
5888 cost shall be the amount allocated to such school district from
5889 state funds for the operational support of such programs.

5890 (iii) Special education program cost shall be the
5891 amount allocated to such school district from state funds for the
5892 operational support of such programs.

5893 (iv) Gifted education program cost shall be the
5894 amount allocated to such school district from state funds for the
5895 operational support of such programs.

5896 (v) Alternative school program cost shall be the
5897 amount allocated to such school district from state funds for the
5898 operational support of such programs.

5899 (vi) Extended school year programs shall be the
5900 amount allocated to school districts for those programs authorized
5901 by law which extend beyond the normal school year.

5902 (vii) University-based programs shall be the
5903 amount allocated to school districts for those university-based
5904 programs for handicapped children as defined and provided for in
5905 Section 37-23-131 et seq., Mississippi Code of 1972.

5906 (viii) Bus driver training programs shall be the
5907 amount provided for those driver training programs as provided for
5908 in Section 37-41-1, Mississippi Code of 1972.

5909 The sum of the items listed above (i) transportation, (ii)
5910 vocational or technical education, (iii) special education, (iv)
5911 gifted education, (v) alternative school, (vi) extended school



5912 year, (vii) university-based, and (viii) bus driver training shall
5913 yield the add-on cost for each school district.

5914 (f) **Total projected adequate education program cost.**

5915 The total Mississippi Adequate Education Program cost shall be the
5916 sum of the total basic adequate education program cost (paragraph
5917 (c)), and the adjustment to the base student cost for at-risk
5918 pupils (paragraph (d)) for each school district. In any year in
5919 which the MAEP is not fully funded, the Legislature shall direct
5920 the Department of Education in the K-12 appropriation bill as to
5921 how to allocate MAEP funds to school districts for that year.

5922 (g) The State Auditor shall annually verify the State
5923 Board of Education's estimated calculations for the Mississippi
5924 Adequate Education Program that are submitted each year to the
5925 Legislative Budget Office on August 1 and the final calculation
5926 that is submitted on January 2.

5927 (2) **Computation of the required local revenue in support of**
5928 **the adequate education program.** The amount that each district
5929 shall provide toward the cost of the adequate education program
5930 shall be calculated as follows:

5931 (a) The State Department of Education shall certify to
5932 each school district that twenty-eight (28) mills, less the
5933 estimated amount of the yield of the School Ad Valorem Tax
5934 Reduction Fund grants as determined by the State Department of
5935 Education, is the millage rate required to provide the district
5936 required local effort for that year, or twenty-seven percent (27%)



5937 of the basic adequate education program cost for such school
5938 district as determined under paragraph (c), whichever is a lesser
5939 amount. In the case of an agricultural high school, the millage
5940 requirement shall be set at a level which generates an equitable
5941 amount per pupil to be determined by the State Board of Education.
5942 The local contribution amount for school districts in which there
5943 is located one or more charter schools will be calculated using
5944 the following methodology: using the adequate education program
5945 twenty-eight (28) mill value, or the twenty-seven percent (27%)
5946 cap amount (whichever is less) for each school district in which a
5947 charter school is located, an average per pupil amount will be
5948 calculated. This average per pupil amount will be multiplied
5949 times the number of students attending the charter school in that
5950 school district. The sum becomes the charter school's local
5951 contribution to the adequate education program.

5952 (b) The State Department of Education shall determine
5953 the following from the annual assessment information submitted to
5954 the department by the tax assessors of the various counties: (i)
5955 the total assessed valuation of nonexempt property for school
5956 purposes in each school district; (ii) assessed value of exempt
5957 property owned by homeowners aged sixty-five (65) or older or
5958 disabled as defined in Section 27-33-67(2), Mississippi Code of
5959 1972; (iii) the school district's tax loss from exemptions
5960 provided to applicants under the age of sixty-five (65) and not
5961 disabled as defined in Section 27-33-67(1), Mississippi Code of



5962 1972; and (iv) the school district's homestead reimbursement
5963 revenues.

5964 (c) The amount of the total adequate education program
5965 funding which shall be contributed by each school district shall
5966 be the sum of the ad valorem receipts generated by the millage
5967 required under this subsection plus the following local revenue
5968 sources for the appropriate fiscal year which are or may be
5969 available for current expenditure by the school district:

5970 One hundred percent (100%) of Grand Gulf income as prescribed
5971 in Section 27-35-309.

5972 One hundred percent (100%) of any fees in lieu of taxes as
5973 prescribed in Section 27-31-104.

5974 (3) **Computation of the required state effort in support of**
5975 **the adequate education program.**

5976 (a) The required state effort in support of the
5977 adequate education program shall be determined by subtracting the
5978 sum of the required local tax effort as set forth in subsection
5979 (2) (a) of this section and the other local revenue sources as set
5980 forth in subsection (2) (c) of this section in an amount not to
5981 exceed twenty-seven percent (27%) of the total projected adequate
5982 education program cost as set forth in subsection (1) (f) of this
5983 section from the total projected adequate education program cost
5984 as set forth in subsection (1) (f) of this section.

5985 (b) Provided, however, that in fiscal year 1998 and in
5986 the fiscal year in which the adequate education program is fully



5987 funded by the Legislature, any increase in the said state
5988 contribution to any district calculated under this section shall
5989 be not less than eight percent (8%) in excess of the amount
5990 received by said district from state funds for the fiscal year
5991 immediately preceding. For purposes of this paragraph (b), state
5992 funds shall include minimum program funds less the add-on
5993 programs, State Uniform Millage Assistance Grant Funds, Education
5994 Enhancement Funds appropriated for Uniform Millage Assistance
5995 Grants and state textbook allocations, and State General Funds
5996 allocated for textbooks.

5997 (c) If the school board of any school district shall
5998 determine that it is not economically feasible or practicable to
5999 operate any school within the district for the full one hundred
6000 eighty (180) days required for a school term of a scholastic year
6001 as required in Section 37-13-63, Mississippi Code of 1972, due to
6002 an enemy attack, a man-made, technological or natural disaster in
6003 which the Governor has declared a disaster emergency under the
6004 laws of this state or the President of the United States has
6005 declared an emergency or major disaster to exist in this state,
6006 said school board may notify the State Department of Education of
6007 such disaster and submit a plan for altering the school term. If
6008 the State Board of Education finds such disaster to be the cause
6009 of the school not operating for the contemplated school term and
6010 that such school was in a school district covered by the
6011 Governor's or President's disaster declaration, it may permit said



6012 school board to operate the schools in its district for less than
6013 one hundred eighty (180) days and, in such case, the State
6014 Department of Education shall not reduce the state contributions
6015 to the adequate education program allotment for such district,
6016 because of the failure to operate said schools for one hundred
6017 eighty (180) days.

6018 (4) The Interim School District Capital Expenditure Fund is
6019 hereby established in the State Treasury which shall be used to
6020 distribute any funds specifically appropriated by the Legislature
6021 to such fund to school districts entitled to increased allocations
6022 of state funds under the adequate education program funding
6023 formula prescribed in Sections 37-151-3 through 37-151-7,
6024 Mississippi Code of 1972, until such time as the said adequate
6025 education program is fully funded by the Legislature. The
6026 following percentages of the total state cost of increased
6027 allocations of funds under the adequate education program funding
6028 formula shall be appropriated by the Legislature into the Interim
6029 School District Capital Expenditure Fund to be distributed to all
6030 school districts under the formula: Nine and two-tenths percent
6031 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
6032 (20%) shall be appropriated in fiscal year 1999, forty percent
6033 (40%) shall be appropriated in fiscal year 2000, sixty percent
6034 (60%) shall be appropriated in fiscal year 2001, eighty percent
6035 (80%) shall be appropriated in fiscal year 2002, and one hundred
6036 percent (100%) shall be appropriated in fiscal year 2003 into the



6037 State Adequate Education Program Fund. Until July 1, 2002, such
6038 money shall be used by school districts for the following
6039 purposes:

6040 (a) Purchasing, erecting, repairing, equipping,
6041 remodeling and enlarging school buildings and related facilities,
6042 including gymnasiums, auditoriums, lunchrooms, vocational training
6043 buildings, libraries, school barns and garages for transportation
6044 vehicles, school athletic fields and necessary facilities
6045 connected therewith, and purchasing land therefor. Any such
6046 capital improvement project by a school district shall be approved
6047 by the State Board of Education, and based on an approved
6048 long-range plan. The State Board of Education shall promulgate
6049 minimum requirements for the approval of school district capital
6050 expenditure plans.

6051 (b) Providing necessary water, light, heating,
6052 air-conditioning, and sewerage facilities for school buildings,
6053 and purchasing land therefor.

6054 (c) Paying debt service on existing capital improvement
6055 debt of the district or refinancing outstanding debt of a district
6056 if such refinancing will result in an interest cost savings to the
6057 district.

6058 (d) From and after October 1, 1997, through June 30,
6059 1998, pursuant to a school district capital expenditure plan
6060 approved by the State Department of Education, a school district
6061 may pledge such funds until July 1, 2002, plus funds provided for



6062 in paragraph (e) of this subsection (4) that are not otherwise
6063 permanently pledged under such paragraph (e) to pay all or a
6064 portion of the debt service on debt issued by the school district
6065 under Sections 37-59-1 through 37-59-45, 37-59-101 through
6066 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
6067 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
6068 issued by boards of supervisors for agricultural high schools
6069 pursuant to Section 37-27-65, Mississippi Code of 1972, or
6070 lease-purchase contracts entered into pursuant to Section 31-7-13,
6071 Mississippi Code of 1972, or to retire or refinance outstanding
6072 debt of a district, if such pledge is accomplished pursuant to a
6073 written contract or resolution approved and spread upon the
6074 minutes of an official meeting of the district's school board or
6075 board of supervisors. It is the intent of this provision to allow
6076 school districts to irrevocably pledge their Interim School
6077 District Capital Expenditure Fund allotments as a constant stream
6078 of revenue to secure a debt issued under the foregoing code
6079 sections. To allow school districts to make such an irrevocable
6080 pledge, the state shall take all action necessary to ensure that
6081 the amount of a district's Interim School District Capital
6082 Expenditure Fund allotments shall not be reduced below the amount
6083 certified by the department or the district's total allotment
6084 under the Interim Capital Expenditure Fund if fully funded, so
6085 long as such debt remains outstanding.

6086 (e) [Repealed]



6087 (f) [Repealed]

6088 (g) The State Board of Education may authorize the
6089 school district to expend not more than twenty percent (20%) of
6090 its annual allotment of such funds or Twenty Thousand Dollars
6091 (\$20,000.00), whichever is greater, for technology needs of the
6092 school district, including computers, software,
6093 telecommunications, cable television, interactive video, film,
6094 low-power television, satellite communications, microwave
6095 communications, technology-based equipment installation and
6096 maintenance, and the training of staff in the use of such
6097 technology-based instruction. Any such technology expenditure
6098 shall be reflected in the local district technology plan approved
6099 by the State Board of Education under Section 37-151-17,
6100 Mississippi Code of 1972.

6101 (h) To the extent a school district has not utilized
6102 twenty percent (20%) of its annual allotment for technology
6103 purposes under paragraph (g), a school district may expend not
6104 more than twenty percent (20%) of its annual allotment or Twenty
6105 Thousand Dollars (\$20,000.00), whichever is greater, for
6106 instructional purposes. The State Board of Education may
6107 authorize a school district to expend more than said twenty
6108 percent (20%) of its annual allotment for instructional purposes
6109 if it determines that such expenditures are needed for
6110 accreditation purposes.



6111 (i) The State Department of Education or the State
6112 Board of Education may require that any project commenced under
6113 this section with an estimated project cost of not less than Five
6114 Million Dollars (\$5,000,000.00) shall be done only pursuant to
6115 program management of the process with respect to design and
6116 construction. Any individuals, partnerships, companies or other
6117 entities acting as a program manager on behalf of a local school
6118 district and performing program management services for projects
6119 covered under this subsection shall be approved by the State
6120 Department of Education.

6121 Any interest accruing on any unexpended balance in the
6122 Interim School District Capital Expenditure Fund shall be invested
6123 by the State Treasurer and placed to the credit of each school
6124 district participating in such fund in its proportionate share.

6125 The provisions of this subsection (4) shall be cumulative and
6126 supplemental to any existing funding programs or other authority
6127 conferred upon school districts or school boards.

6128 (5) The State Department of Education shall make payments to
6129 charter schools for each student in average daily attendance at
6130 the charter school equal to the state share of the adequate
6131 education program payments for each student in average daily
6132 attendance at the school district in which the public charter
6133 school is located. In calculating the local contribution for
6134 purposes of determining the state share of the adequate education
6135 program payments, the department shall deduct the pro rata local



6136 contribution of the school district in which the student resides
6137 as determined in subsection (2) (a) of this section.

6138 **SECTION 89.** Section 37-151-101, Mississippi Code of 1972, is
6139 amended as follows:

6140 37-151-101. It shall be the duty of the State Department of
6141 Education to file with the State Treasurer and the State Fiscal
6142 Officer such data and information as may be required to enable the
6143 said State Treasurer and State Fiscal Officer to distribute the
6144 common school funds and adequate education program funds by
6145 electronic funds transfer to the several school districts and
6146 charter schools at the time required and provided under the
6147 provisions of this chapter. Such data and information so filed
6148 shall show in detail the amount of funds to which each school
6149 district and charter school is entitled from such common school
6150 fund and adequate education program fund. Such data and
6151 information so filed may be revised from time to time as
6152 necessitated by law. At the time provided by law, the State
6153 Treasurer and the State Fiscal Officer shall distribute to the
6154 several school districts and charter schools the amounts to which
6155 they are entitled from the common school fund and the adequate
6156 education program fund as provided by this chapter. Such
6157 distribution shall be made by electronic funds transfer to the
6158 depositories of the several school districts and charter schools
6159 designated in writing to the State Treasurer based upon the data
6160 and information supplied by the State Department of Education for



6161 such distribution. In such instances, the State Treasurer shall
6162 submit a request for an electronic funds transfer to the State
6163 Fiscal Officer, which shall set forth the purpose, amount and
6164 payees, and shall be in such form as may be approved by the State
6165 Fiscal Officer so as to provide the necessary information as would
6166 be required for a requisition and issuance of a warrant. A copy
6167 of the record of said electronic funds transfers shall be
6168 transmitted by the school district and charter school depositories
6169 to the Treasurer, who shall file duplicates with the State Fiscal
6170 Officer. The Treasurer and State Fiscal Officer shall jointly
6171 promulgate regulations for the utilization of electronic funds
6172 transfers to school districts and charter schools.

6173 **SECTION 90.** Section 37-151-103, Mississippi Code of 1972, is
6174 amended as follows:

6175 37-151-103. (1) Funds due each school district and charter
6176 school under the terms of this chapter from the Adequate Education
6177 Program Fund shall be paid in the following manner: On the two
6178 (2) days prior to the last day of each month, or the next business
6179 date after that date, there shall be paid to each school district
6180 and charter school, by electronic funds transfer, one-twelfth
6181 (1/12) of the funds to which the district or charter school is
6182 entitled from funds appropriated for the Adequate Education
6183 Program Fund. However, in December those payments shall be made
6184 on December 15th or the next business day after that date. All
6185 school districts shall process a single monthly payroll with



6186 electronic settlement of payroll checks secured through direct
6187 deposit of net pay for all school district employees. In
6188 addition, the State Department of Education may pay school
6189 districts and charter schools from the common school fund and the
6190 Adequate Education Program Fund on a date earlier than provided
6191 for by this section if it is determined that it is in the best
6192 interest of school districts and charter schools to do so.

6193 Provided, however, that if the cash balance in the State
6194 General Fund is not adequate on the due date to pay the amounts
6195 due to all school districts and charter schools in the state as
6196 determined by the State Superintendent of Education, the State
6197 Fiscal Officer shall not transfer said funds payable to any school
6198 district or districts or charter schools until money is available
6199 to pay the amount due to all districts and charter schools.

6200 (2) Notwithstanding any provision of this chapter or any
6201 other law requiring the number of children in average daily
6202 attendance or the average daily attendance of transported children
6203 to be determined on the basis of the preceding year, the State
6204 Board of Education is hereby authorized and empowered to make
6205 proper adjustments in allotments in cases where major changes in
6206 the number of children in average daily attendance or the average
6207 daily attendance of transported children occurs from one year to
6208 another as a result of changes or alterations in the boundaries of
6209 school districts, the sending of children from one county or
6210 district to another upon a contract basis, the termination or



6211 discontinuance of a contract for the sending of children from one
6212 county or district to another, a change in or relocation of
6213 attendance centers, or for any other reason which would result in
6214 a major decrease or increase in the number of children in average
6215 daily attendance or the average daily attendance of transported
6216 children during the current school year as compared with the
6217 preceding year.

6218 (3) In the event of an inordinately large number of
6219 absentees in any school district or charter school as a result of
6220 epidemic, natural disaster, or any concerted activity discouraging
6221 school attendance, then in such event school attendance for the
6222 purposes of determining average daily attendance under the
6223 adequate education program shall be based upon the average daily
6224 attendance for the preceding school year for such school district
6225 or charter school.

6226 **SECTION 91.** Section 37-57-107, Mississippi Code of 1972, is
6227 amended as follows:

6228 37-57-107. (1) Beginning with the tax levy for the 1997
6229 fiscal year and for each fiscal year thereafter, the aggregate
6230 receipts from taxes levied for school district purposes pursuant
6231 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
6232 receipts from those sources during any one (1) of the immediately
6233 preceding three (3) fiscal years, as determined by the school
6234 board, plus an increase not to exceed seven percent (7%). For the
6235 purpose of this limitation, the term "aggregate receipts" when



6236 used in connection with the amount of funds generated in a
6237 preceding fiscal year shall not include excess receipts required
6238 by law to be deposited into a special account. However, the term
6239 "aggregate receipts" includes any receipts required by law to be
6240 paid to a charter school. The additional revenue from the ad
6241 valorem tax on any newly constructed properties or any existing
6242 properties added to the tax rolls or any properties previously
6243 exempt which were not assessed in the next preceding year may be
6244 excluded from the seven percent (7%) increase limitation set forth
6245 herein. Taxes levied for payment of principal of and interest on
6246 general obligation school bonds issued heretofore or hereafter
6247 shall be excluded from the seven percent (7%) increase limitation
6248 set forth herein. Any additional millage levied to fund any new
6249 program mandated by the Legislature shall be excluded from the
6250 limitation for the first year of the levy and included within such
6251 limitation in any year thereafter. For the purposes of this
6252 section, the term "new program" shall include, but shall not be
6253 limited to, (a) the Early Childhood Education Program required to
6254 commence with the 1986-1987 school year as provided by Section
6255 37-21-7 and any additional millage levied and the revenue
6256 generated therefrom, which is excluded from the limitation for the
6257 first year of the levy, to support the mandated Early Childhood
6258 Education Program shall be specified on the minutes of the school
6259 board and of the governing body making such tax levy; (b) any
6260 additional millage levied and the revenue generated therefrom



6261 which shall be excluded from the limitation for the first year of
6262 the levy, for the purpose of generating additional local
6263 contribution funds required for the adequate education program for
6264 the 2003 fiscal year and for each fiscal year thereafter under
6265 Section 37-151-7(2); and (c) any additional millage levied and the
6266 revenue generated therefrom which shall be excluded from the
6267 limitation for the first year of the levy, for the purpose of
6268 support and maintenance of any agricultural high school which has
6269 been transferred to the control, operation and maintenance of the
6270 school board by the board of trustees of the community college
6271 district under provisions of Section 37-29-272.

6272 (2) The seven percent (7%) increase limitation prescribed in
6273 this section may be increased an additional amount only when the
6274 school board has determined the need for additional revenues and
6275 has held an election on the question of raising the limitation
6276 prescribed in this section. The limitation may be increased only
6277 if three-fifths (3/5) of those voting in the election shall vote
6278 for the proposed increase. The resolution, notice and manner of
6279 holding the election shall be as prescribed by law for the holding
6280 of elections for the issuance of bonds by the respective school
6281 boards. Revenues collected for the fiscal year in excess of the
6282 seven percent (7%) increase limitation pursuant to an election
6283 shall be included in the tax base for the purpose of determining
6284 aggregate receipts for which the seven percent (7%) increase
6285 limitation applies for subsequent fiscal years.



6286 (3) Except as otherwise provided for excess revenues
6287 generated pursuant to an election, if revenues collected as the
6288 result of the taxes levied for the fiscal year pursuant to this
6289 section and Section 37-57-1 exceed the increase limitation, then
6290 it shall be the mandatory duty of the school board of the school
6291 district to deposit such excess receipts over and above the
6292 increase limitation into a special account and credit it to the
6293 fund for which the levy was made. It will be the further duty of
6294 such board to hold said funds and invest the same as authorized by
6295 law. Such excess funds shall be calculated in the budgets for the
6296 school districts for the purpose for which such levies were made,
6297 for the succeeding fiscal year. Taxes imposed for the succeeding
6298 year shall be reduced by the amount of excess funds available.
6299 Under no circumstances shall such excess funds be expended during
6300 the fiscal year in which such excess funds are collected.

6301 (4) For the purposes of determining ad valorem tax receipts
6302 for a preceding fiscal year under this section, the term "fiscal
6303 year" means the fiscal year beginning October 1 and ending
6304 September 30.

6305 (5) Beginning with the 2013-2014 school year, each school
6306 district in which a charter school is located shall pay to the
6307 charter school an amount for each student enrolled in the charter
6308 school equal to the ad valorem taxes levied per pupil for the
6309 support of the school district in which the charter school is
6310 located. The pro rata ad valorem taxes to be transferred to the



6311 charter school must include all levies for the support of the
6312 school district under Sections 37-57-1 (local contribution to the
6313 adequate education program) and 37-57-105 (school district
6314 operational levy) but may not include any taxes levied for the
6315 retirement of school district bonded indebtedness or short-term
6316 notes or any taxes levied for the support of vocational-technical
6317 education programs. Payments made pursuant to this subsection by
6318 a school district to a charter school must be made before the
6319 expiration of three (3) business days after the funds are
6320 distributed to the school district.

6321 **SECTION 92.** Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7,
6322 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19,
6323 37-165-21, 37-165-23, 37-165-25 and 37-165-27, Mississippi Code of
6324 1972, which are the Conversion Charter School Act of 2010, are
6325 repealed.

6326 **SECTION 93.** Sections 1 through 31 of this act shall stand
6327 repealed from and after July 1, 2020.

6328 **SECTION 94.** This act shall take effect and be in force from
6329 and after July 1, 2013.

