

By: Representative Moore

To: Education

## HOUSE BILL NO. 369

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,  
26 INCLUDING OPEN ENROLLMENT TO ALL STUDENTS RESIDING IN THE  
27 GEOGRAPHICAL BOUNDARIES OF THE SCHOOL DISTRICT IN WHICH THE  
28 CHARTER SCHOOL IS LOCATED AND A LOTTERY PROCESS FOR SELECTING  
29 STUDENTS WHEN CAPACITY IS INSUFFICIENT TO ENROLL ALL STUDENTS  
30 DESIRING TO ATTEND A CHARTER SCHOOL; TO ESTABLISH CERTAIN  
31 ENROLLMENT PREFERENCES; TO REQUIRE ALL PUBLIC SCHOOLS IN THE STATE  
32 TO ACCEPT TRANSFER CREDITS FROM CHARTER SCHOOLS; TO REQUIRE SCHOOL  
33 DISTRICTS TO PUBLICIZE INFORMATION ABOUT CHARTER SCHOOLS TO THE  
34 SAME EXTENT AS NONCHARTER PUBLIC SCHOOLS; TO REQUIRE EACH CHARTER



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



86 CHARTER SCHOOL IN THE DEFINITION OF THE TERM "PUBLIC BODY" AS USED  
87 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 SECTIONS 37-43-1 AND 37-43-39, MISSISSIPPI CODE OF 1972,  
206 TO CLARIFY THAT CHARTER SCHOOLS ARE NOT PARTICIPANTS IN THE STATE  
207 TEXTBOOK PROGRAM; TO AMEND SECTION 37-45-23, MISSISSIPPI CODE OF  
208 1972, TO CLARIFY THAT CHARTER SCHOOLS ARE EXEMPT FROM THE  
209 REQUIREMENT OF HAVING THE STATE BOARD OF EDUCATION APPROVE PLANS  
210 FOR THE LOCATION AND CONSTRUCTION OF SCHOOL BUILDINGS; TO AMEND  
211 SECTION 37-47-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT ANNUAL  
212 GRANTS BY THE STATE FOR THE CONSTRUCTION OF SCHOOL FACILITIES ARE  
213 PAYABLE TO SCHOOL DISTRICTS ONLY; TO AMEND SECTION 37-143-11,  
214 MISSISSIPPI CODE OF 1972, TO AUTHORIZE RECIPIENTS OF WILLIAM F.  
215 WINTER TEACHER SCHOLARSHIPS TO DISCHARGE THEIR TEACHING  
216 OBLIGATIONS IN CHARTER SCHOOLS; TO AMEND SECTION 37-143-12,  
217 MISSISSIPPI CODE OF 1972, TO AUTHORIZE PARTICIPANTS IN THE  
218 SPEECH-LANGUAGE PATHOLOGISTS LOAN FORGIVENESS PROGRAM TO DISCHARGE  
219 THEIR LOANS BY RENDERING SERVICE IN A CHARTER SCHOOL; TO AMEND  
220 SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM  
221 "CHARTER SCHOOL" AS USED UNDER THE ADEQUATE EDUCATION PROGRAM; TO  
222 AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO CONFORM THE  
223 ADEQUATE EDUCATION PROGRAM FUNDING FORMULA TO THE ALLOCATION OF  
224 FUNDS TO CHARTER SCHOOLS; TO AMEND SECTIONS 37-151-101 AND  
225 37-151-103, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
226 DISTRIBUTION OF STATE FUNDS TO CHARTER SCHOOLS AT THE SAME TIME  
227 AND IN THE SAME MANNER SUCH FUNDS ARE PAID TO SCHOOL DISTRICTS; TO  
228 AMEND SECTION 37-57-107, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH  
229 SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS LOCATED TO TRANSFER  
230 TO THE CHARTER SCHOOL ITS PER PUPIL PRO RATA SHARE OF LOCAL AD  
231 VALOREM SCHOOL DISTRICT MAINTENANCE FUNDS; TO REPEAL SECTIONS  
232 37-165-1 THROUGH 37-165-27, MISSISSIPPI CODE OF 1972, WHICH ARE  
233 THE CONVERSION CHARTER SCHOOL ACT OF 2010; TO REPEAL SECTION  
234 37-167-1, MISSISSIPPI CODE OF 1972, WHICH CREATES THE NEW START  
235 SCHOOL PROGRAM; TO PROVIDE FOR THE REPEAL OF THE MISSISSIPPI  
236 CHARTER SCHOOLS ACT OF 2013 ON JULY 1, 2020; AND FOR RELATED  
237 PURPOSES.



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



287           (e) "Charter school" means a public school that is  
288 established and operating under the terms of charter contract  
289 between the school's governing board and the authorizer. The term  
290 "charter school" includes a conversion charter school and start-up  
291 charter school.

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

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

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

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

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

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





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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

427 (i) Organizational capacity and infrastructure;

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

430 (iii) Performance contracting;

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

433 (v) Charter renewal decision-making;



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

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

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

522 (a) An executive summary;

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

595           (u) Proposed governing bylaws;

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

853 (h) Financial performance and sustainability; and

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

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

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

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

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



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

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

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

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





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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

1000        **SECTION 18.** (1) Before implementing a charter school  
1001 closure decision, the authorizer must develop a charter school  
1002 closure protocol to ensure timely notification to parents, orderly  
1003 transition of students and student records to new schools, and  
1004 proper disposition of school funds, property and assets in  
1005 accordance with the requirements of this act. The protocol must  
1006 specify tasks, timelines and responsible parties, including  
1007 delineating the respective duties of the school and the  
1008 authorizer. If a charter school is to be closed for any reason,  
1009 the authorizer shall oversee and work with the closing school to  
1010 ensure a smooth and orderly closure and transition for students  
1011 and parents, as guided by the closure protocol.

1012        (2) If a charter school closes, all unspent government  
1013 funds, unspent earnings from those funds and assets purchased with  
1014 government funds must revert to the local school district in which  
1015 the charter school is located. Unless otherwise provided for in  
1016 the charter or a debt instrument, unspent funds from  
1017 nongovernmental sources, unspent earnings from those funds, assets  
1018 purchased with those funds and debts of the school must revert to  
1019 the nonprofit entity created to operate the school and may be  
1020 disposed of according to applicable laws for nonprofit  
1021 corporations.



1022            **SECTION 19.** (1) Before October 1 of each year, beginning in  
1023 the year that the state has had at least one (1) charter school  
1024 operating for a full school year, the Mississippi Charter School  
1025 Authorizer Board shall issue to the Governor, Legislature, State  
1026 Board of Education and the public an annual report on the state's  
1027 charter schools for the preceding school year. The report must  
1028 include a comparison of the performance of charter school students  
1029 with the performance of academically, ethnically and economically  
1030 comparable groups of students in the school district in which a  
1031 charter school is located. In addition, the report must include  
1032 the authorizer's assessment of the successes, challenges and areas  
1033 for improvement in meeting the purposes of this act. The report  
1034 also must include an assessment on whether the number and size of  
1035 operating charter schools are sufficient to meet demand, as  
1036 calculated according to admissions data and the number of students  
1037 denied enrollment based on lottery results. The report due from  
1038 the authorizer under this section must be coordinated with reports  
1039 due from charter school governing boards, as near as possible, to  
1040 decrease or eliminate duplication.

1041            (2) The Joint Legislative Committee on Performance  
1042 Evaluation and Expenditure Review (PEER) shall prepare an annual  
1043 report assessing the sufficiency of funding for charter schools,  
1044 the efficacy of the state formula for authorizer funding, and any  
1045 suggested changes in state law or policy necessary to strengthen  
1046 the state's charter schools.



1047           **SECTION 20.** (1) Notwithstanding any provision of law to the  
1048 contrary, to the extent that any provision of this act is  
1049 inconsistent with any other state or local law, rule or  
1050 regulation, the provisions of this act govern and are controlling.

1051           (2) A charter school must be a nonprofit education  
1052 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 21, 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 to the charter school an amount for each student  
1353 enrolled in the charter school equal to the ad valorem taxes  
1354 levied and collected and in lieu payments received per pupil for  
1355 the support of the school district in which the student resides.  
1356 The pro rata ad valorem taxes and in lieu payments to be  
1357 transferred to the charter school must include all levies for the  
1358 support of the 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 school district bonded indebtedness  
1362 or short-term notes or any taxes levied for the support of  
1363 vocational-technical education programs. In no event may the  
1364 payment exceed the pro rata amount of the local ad valorem payment  
1365 for the local contribution to the adequate education program under  
1366 Section 37-57-1 for the school district in which the student  
1367 resides. Payments made under this section by a school district to  
1368 a charter school must be made before the expiration of three (3)



1369 business days after the funds are distributed to the school  
1370 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 herein 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 The term "employee" shall not mean a person or other legal entity  
1474 while acting in the capacity of an independent contractor under  
1475 contract to the state or a political subdivision; provided,  
1476 however, that for purposes of the limits of liability provided for  
1477 in Section 11-46-15, the term "employee" shall include physicians  
1478 under contract to provide health services with the State Board of  
1479 Health, the State Board of Mental Health or any county or  
1480 municipal jail facility while rendering services under such  
1481 contract. The term "employee" shall also include any physician,  
1482 dentist or other health care practitioner employed by the  
1483 University of Mississippi Medical Center (UMMC) and its  
1484 departmental practice plans who is a faculty member and provides  
1485 health care services only for patients at UMMC or its affiliated  
1486 practice sites. The term "employee" shall also include any  
1487 physician, dentist or other health care practitioner employed by  
1488 any university under the control of the Board of Trustees of State  
1489 Institutions of Higher Learning who practices only on the campus  
1490 of any university under the control of the Board of Trustees of  
1491 State Institutions of Higher Learning. The term "employee" shall  
1492 also include any physician, dentist or other health care  
1493 practitioner employed by the State Veterans Affairs Board and who





1494 provides health care services for patients for the State Veterans  
1495 Affairs Board. The term "employee" shall also include Mississippi  
1496 Department of Human Services licensed foster parents for the  
1497 limited purposes of coverage under the Tort Claims Act as provided  
1498 in Section 11-46-8. The term "employee" also shall include any  
1499 employee or member of the governing board of a charter school but  
1500 shall not include any person or entity acting in the capacity of  
1501 an independent contractor to provide goods or services under a  
1502 contract with a charter school.

1503 (g) "Governmental entity" means and includes the state  
1504 and political subdivisions as herein defined.

1505 (h) "Injury" means death, injury to a person, damage to  
1506 or loss of property or any other injury that a person may suffer  
1507 that is actionable at law or in equity.

1508 (i) "Political subdivision" means any body politic or  
1509 body corporate other than the state responsible for governmental  
1510 activities only in geographic areas smaller than that of the  
1511 state, including, but not limited to, any county, municipality,  
1512 school district, charter school, community hospital as defined in  
1513 Section 41-13-10, \* \* \* airport authority or other instrumentality  
1514 thereof, whether or not such body or instrumentality thereof has  
1515 the authority to levy taxes or to sue or be sued in its own name.

1516 (j) "State" means the State of Mississippi and any  
1517 office, department, agency, division, bureau, commission, board,  
1518 institution, hospital, college, university, airport authority or



1519 other instrumentality thereof, whether or not such body or  
1520 instrumentality thereof has the authority to levy taxes or to sue  
1521 or be sued in its own name.

1522 (k) "Law" means all species of law, including, but not  
1523 limited to, any and all constitutions, statutes, case law, common  
1524 law, customary law, court order, court rule, court decision, court  
1525 opinion, court judgment or mandate, administrative rule or  
1526 regulation, executive order, or principle or rule of equity.

1527 **SECTION 33.** Section 25-41-3, Mississippi Code of 1972, is  
1528 amended as follows:

1529 25-41-3. For purposes of this chapter, the following words  
1530 shall have the meaning ascribed herein, to wit:

1531 (a) "Public body" means any executive or administrative  
1532 board, commission, authority, council, department, agency, bureau  
1533 or any other policy-making entity, or committee thereof, of the  
1534 State of Mississippi, or any political subdivision or municipal  
1535 corporation of the state, whether such entity be created by  
1536 statute or executive order, which is supported wholly or in part  
1537 by public funds or expends public funds, and any standing, interim  
1538 or special committee of the Mississippi Legislature. The term  
1539 "public body" includes the governing board of a charter school  
1540 authorized by the Mississippi Charter School Authorizer Board.

1541 There shall be exempted from the provisions of this chapter:

1542 (i) The judiciary, including all jury deliberations;



1543 (ii) Public and private hospital staffs, public and  
1544 private hospital boards and committees thereof;  
1545 (iii) Law enforcement officials;  
1546 (iv) The military;  
1547 (v) The State Probation and Parole Board;  
1548 (vi) The Workers' Compensation Commission;  
1549 (vii) Legislative subcommittees and legislative  
1550 conference committees;  
1551 (viii) The arbitration council established in Section  
1552 69-3-19;  
1553 (ix) License revocation, suspension and disciplinary  
1554 proceedings held by the Mississippi State Board of Dental  
1555 Examiners; and  
1556 (x) Hearings and meetings of the Board of Tax Appeals  
1557 and of the hearing officers and the board of review of the  
1558 Department of Revenue as provided in Section 27-77-15.

1559 (b) "Meeting" means an assemblage of members of a public  
1560 body at which official acts may be taken upon a matter over which  
1561 the public body has supervision, control, jurisdiction or advisory  
1562 power; "meeting" also means any such assemblage through the use of  
1563 video or teleconference devices.

1564 **SECTION 34.** Section 25-61-3, Mississippi Code of 1972, is  
1565 amended as follows:

1566 25-61-3. The following words shall have the meanings  
1567 ascribed herein unless the context clearly requires otherwise:



1568           (a) "Public body" shall mean any department, bureau,  
1569 division, council, commission, committee, subcommittee, board,  
1570 agency and any other entity of the state or a political  
1571 subdivision thereof, and any municipal corporation and any other  
1572 entity created by the Constitution or by law, executive order,  
1573 ordinance or resolution. The term "public body" includes the  
1574 governing board of a charter school authorized by the Mississippi  
1575 Charter School Authorizer Board. Within the meaning of this  
1576 chapter, the term "entity" shall not be construed to include  
1577 individuals employed by a public body or any appointed or elected  
1578 public official.

1579           (b) "Public records" shall mean all books, records,  
1580 papers, accounts, letters, maps, photographs, films, cards, tapes,  
1581 recordings or reproductions thereof, and any other documentary  
1582 materials, regardless of physical form or characteristics, having  
1583 been used, being in use, or prepared, possessed or retained for  
1584 use in the conduct, transaction or performance of any business,  
1585 transaction, work, duty or function of any public body, or  
1586 required to be maintained by any public body.

1587           (c) "Data processing software" means the programs and  
1588 routines used to employ and control the capabilities of data  
1589 processing hardware, including, but not limited to, operating  
1590 systems, compilers, assemblers, utilities, library routines,  
1591 maintenance routines, applications and computer networking  
1592 programs.



1593           (d) "Proprietary software" means data processing  
1594 software that is obtained under a licensing agreement and is  
1595 protected by copyright or trade secret laws.

1596           (e) "Incident report" means a narrative description, if  
1597 such narrative description exists and if such narrative  
1598 description does not contain investigative information, of an  
1599 alleged offense, and at a minimum shall include the name and  
1600 identification of each person charged with and arrested for the  
1601 alleged offense, the time, date and location of the alleged  
1602 offense, and the property involved, to the extent this information  
1603 is known.

1604           (f) "Investigative report" means records of a law  
1605 enforcement agency containing information beyond the scope of the  
1606 matters contained in an incident report, and generally will  
1607 include, but not be limited to, the following matters if beyond  
1608 the scope of the matters contained in an incident report:

1609                   (i) Records that are compiled in the process of  
1610 detecting and investigating any unlawful activity or alleged  
1611 unlawful activity, the disclosure of which would harm the  
1612 investigation which may include crime scene reports and  
1613 demonstrative evidence;

1614                   (ii) Records that would reveal the identity of  
1615 informants and/or witnesses;



1616 (iii) Records that would prematurely release  
1617 information that would impede the public body's enforcement,  
1618 investigative or detection efforts;

1619 (iv) Records that would disclose investigatory  
1620 techniques and/or results of investigative techniques;

1621 (v) Records that would deprive a person of a right  
1622 to a fair trial or an impartial adjudication;

1623 (vi) Records that would endanger the life or  
1624 safety of a public official or law enforcement personnel, or  
1625 confidential informants or witnesses;

1626 (vii) Records pertaining to quality control or  
1627 PEER review activities; or

1628 (viii) Records that would impede or jeopardize a  
1629 prosecutor's ability to prosecute the alleged offense.

1630 (g) "Law enforcement agency" means a public body that  
1631 performs as one (1) of its principal functions activities  
1632 pertaining to the enforcement of criminal laws, the apprehension  
1633 and investigation of criminal offenders, or the investigation of  
1634 criminal activities.

1635 **SECTION 35.** Section 31-7-1, Mississippi Code of 1972, is  
1636 amended as follows:

1637 31-7-1. The following terms are defined for the purposes of  
1638 this chapter to have the following meanings:

1639 (a) "Agency" means any state board, commission,  
1640 committee, council, university, department or unit thereof created



1641 by the Constitution or statutes if such board, commission,  
1642 committee, council, university, department, unit or the head  
1643 thereof is authorized to appoint subordinate staff by the  
1644 Constitution or statute, except a legislative or judicial board,  
1645 commission, committee, council, department or unit thereof; except  
1646 a charter school authorized by the Mississippi Charter School  
1647 Authorizer Board; and except the Mississippi State Port Authority.

1648 (b) "Governing authority" means boards of supervisors,  
1649 governing boards of all school districts, all boards of directors  
1650 of public water supply districts, boards of directors of master  
1651 public water supply districts, municipal public utility  
1652 commissions, governing authorities of all municipalities, port  
1653 authorities, Mississippi State Port Authority, commissioners and  
1654 boards of trustees of any public hospitals, boards of trustees of  
1655 public library systems, district attorneys, school attendance  
1656 officers and any political subdivision of the state supported  
1657 wholly or in part by public funds of the state or political  
1658 subdivisions thereof, including commissions, boards and agencies  
1659 created or operated under the authority of any county or  
1660 municipality of this state. The term "governing authority" shall  
1661 not include economic development authorities supported in part by  
1662 private funds, or commissions appointed to hold title to and  
1663 oversee the development and management of lands and buildings  
1664 which are donated by private individuals to the public for the use  
1665 and benefit of the community and which are supported in part by



1666 private funds. The term "governing authority" also shall not  
1667 include the governing board of a charter school.

1668 (c) "Purchasing agent" means any administrator,  
1669 superintendent, purchase clerk or other chief officer so  
1670 designated having general or special authority to negotiate for  
1671 and make private contract for or purchase for any governing  
1672 authority or agency.

1673 (d) "Public funds" means and includes any appropriated  
1674 funds, special funds, fees or any other emoluments received by an  
1675 agency or governing authority.

1676 (e) "Commodities" means and includes the various  
1677 commodities, goods, merchandise, furniture, equipment, automotive  
1678 equipment of every kind, and other personal property purchased by  
1679 the agencies of the state and governing authorities, but not  
1680 commodities purchased for resale or raw materials converted into  
1681 products for resale.

1682 (i) "Equipment" shall be construed to include:  
1683 automobiles, trucks, tractors, office appliances and all other  
1684 equipment of every kind and description.

1685 (ii) "Furniture" shall be construed to include:  
1686 desks, chairs, tables, seats, filing cabinets, bookcases and all  
1687 other items of a similar nature as well as dormitory furniture,  
1688 appliances, carpets and all other items of personal property  
1689 generally referred to as home, office or school furniture.





1690           (f) "Emergency" means any circumstances caused by fire,  
1691 flood, explosion, storm, earthquake, epidemic, riot, insurrection  
1692 or caused by any inherent defect due to defective construction, or  
1693 when the immediate preservation of order or of public health is  
1694 necessary by reason of unforeseen emergency, or when the immediate  
1695 restoration of a condition of usefulness of any public building,  
1696 equipment, road or bridge appears advisable, or in the case of a  
1697 public utility when there is a failure of any machine or other  
1698 thing used and useful in the generation, production or  
1699 distribution of electricity, water or natural gas, or in the  
1700 transportation or treatment of sewage; or when the delay incident  
1701 to obtaining competitive bids could cause adverse impact upon the  
1702 governing authorities or agency, its employees or its citizens; or  
1703 in the case of a public airport, when the delay incident to  
1704 publishing an advertisement for competitive bids would endanger  
1705 public safety in a specific (not general) manner, result in or  
1706 perpetuate a specific breach of airport security, or prevent the  
1707 airport from providing specific air transportation services.

1708           (g) "Construction" means the process of building,  
1709 altering, improving, renovating or demolishing a public structure,  
1710 public building, or other public real property. It does not  
1711 include routine operation, routine repair or regularly scheduled  
1712 maintenance of existing public structures, public buildings or  
1713 other public real property.



1714 (h) "Purchase" means buying, renting, leasing or  
1715 otherwise acquiring.

1716 (i) "Certified purchasing office" means any purchasing  
1717 office wherein fifty percent (50%) or more of the purchasing  
1718 agents hold a certification from the Universal Public Purchasing  
1719 Certification Council or other nationally recognized purchasing  
1720 certification.

1721 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is  
1722 amended as follows:

1723 37-1-3. (1) The State Board of Education shall adopt rules  
1724 and regulations and set standards and policies for the  
1725 organization, operation, management, planning, budgeting and  
1726 programs of the State Department of Education.

1727 (a) The board is directed to identify all functions of  
1728 the department that contribute to or comprise a part of the state  
1729 system of educational accountability and to establish and maintain  
1730 within the department the necessary organizational structure,  
1731 policies and procedures for effectively coordinating such  
1732 functions. Such policies and procedures shall clearly fix and  
1733 delineate responsibilities for various aspects of the system and  
1734 for overall coordination of the total system and its effective  
1735 management.

1736 (b) The board shall establish and maintain a  
1737 system-wide plan of performance, policy and directions of public  
1738 education not otherwise provided for.



1739 (c) The board shall effectively use the personnel and  
1740 resources of the department to enhance technical assistance to  
1741 school districts in instruction and management therein.

1742 (d) The board shall establish and maintain a central  
1743 budget policy.

1744 (e) The board shall establish and maintain within the  
1745 State Department of Education a central management capacity under  
1746 the direction of the State Superintendent of Public Education.

1747 (f) The board, with recommendations from the  
1748 superintendent, shall design and maintain a five-year plan and  
1749 program for educational improvement that shall set forth  
1750 objectives for system performance and development and be the basis  
1751 for budget requests and legislative initiatives.

1752 (2) (a) The State Board of Education shall adopt and  
1753 maintain a curriculum and a course of study to be used in the  
1754 public \* \* \* school districts that is designed to prepare the  
1755 state's children and youth to be productive, informed, creative  
1756 citizens, workers and leaders, and it shall regulate all matters  
1757 arising in the practical administration of the school system not  
1758 otherwise provided for.

1759 (b) Before the 1999-2000 school year, the State Board  
1760 of Education shall develop personal living and finances objectives  
1761 that focus on money management skills for individuals and families  
1762 for appropriate, existing courses at the secondary level. The  
1763 objectives must require the teaching of those skills necessary to



1764 handle personal business and finances and must include instruction  
1765 in the following:

1766 (i) Opening a bank account and assessing the  
1767 quality of a bank's services;

1768 (ii) Balancing a checkbook;

1769 (iii) Managing debt, including retail and credit  
1770 card debt;

1771 (iv) Completing a loan application;

1772 (v) The implications of an inheritance;

1773 (vi) The basics of personal insurance policies;

1774 (vii) Consumer rights and responsibilities;

1775 (viii) Dealing with salesmen and merchants;

1776 (ix) Computing state and federal income taxes;

1777 (x) Local tax assessments;

1778 (xi) Computing interest rates by various  
1779 mechanisms;

1780 (xii) Understanding simple contracts; and

1781 (xiii) Contesting an incorrect billing statement.

1782 (3) The State Board of Education shall have authority to  
1783 expend any available federal funds, or any other funds expressly  
1784 designated, to pay training, educational expenses, salary  
1785 incentives and salary supplements to licensed teachers employed in  
1786 local school districts or schools administered by the State Board  
1787 of Education. Such incentive payments shall not be considered  
1788 part of a school district's local supplement as defined in Section



1789 37-151-5(o), nor shall the incentives be considered part of the  
1790 local supplement paid to an individual teacher for the purposes of  
1791 Section 37-19-7(1). MAEP funds or any other state funds shall not  
1792 be used to provide such incentives unless specifically authorized  
1793 by law.

1794 (4) The State Board of Education shall through its actions  
1795 seek to implement the policies set forth in Section 37-1-2.

1796 **SECTION 37.** Section 37-1-12, Mississippi Code of 1972, is  
1797 amended as follows:

1798 37-1-12. The State Board of Education shall develop and  
1799 promulgate regulations for annual reports from \* \* \* school  
1800 districts and from the State Department of Education to the  
1801 Legislature. Such regulations shall eliminate duplication, make  
1802 effective use of technology and enable the Legislature to monitor  
1803 education in Mississippi. These regulations may include methods  
1804 to reduce redundant reporting requirements and eliminate  
1805 inadequate performance measures, and the State Board of Education  
1806 may include any proposed legislative amendments to state law  
1807 necessary to improve statewide reporting mandates.

1808 **SECTION 38.** Section 37-1-13, Mississippi Code of 1972, is  
1809 amended as follows:

1810 37-1-13. (1) The State Board of Education shall issue  
1811 regulations:

1812 (a) Setting minimum specifications for relocatable  
1813 classrooms for the public \* \* \* school districts;



1814 (b) Approving or disapproving plans for relocatable  
1815 classrooms for public \* \* \* school districts;

1816 (c) Providing a system of requiring local school  
1817 districts to receive State Department of Education approval before  
1818 purchase of such relocatable classrooms.

1819 (2) The State Department of Education may, in its  
1820 discretion, inspect the facilities of any manufacturer of  
1821 relocatable classrooms for the purpose of determining if State  
1822 Department of Education minimum specifications are being met.

1823 (3) The State Department of Education shall insure that  
1824 local school districts advertise for and receive bids as required  
1825 by state law for purchase of relocatable classrooms. The State  
1826 Department of Education shall approve plans for relocatable  
1827 classrooms by persons, firms, corporations or associations  
1828 permitted to submit bids for consideration, before such bids are  
1829 submitted to local school districts. The State Department of  
1830 Education shall have the right to reject any and all relocatable  
1831 classroom plans submitted. Bids may not be submitted to local  
1832 school districts, unless persons, firms, corporations or  
1833 associations have State Department of Education approval.

1834 **SECTION 39.** Section 37-3-2, Mississippi Code of 1972, is  
1835 amended as follows:

1836 37-3-2. (1) There is established within the State  
1837 Department of Education the Commission on Teacher and  
1838 Administrator Education, Certification and Licensure and



1839 Development. It shall be the purpose and duty of the commission  
1840 to make recommendations to the State Board of Education regarding  
1841 standards for the certification and licensure and continuing  
1842 professional development of those who teach or perform tasks of an  
1843 educational nature in the public schools of Mississippi.

1844 (2) The commission shall be composed of fifteen (15)  
1845 qualified members. The membership of the commission shall be  
1846 composed of the following members to be appointed, three (3) from  
1847 each congressional district: four (4) classroom teachers; three  
1848 (3) school administrators; one (1) representative of schools of  
1849 education of institutions of higher learning located within the  
1850 state to be recommended by the Board of Trustees of State  
1851 Institutions of Higher Learning; one (1) representative from the  
1852 schools of education of independent institutions of higher  
1853 learning to be recommended by the Board of the Mississippi  
1854 Association of Independent Colleges; one (1) representative from  
1855 public community and junior colleges located within the state to  
1856 be recommended by the State Board for Community and Junior  
1857 Colleges; one (1) local school board member; and four (4)  
1858 laypersons. All appointments shall be made by the State Board of  
1859 Education after consultation with the State Superintendent of  
1860 Public Education. The first appointments by the State Board of  
1861 Education shall be made as follows: five (5) members shall be  
1862 appointed for a term of one (1) year; five (5) members shall be  
1863 appointed for a term of two (2) years; and five (5) members shall



1864 be appointed for a term of three (3) years. Thereafter, all  
1865 members shall be appointed for a term of four (4) years.

1866 (3) The State Board of Education when making appointments  
1867 shall designate a chairman. The commission shall meet at least  
1868 once every two (2) months or more often if needed. Members of the  
1869 commission shall be compensated at a rate of per diem as  
1870 authorized by Section 25-3-69 and be reimbursed for actual and  
1871 necessary expenses as authorized by Section 25-3-41.

1872 (4) (a) An appropriate staff member of the State Department  
1873 of Education shall be designated and assigned by the State  
1874 Superintendent of Public Education to serve as executive secretary  
1875 and coordinator for the commission. No less than two (2) other  
1876 appropriate staff members of the State Department of Education  
1877 shall be designated and assigned by the State Superintendent of  
1878 Public Education to serve on the staff of the commission.

1879 (b) An Office of Educator Misconduct Evaluations shall  
1880 be established within the State Department of Education to assist  
1881 the commission in responding to infractions and violations, and in  
1882 conducting hearings and enforcing the provisions of Section  
1883 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,  
1884 and violations of the Mississippi Educator Code of Ethics.

1885 (5) It shall be the duty of the commission to:

1886 (a) Set standards and criteria, subject to the approval  
1887 of the State Board of Education, for all educator preparation  
1888 programs in the state;





1889                   (b) Recommend to the State Board of Education each year  
1890 approval or disapproval of each educator preparation program in  
1891 the state, subject to a process and schedule determined by the  
1892 State Board of Education;

1893                   (c) Establish, subject to the approval of the State  
1894 Board of Education, standards for initial teacher certification  
1895 and licensure in all fields;

1896                   (d) Establish, subject to the approval of the State  
1897 Board of Education, standards for the renewal of teacher licenses  
1898 in all fields;

1899                   (e) Review and evaluate objective measures of teacher  
1900 performance, such as test scores, which may form part of the  
1901 licensure process, and to make recommendations for their use;

1902                   (f) Review all existing requirements for certification  
1903 and licensure;

1904                   (g) Consult with groups whose work may be affected by  
1905 the commission's decisions;

1906                   (h) Prepare reports from time to time on current  
1907 practices and issues in the general area of teacher education and  
1908 certification and licensure;

1909                   (i) Hold hearings concerning standards for teachers'  
1910 and administrators' education and certification and licensure with  
1911 approval of the State Board of Education;

1912                   (j) Hire expert consultants with approval of the State  
1913 Board of Education;



1914 (k) Set up ad hoc committees to advise on specific  
1915 areas; and

1916 (l) Perform such other functions as may fall within  
1917 their general charge and which may be delegated to them by the  
1918 State Board of Education.

1919 (6) (a) **Standard License - Approved Program Route.** An  
1920 educator entering the school system of Mississippi for the first  
1921 time and meeting all requirements as established by the State  
1922 Board of Education shall be granted a standard five-year license.  
1923 Persons who possess two (2) years of classroom experience as an  
1924 assistant teacher or who have taught for one (1) year in an  
1925 accredited public or private school shall be allowed to fulfill  
1926 student teaching requirements under the supervision of a qualified  
1927 participating teacher approved by an accredited college of  
1928 education. The local school district in which the assistant  
1929 teacher is employed shall compensate such assistant teachers at  
1930 the required salary level during the period of time such  
1931 individual is completing student teaching requirements.

1932 Applicants for a standard license shall submit to the department:

1933 (i) An application on a department form;

1934 (ii) An official transcript of completion of a  
1935 teacher education program approved by the department or a  
1936 nationally accredited program, subject to the following:

1937 Licensure to teach in Mississippi prekindergarten through  
1938 kindergarten classrooms shall require completion of a teacher



1939 education program or a bachelor of science degree with child  
1940 development emphasis from a program accredited by the American  
1941 Association of Family and Consumer Sciences (AAFCS) or by the  
1942 National Association for Education of Young Children (NAEYC) or by  
1943 the National Council for Accreditation of Teacher Education  
1944 (NCATE). Licensure to teach in Mississippi kindergarten, for  
1945 those applicants who have completed a teacher education program,  
1946 and in Grade 1 through Grade 4 shall require the completion of an  
1947 interdisciplinary program of studies. Licenses for Grades 4  
1948 through 8 shall require the completion of an interdisciplinary  
1949 program of studies with two (2) or more areas of concentration.  
1950 Licensure to teach in Mississippi Grades 7 through 12 shall  
1951 require a major in an academic field other than education, or a  
1952 combination of disciplines other than education. Students  
1953 preparing to teach a subject shall complete a major in the  
1954 respective subject discipline. All applicants for standard  
1955 licensure shall demonstrate that such person's college preparation  
1956 in those fields was in accordance with the standards set forth by  
1957 the National Council for Accreditation of Teacher Education  
1958 (NCATE) or the National Association of State Directors of Teacher  
1959 Education and Certification (NASDTEC) or, for those applicants who  
1960 have a bachelor of science degree with child development emphasis,  
1961 the American Association of Family and Consumer Sciences (AAFCS);  
1962 (iii) A copy of test scores evidencing  
1963 satisfactory completion of nationally administered examinations of



1964 achievement, such as the Educational Testing Service's teacher  
1965 testing examinations; and

1966 (iv) Any other document required by the State  
1967 Board of Education.

1968 (b) **Standard License - Nontraditional Teaching Route.**

1969 Beginning January 1, 2004, an individual who has a passing score  
1970 on the Praxis I Basic Skills and Praxis II Specialty Area Test in  
1971 the requested area of endorsement may apply for the Teach  
1972 Mississippi Institute (TMI) program to teach students in Grades 7  
1973 through 12 if the individual meets the requirements of this  
1974 paragraph (b). The State Board of Education shall adopt rules  
1975 requiring that teacher preparation institutions which provide the  
1976 Teach Mississippi Institute (TMI) program for the preparation of  
1977 nontraditional teachers shall meet the standards and comply with  
1978 the provisions of this paragraph.

1979 (i) The Teach Mississippi Institute (TMI) shall  
1980 include an intensive eight-week, nine-semester-hour summer program  
1981 or a curriculum of study in which the student matriculates in the  
1982 fall or spring semester, which shall include, but not be limited  
1983 to, instruction in education, effective teaching strategies,  
1984 classroom management, state curriculum requirements, planning and  
1985 instruction, instructional methods and pedagogy, using test  
1986 results to improve instruction, and a one (1) semester three-hour  
1987 supervised internship to be completed while the teacher is  
1988 employed as a full-time teacher intern in a local school district.



1989 The TMI shall be implemented on a pilot program basis, with  
1990 courses to be offered at up to four (4) locations in the state,  
1991 with one (1) TMI site to be located in each of the three (3)  
1992 Mississippi Supreme Court districts.

1993 (ii) The school sponsoring the teacher intern  
1994 shall enter into a written agreement with the institution  
1995 providing the Teach Mississippi Institute (TMI) program, under  
1996 terms and conditions as agreed upon by the contracting parties,  
1997 providing that the school district shall provide teacher interns  
1998 seeking a nontraditional provisional teaching license with a  
1999 one-year classroom teaching experience. The teacher intern shall  
2000 successfully complete the one (1) semester three-hour intensive  
2001 internship in the school district during the semester immediately  
2002 following successful completion of the TMI and prior to the end of  
2003 the one-year classroom teaching experience.

2004 (iii) Upon completion of the nine-semester-hour  
2005 TMI or the fall or spring semester option, the individual shall  
2006 submit his transcript to the commission for provisional licensure  
2007 of the intern teacher, and the intern teacher shall be issued a  
2008 provisional teaching license by the commission, which will allow  
2009 the individual to legally serve as a teacher while the person  
2010 completes a nontraditional teacher preparation internship program.

2011 (iv) During the semester of internship in the  
2012 school district, the teacher preparation institution shall monitor  
2013 the performance of the intern teacher. The school district that



2014 employs the provisional teacher shall supervise the provisional  
2015 teacher during the teacher's intern year of employment under a  
2016 nontraditional provisional license, and shall, in consultation  
2017 with the teacher intern's mentor at the school district of  
2018 employment, submit to the commission a comprehensive evaluation of  
2019 the teacher's performance sixty (60) days prior to the expiration  
2020 of the nontraditional provisional license. If the comprehensive  
2021 evaluation establishes that the provisional teacher intern's  
2022 performance fails to meet the standards of the approved  
2023 nontraditional teacher preparation internship program, the  
2024 individual shall not be approved for a standard license.

2025 (v) An individual issued a provisional teaching  
2026 license under this nontraditional route shall successfully  
2027 complete, at a minimum, a one-year beginning teacher mentoring and  
2028 induction program administered by the employing school district  
2029 with the assistance of the State Department of Education.

2030 (vi) Upon successful completion of the TMI and the  
2031 internship provisional license period, applicants for a Standard  
2032 License - Nontraditional Route shall submit to the commission a  
2033 transcript of successful completion of the twelve (12) semester  
2034 hours required in the internship program, and the employing school  
2035 district shall submit to the commission a recommendation for  
2036 standard licensure of the intern. If the school district  
2037 recommends licensure, the applicant shall be issued a Standard



2038 License - Nontraditional Route which shall be valid for a  
2039 five-year period and be renewable.

2040 (vii) At the discretion of the teacher preparation  
2041 institution, the individual shall be allowed to credit the twelve  
2042 (12) semester hours earned in the nontraditional teacher  
2043 internship program toward the graduate hours required for a Master  
2044 of Arts in Teacher (MAT) Degree.

2045 (viii) The local school district in which the  
2046 nontraditional teacher intern or provisional licensee is employed  
2047 shall compensate such teacher interns at Step 1 of the required  
2048 salary level during the period of time such individual is  
2049 completing teacher internship requirements and shall compensate  
2050 such Standard License - Nontraditional Route teachers at Step 3 of  
2051 the required salary level when they complete license requirements.

2052 Implementation of the TMI program provided for under this  
2053 paragraph (b) shall be contingent upon the availability of funds  
2054 appropriated specifically for such purpose by the Legislature.  
2055 Such implementation of the TMI program may not be deemed to  
2056 prohibit the State Board of Education from developing and  
2057 implementing additional alternative route teacher licensure  
2058 programs, as deemed appropriate by the board. The emergency  
2059 certification program in effect prior to July 1, 2002, shall  
2060 remain in effect.

2061 A Standard License - Approved Program Route shall be issued  
2062 for a five-year period, and may be renewed. Recognizing teaching



2063 as a profession, a hiring preference shall be granted to persons  
2064 holding a Standard License - Approved Program Route or Standard  
2065 License - Nontraditional Teaching Route over persons holding any  
2066 other license.

2067 (c) **Special License - Expert Citizen.** In order to  
2068 allow a school district to offer specialized or technical courses,  
2069 the State Department of Education, in accordance with rules and  
2070 regulations established by the State Board of Education, may grant  
2071 a one-year expert citizen-teacher license to local business or  
2072 other professional personnel to teach in a public school or  
2073 nonpublic school accredited or approved by the state. Such person  
2074 may begin teaching upon his employment by the local school board  
2075 and licensure by the Mississippi Department of Education. The  
2076 board shall adopt rules and regulations to administer the expert  
2077 citizen-teacher license. A Special License - Expert Citizen may  
2078 be renewed in accordance with the established rules and  
2079 regulations of the State Department of Education.

2080 (d) **Special License - Nonrenewable.** The State Board of  
2081 Education is authorized to establish rules and regulations to  
2082 allow those educators not meeting requirements in subsection  
2083 (6) (a), (b) or (c) to be licensed for a period of not more than  
2084 three (3) years, except by special approval of the State Board of  
2085 Education.

2086 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
2087 person may teach for a maximum of three (3) periods per teaching





2088 day in a public school district or a nonpublic school  
2089 accredited/approved by the state. Such person shall submit to the  
2090 department a transcript or record of his education and experience  
2091 which substantiates his preparation for the subject to be taught  
2092 and shall meet other qualifications specified by the commission  
2093 and approved by the State Board of Education. In no case shall  
2094 any local school board hire nonlicensed personnel as authorized  
2095 under this paragraph in excess of five percent (5%) of the total  
2096 number of licensed personnel in any single school.

2097 (f) **Special License - Transitional Bilingual Education.**

2098 Beginning July 1, 2003, the commission shall grant special  
2099 licenses to teachers of transitional bilingual education who  
2100 possess such qualifications as are prescribed in this section.  
2101 Teachers of transitional bilingual education shall be compensated  
2102 by local school boards at not less than one (1) step on the  
2103 regular salary schedule applicable to permanent teachers licensed  
2104 under this section. The commission shall grant special licenses  
2105 to teachers of transitional bilingual education who present the  
2106 commission with satisfactory evidence that they (i) possess a  
2107 speaking and reading ability in a language, other than English, in  
2108 which bilingual education is offered and communicative skills in  
2109 English; (ii) are in good health and sound moral character; (iii)  
2110 possess a bachelor's degree or an associate's degree in teacher  
2111 education from an accredited institution of higher education; (iv)  
2112 meet such requirements as to courses of study, semester hours



2113 therein, experience and training as may be required by the  
2114 commission; and (v) are legally present in the United States and  
2115 possess legal authorization for employment. A teacher of  
2116 transitional bilingual education serving under a special license  
2117 shall be under an exemption from standard licensure if he achieves  
2118 the requisite qualifications therefor. Two (2) years of service  
2119 by a teacher of transitional bilingual education under such an  
2120 exemption shall be credited to the teacher in acquiring a Standard  
2121 Educator License. Nothing in this paragraph shall be deemed to  
2122 prohibit a local school board from employing a teacher licensed in  
2123 an appropriate field as approved by the State Department of  
2124 Education to teach in a program in transitional bilingual  
2125 education.

2126 (g) In the event any school district meets the highest  
2127 accreditation standards as defined by the State Board of Education  
2128 in the accountability system, the State Board of Education, in its  
2129 discretion, may exempt such school district from any restrictions  
2130 in paragraph (e) relating to the employment of nonlicensed  
2131 teaching personnel.

2132 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
2133 any teacher from any state meeting the federal definition of  
2134 highly qualified, as described in the No Child Left Behind Act,  
2135 must be granted a standard five-year license by the State  
2136 Department of Education.



2137           (7) **Administrator License.** The State Board of Education is  
2138 authorized to establish rules and regulations and to administer  
2139 the licensure process of the school administrators in the State of  
2140 Mississippi. There will be four (4) categories of administrator  
2141 licensure with exceptions only through special approval of the  
2142 State Board of Education.

2143           (a) **Administrator License - Nonpracticing.** Those  
2144 educators holding administrative endorsement but having no  
2145 administrative experience or not serving in an administrative  
2146 position on January 15, 1997.

2147           (b) **Administrator License - Entry Level.** Those  
2148 educators holding administrative endorsement and having met the  
2149 department's qualifications to be eligible for employment in a  
2150 Mississippi school district. Administrator License - Entry Level  
2151 shall be issued for a five-year period and shall be nonrenewable.

2152           (c) **Standard Administrator License - Career Level.** An  
2153 administrator who has met all the requirements of the department  
2154 for standard administrator licensure.

2155           (d) **Administrator License - Nontraditional Route.** The  
2156 board may establish a nontraditional route for licensing  
2157 administrative personnel. Such nontraditional route for  
2158 administrative licensure shall be available for persons holding,  
2159 but not limited to, a master of business administration degree, a  
2160 master of public administration degree, a master of public  
2161 planning and policy degree or a doctor of jurisprudence degree



2162 from an accredited college or university, with five (5) years of  
2163 administrative or supervisory experience. Successful completion  
2164 of the requirements of alternate route licensure for  
2165 administrators shall qualify the person for a standard  
2166 administrator license.

2167 Individuals seeking school administrator licensure under  
2168 paragraph (b), (c) or (d) shall successfully complete a training  
2169 program and an assessment process prescribed by the State Board of  
2170 Education. All applicants for school administrator licensure  
2171 shall meet all requirements prescribed by the department under  
2172 paragraph (b), (c) or (d), and the cost of the assessment process  
2173 required shall be paid by the applicant.

2174 (8) **Reciprocity.** (a) The department shall grant a standard  
2175 license to any individual who possesses a valid standard license  
2176 from another state and meets minimum Mississippi license  
2177 requirements or equivalent requirements as determined by the State  
2178 Board of Education.

2179 (b) The department shall grant a nonrenewable special  
2180 license to any individual who possesses a credential which is less  
2181 than a standard license or certification from another state. Such  
2182 special license shall be valid for the current school year plus  
2183 one (1) additional school year to expire on June 30 of the second  
2184 year, not to exceed a total period of twenty-four (24) months,  
2185 during which time the applicant shall be required to complete the  
2186 requirements for a standard license in Mississippi.



2187           (9) **Renewal and Reinstatement of Licenses.** The State Board  
2188 of Education is authorized to establish rules and regulations for  
2189 the renewal and reinstatement of educator and administrator  
2190 licenses. Effective May 15, 1997, the valid standard license held  
2191 by an educator shall be extended five (5) years beyond the  
2192 expiration date of the license in order to afford the educator  
2193 adequate time to fulfill new renewal requirements established  
2194 pursuant to this subsection. An educator completing a master of  
2195 education, educational specialist or doctor of education degree in  
2196 May 1997 for the purpose of upgrading the educator's license to a  
2197 higher class shall be given this extension of five (5) years plus  
2198 five (5) additional years for completion of a higher degree.

2199           (10) All controversies involving the issuance, revocation,  
2200 suspension or any change whatsoever in the licensure of an  
2201 educator required to hold a license shall be initially heard in a  
2202 hearing de novo, by the commission or by a subcommittee  
2203 established by the commission and composed of commission members  
2204 for the purpose of holding hearings. Any complaint seeking the  
2205 denial of issuance, revocation or suspension of a license shall be  
2206 by sworn affidavit filed with the Commission of Teacher and  
2207 Administrator Education, Certification and Licensure and  
2208 Development. The decision thereon by the commission or its  
2209 subcommittee shall be final, unless the aggrieved party shall  
2210 appeal to the State Board of Education, within ten (10) days, of  
2211 the decision of the committee or its subcommittee. An appeal to



2212 the State Board of Education shall be on the record previously  
2213 made before the commission or its subcommittee unless otherwise  
2214 provided by rules and regulations adopted by the board. The State  
2215 Board of Education in its authority may reverse, or remand with  
2216 instructions, the decision of the committee or its subcommittee.  
2217 The decision of the State Board of Education shall be final.

2218 (11) The State Board of Education, acting through the  
2219 commission, may deny an application for any teacher or  
2220 administrator license for one or more of the following:

2221 (a) Lack of qualifications which are prescribed by law  
2222 or regulations adopted by the State Board of Education;

2223 (b) The applicant has a physical, emotional or mental  
2224 disability that renders the applicant unfit to perform the duties  
2225 authorized by the license, as certified by a licensed psychologist  
2226 or psychiatrist;

2227 (c) The applicant is actively addicted to or actively  
2228 dependent on alcohol or other habit-forming drugs or is a habitual  
2229 user of narcotics, barbiturates, amphetamines, hallucinogens or  
2230 other drugs having similar effect, at the time of application for  
2231 a license;

2232 (d) Revocation or suspension of an applicant's  
2233 certificate or license by another state;

2234 (e) Fraud or deceit committed by the applicant in  
2235 securing or attempting to secure such certification and license;



2236 (f) Failing or refusing to furnish reasonable evidence  
2237 of identification;

2238 (g) The applicant has been convicted, has pled guilty  
2239 or entered a plea of nolo contendere to a felony, as defined by  
2240 federal or state law; or

2241 (h) The applicant has been convicted, has pled guilty  
2242 or entered a plea of nolo contendere to a sex offense as defined  
2243 by federal or state law.

2244 (12) The State Board of Education, acting on the  
2245 recommendation of the commission, may revoke or suspend any  
2246 teacher or administrator license for specified periods of time for  
2247 one or more of the following:

2248 (a) Breach of contract or abandonment of employment may  
2249 result in the suspension of the license for one (1) school year as  
2250 provided in Section 37-9-57;

2251 (b) Obtaining a license by fraudulent means shall  
2252 result in immediate suspension and continued suspension for one  
2253 (1) year after correction is made;

2254 (c) Suspension or revocation of a certificate or  
2255 license by another state shall result in immediate suspension or  
2256 revocation and shall continue until records in the prior state  
2257 have been cleared;

2258 (d) The license holder has been convicted, has pled  
2259 guilty or entered a plea of nolo contendere to a felony, as  
2260 defined by federal or state law;



2261 (e) The license holder has been convicted, has pled  
2262 guilty or entered a plea of nolo contendere to a sex offense, as  
2263 defined by federal or state law;

2264 (f) The license holder knowingly and willfully  
2265 committing any of the acts affecting validity of mandatory uniform  
2266 test results as provided in Section 37-16-4(1);

2267 (g) The license holder has engaged in unethical conduct  
2268 relating to an educator/student relationship as identified by the  
2269 State Board of Education in its rules;

2270 (h) The license holder has fondled a student as  
2271 described in Section 97-5-23, or had any type of sexual  
2272 involvement with a student as described in Section 97-3-95; or

2273 (i) The license holder has failed to report sexual  
2274 involvement of a school employee with a student as required by  
2275 Section 97-5-24.

2276 (13) (a) Dismissal or suspension of a licensed employee by  
2277 a local school board pursuant to Section 37-9-59 may result in the  
2278 suspension or revocation of a license for a length of time which  
2279 shall be determined by the commission and based upon the severity  
2280 of the offense.

2281 (b) Any offense committed or attempted in any other  
2282 state shall result in the same penalty as if committed or  
2283 attempted in this state.

2284 (c) A person may voluntarily surrender a license. The  
2285 surrender of such license may result in the commission





2286 recommending any of the above penalties without the necessity of a  
2287 hearing. However, any such license which has voluntarily been  
2288 surrendered by a licensed employee may only be reinstated by a  
2289 majority vote of all members of the commission present at the  
2290 meeting called for such purpose.

2291 (14) A person whose license has been suspended on any  
2292 grounds except criminal grounds may petition for reinstatement of  
2293 the license after one (1) year from the date of suspension, or  
2294 after one-half (1/2) of the suspended time has lapsed, whichever  
2295 is greater. A license suspended or revoked on the criminal  
2296 grounds may be reinstated upon petition to the commission filed  
2297 after expiration of the sentence and parole or probationary period  
2298 imposed upon conviction. A revoked, suspended or surrendered  
2299 license may be reinstated upon satisfactory showing of evidence of  
2300 rehabilitation. The commission shall require all who petition for  
2301 reinstatement to furnish evidence satisfactory to the commission  
2302 of good character, good mental, emotional and physical health and  
2303 such other evidence as the commission may deem necessary to  
2304 establish the petitioner's rehabilitation and fitness to perform  
2305 the duties authorized by the license.

2306 (15) Reporting procedures and hearing procedures for dealing  
2307 with infractions under this section shall be promulgated by the  
2308 commission, subject to the approval of the State Board of  
2309 Education. The revocation or suspension of a license shall be  
2310 effected at the time indicated on the notice of suspension or



2311 revocation. The commission shall immediately notify the  
2312 superintendent of the school district or school board where the  
2313 teacher or administrator is employed of any disciplinary action  
2314 and also notify the teacher or administrator of such revocation or  
2315 suspension and shall maintain records of action taken. The State  
2316 Board of Education may reverse or remand with instructions any  
2317 decision of the commission regarding a petition for reinstatement  
2318 of a license, and any such decision of the State Board of  
2319 Education shall be final.

2320 (16) An appeal from the action of the State Board of  
2321 Education in denying an application, revoking or suspending a  
2322 license or otherwise disciplining any person under the provisions  
2323 of this section shall be filed in the Chancery Court of the First  
2324 Judicial District of Hinds County, Mississippi, on the record  
2325 made, including a verbatim transcript of the testimony at the  
2326 hearing. The appeal shall be filed within thirty (30) days after  
2327 notification of the action of the board is mailed or served and  
2328 the proceedings in chancery court shall be conducted as other  
2329 matters coming before the court. The appeal shall be perfected  
2330 upon filing notice of the appeal and by the prepayment of all  
2331 costs, including the cost of preparation of the record of the  
2332 proceedings by the State Board of Education, and the filing of a  
2333 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
2334 if the action of the board be affirmed by the chancery court, the



2335 applicant or license holder shall pay the costs of the appeal and  
2336 the action of the chancery court.

2337 (17) All such programs, rules, regulations, standards and  
2338 criteria recommended or authorized by the commission shall become  
2339 effective upon approval by the State Board of Education as  
2340 designated by appropriate orders entered upon the minutes thereof.

2341 (18) The granting of a license shall not be deemed a  
2342 property right nor a guarantee of employment in any public school  
2343 district. A license is a privilege indicating minimal eligibility  
2344 for teaching in the public \* \* \* school districts of Mississippi.  
2345 This section shall in no way alter or abridge the authority of  
2346 local school districts to require greater qualifications or  
2347 standards of performance as a prerequisite of initial or continued  
2348 employment in such districts.

2349 (19) In addition to the reasons specified in subsections  
2350 (12) and (13) of this section, the board shall be authorized to  
2351 suspend the license of any licensee for being out of compliance  
2352 with an order for support, as defined in Section 93-11-153. The  
2353 procedure for suspension of a license for being out of compliance  
2354 with an order for support, and the procedure for the reissuance or  
2355 reinstatement of a license suspended for that purpose, and the  
2356 payment of any fees for the reissuance or reinstatement of a  
2357 license suspended for that purpose, shall be governed by Section  
2358 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
2359 board in suspending a license when required by Section 93-11-157



2360 or 93-11-163 are not actions from which an appeal may be taken  
2361 under this section. Any appeal of a license suspension that is  
2362 required by Section 93-11-157 or 93-11-163 shall be taken in  
2363 accordance with the appeal procedure specified in Section  
2364 93-11-157 or 93-11-163, as the case may be, rather than the  
2365 procedure specified in this section. If there is any conflict  
2366 between any provision of Section 93-11-157 or 93-11-163 and any  
2367 provision of this chapter, the provisions of Section 93-11-157 or  
2368 93-11-163, as the case may be, shall control.

2369         **SECTION 40.** Section 37-3-4, Mississippi Code of 1972, is  
2370 amended as follows:

2371             37-3-4. (1) There is established within the State  
2372 Department of Education, the School Executive Management  
2373 Institute. The director shall be appointed by the State Board of  
2374 Education upon recommendation by the State Superintendent of  
2375 Public Education. The State Superintendent of Public Education,  
2376 with the approval of the State Board of Education, shall assign  
2377 sufficient staff members from the State Department of Education to  
2378 the institute.

2379             (2) It shall be the purpose and duty of the institute to  
2380 conduct thorough empirical studies and analyses of the school  
2381 management needs of the local school districts throughout the  
2382 state, to make recommendations to the State Board of Education  
2383 regarding standards and programs of training that aid in the  
2384 development of administrative and management skills of local



2385 school administrators, and to conduct such programs related to  
2386 these purposes as they are implemented under guidelines  
2387 established by the State Board of Education.

2388 (3) The State Board of Education shall develop and implement  
2389 through the School Executive Management Institute a program for  
2390 the development of administrative and management skills of local  
2391 school administrators under which all local school administrators  
2392 employed by a school district shall be required to participate.  
2393 Subject to the extent of appropriations available for such  
2394 purpose, the School Executive Management Institute or the  
2395 Mississippi School Boards Association shall be required to offer  
2396 courses at least twice a year on the uses of technology to school  
2397 district principals, superintendents and other administrative  
2398 personnel. These courses shall relate to the application of  
2399 technology to learning, as well as administrative problems.

2400 (4) (a) The institute shall have an advisory board composed  
2401 of ten (10) qualified members appointed by the State Board of  
2402 Education after consultation with the State Superintendent of  
2403 Public Education. This advisory board will offer recommendations  
2404 to the institute on the types of training to be instituted and  
2405 supported. The membership of the advisory board shall be composed  
2406 of the following members, two (2) to be appointed from each  
2407 congressional district: three (3) school administrators; one (1)  
2408 representative of public community/junior colleges within the  
2409 state; one (1) representative of a school of education in an



2410 institution of higher learning within the state; two (2) local  
2411 school board members; one (1) classroom teacher; and two (2)  
2412 laypersons. In making the initial appointments, three (3) members  
2413 shall be appointed for a term of one (1) year, three (3) members  
2414 shall be appointed for a term of two (2) years, two (2) members  
2415 shall be appointed for a term of three (3) years, and two (2)  
2416 members shall be appointed for a term of four (4) years.

2417 Thereafter, all members shall be appointed for a term of four (4)  
2418 years. The advisory board shall meet when called by the director,  
2419 but in no event fewer than three (3) times per year. The members  
2420 of the advisory board shall be compensated at the per diem rate  
2421 authorized by Section 25-3-69 and reimbursed for actual and  
2422 necessary expenses as authorized by Section 25-3-41.

2423 (b) Board members of the Oxford-Lafayette Business and  
2424 Industrial Complex shall be paid per diem and reimbursed for  
2425 expenses and mileage from local funds in accordance with Section  
2426 37-6-13.

2427 (5) (a) Basic Education Course. The Mississippi School  
2428 Boards Association shall be responsible for preparing and  
2429 conducting a course of training for basic education for the local  
2430 school board members of this state, in order for board members to  
2431 carry out their duties more effectively and be exposed to new  
2432 ideas involving school restructuring. The basic course shall be  
2433 known as the "School Board Member Training Course" and shall  
2434 consist of at least twelve (12) hours of training. The



2435 Mississippi School Boards Association shall issue certificates of  
2436 completion to those school board members who complete the basic  
2437 education course.

2438           (b) Continuing Education Course. The Mississippi  
2439 School Boards Association shall be responsible for preparing and  
2440 conducting a course of training for continuing education for the  
2441 local school board members of this state, in order for board  
2442 members to carry out their duties more effectively and be exposed  
2443 to new ideas involving school restructuring. The continuing  
2444 education course shall be known as the "Continuing Education  
2445 Course for School Board Members" and shall consist of at least six  
2446 (6) hours of training.

2447           (c) Additional Required Training. Effective July 1,  
2448 2009, local school board members and the local superintendent that  
2449 serve in a district with one or more failing schools as determined  
2450 by the Mississippi Board of Education accountability system as  
2451 provided for in Section 37-17-6, or serving in a school district  
2452 that has a serious financial condition as determined by the State  
2453 Auditor as provided for in Section 37-9-18, shall annually attend  
2454 additional training provided by the Mississippi School Boards  
2455 Association.

2456           The Mississippi School Boards Association shall, subject to  
2457 appropriation, develop and conduct training specific to the local  
2458 boards' role in improving learning outcomes and effective  
2459 financial management. Such training shall be known as "Improving



2460 Student Outcomes and Academic Success" which shall consist of not  
2461 less than six (6) hours of training and "Effective Financial  
2462 Management In Local School Districts" which shall consist of not  
2463 less than six (6) hours of training. Any local board members and  
2464 the local superintendent that serve in a school district that  
2465 meets the criteria for both of the training modules shall annually  
2466 attend both training sessions for a total of not less than twelve  
2467 (12) hours of training. At such time the school district is  
2468 determined to no longer have failing schools; or no longer has a  
2469 serious financial condition, such board member and the local  
2470 superintendent shall no longer be required to attend the training  
2471 as provided herein. The training as required under subsection (c)  
2472 shall not replace, but is in addition to, the training required  
2473 for new school board members and continuing board members as  
2474 required under Section 37-7-306.

2475       The Mississippi School Boards Association shall issue  
2476 certificates of completion to those school board members who  
2477 complete the continuing education course. All costs and expenses  
2478 for preparing and conducting the basic education course and the  
2479 continuing education course provided for in this paragraph shall  
2480 be paid out of any funds which are made available to the  
2481 Mississippi School Boards Association upon authorization and  
2482 appropriation by the Legislature to the State Department of  
2483 Education.





2484           (6) The Mississippi School Boards Association shall prepare  
2485 and submit a report each year to the State Board of Education and  
2486 to the respective Chairs of the House and Senate Education  
2487 Committees describing the activities and providing an evaluation  
2488 of the continuing education programs offered by the association  
2489 each year.

2490           (7) The School Executive Management Institute of the State  
2491 Department of Education, or the Mississippi School Boards  
2492 Association with the oversight of the State Board of Education, at  
2493 least twice a year, shall prepare and conduct required courses of  
2494 training for continuing education for the elementary and secondary  
2495 school principals employed by the school districts of this state,  
2496 in order for those principals to carry out their duties more  
2497 effectively and be exposed to new ideas involving school  
2498 management. The continuing education course shall be known as the  
2499 "Continuing Education Course for Principals" and shall consist of  
2500 at least six (6) hours of training. The content of the continuing  
2501 education courses and the time and place such courses are to be  
2502 conducted shall be determined by the School Executive Management  
2503 Institute or the Mississippi School Boards Association; however,  
2504 to the extent practicable, such training sessions shall be held  
2505 within geographical proximity of local districts in order that  
2506 travel times and costs shall not be prohibitive.

2507           The institute shall issue certificates of completion to those  
2508 principals who complete such courses. All costs and expenses for



2509 preparing and conducting the basic and continuing education  
2510 courses provided for in this subsection shall be paid out of any  
2511 funds which are made available to the institute upon authorization  
2512 and appropriation by the Legislature.

2513 (8) School district principals and other administrators with  
2514 career level certifications at schools meeting the highest levels  
2515 of accreditation standards, as defined by the State Board of  
2516 Education, are exempt from the requirements of this section,  
2517 subject to approval of the local school district superintendent.

2518 **SECTION 41.** Section 37-3-5, Mississippi Code of 1972, is  
2519 amended as follows:

2520 37-3-5. The State Department of Education is hereby charged  
2521 with the execution of all laws relating to the administrative,  
2522 supervisory and consultative services to the public schools and  
2523 agricultural high schools of the school districts throughout the  
2524 State of Mississippi. The State Department of Education is also  
2525 authorized to grant property to public \* \* \* school districts and  
2526 agricultural high schools of the State of Mississippi.

2527 Subject to the direction of the State Board of Education as  
2528 provided by law, the administration, management and control of the  
2529 department is hereby vested in the State Superintendent of Public  
2530 Education, who shall be directly responsible for the rightful  
2531 functioning thereof.

2532 **SECTION 42.** Section 37-3-11, Mississippi Code of 1972, is  
2533 amended as follows:



2534           37-3-11. The State Superintendent of Public Education shall  
2535 perform the duties assigned to him by the State Board of  
2536 Education, and he shall have the following duties:

2537                   (a) To serve as secretary for the State Board of  
2538 Education;

2539                   (b) To be the chief administrative officer of the State  
2540 Department of Education;

2541                   (c) To recommend to the State Board of Education, for  
2542 its consideration, rules and regulations for the supervision of  
2543 the public \* \* \* schools and agricultural high schools of the  
2544 school districts throughout the state and for the efficient  
2545 organization and conduct of the same;

2546                   (d) To collect data and make it available to the state  
2547 board for determining the proper distribution of the state common  
2548 school funds;

2549                   (e) To keep a complete record of all official acts of  
2550 the State Superintendent and the acts of the State Board of  
2551 Education;

2552                   (f) To prepare, have printed and furnish all officers  
2553 charged with the administration of the laws pertaining to the  
2554 public schools, such blank forms and books as may be necessary to  
2555 the proper discharge of their duties, which printing is to be paid  
2556 for out of funds provided by the Legislature;

2557                   (g) To have printed in pamphlet form the laws  
2558 pertaining to the public schools and publish therein forms for



2559 conducting school business, the rules and regulations for the  
2560 government of schools that the State Superintendent or the State  
2561 Board of Education may recommend, and such other matters as may be  
2562 deemed worthy of public interest pertaining to the public schools,  
2563 which printing is to be paid for out of funds provided by the  
2564 Legislature;

2565           (h) To meet all superintendents annually at such time  
2566 and place as the State Superintendent shall appoint for the  
2567 purpose of accumulating facts relative to schools, to review the  
2568 educational progress made in the various sections of the state, to  
2569 compare views, discuss problems, hear discussions and suggestions  
2570 relative to examinations and qualifications of teachers, methods  
2571 of instruction, textbooks, summer schools for teachers, visitation  
2572 of schools, consolidation of schools, health work in the schools,  
2573 vocational education and other matters pertaining to the public  
2574 school system;

2575           (i) To advise all superintendents upon all matters  
2576 involving the welfare of the schools, and at the request of any  
2577 superintendent, to give an opinion upon a written statement of  
2578 facts on all questions and controversies arising out of the  
2579 interpretation and construction of the school laws, in regard to  
2580 rights, powers and duties of school officers and superintendents,  
2581 and to keep a record of all such decisions. Before giving any  
2582 opinion, the superintendent may submit the statement of facts to  
2583 the Attorney General, and it shall be the duty of the Attorney



2584 General forthwith to examine such statement and suggest the proper  
2585 decision to be made upon such fact;

2586 (j) To require annually, and as often as the State  
2587 Superintendent may deem proper, of all superintendents, detailed  
2588 reports on the educational business of the various districts;

2589 (k) On or before January 10 in each year to prepare,  
2590 under the direction of the State Board of Education, the annual  
2591 information report of the State Department of Education as  
2592 described in Section 37-151-97;

2593 (l) To determine the number of educable children in the  
2594 several school districts under rules and regulations prescribed by  
2595 the State Board of Education; and

2596 (m) To perform such other duties as may be prescribed  
2597 by the State Board of Education.

2598 **SECTION 43.** Section 37-3-46, Mississippi Code of 1972, is  
2599 amended as follows:

2600 37-3-46. (1) The State Department of Education, in regard  
2601 to any school within a school district or any school district not  
2602 meeting adequate performance of accreditation standards, as  
2603 defined by the State Board of Education, shall, subject to  
2604 appropriation:

2605 (a) Provide to local \* \* \* school districts, or  
2606 specific schools within those districts, financial, training and  
2607 other assistance to implement and maintain a state program of  
2608 educational accountability and assessment of performance.



2609 (b) Provide to local \* \* \* school districts, or  
2610 specific schools within those districts, technical assistance and  
2611 training in the development, implementation and administration of  
2612 a personnel appraisal and compensation system for all school  
2613 employees.

2614 (c) Provide to local \* \* \* school districts, or  
2615 specific schools within those districts, technical assistance in  
2616 the development, implementation and administration of programs  
2617 designed to keep children in school voluntarily and to prevent  
2618 dropouts.

2619 (2) Schools or school districts receiving assistance from  
2620 the State Department of Education as outlined in subsection (1) of  
2621 this section shall be required to implement any training,  
2622 programs, and any other requirements as specified by the State  
2623 Superintendent of Public Education.

2624 **SECTION 44.** Section 37-3-49, Mississippi Code of 1972, is  
2625 amended as follows:

2626 37-3-49. (1) The State Department of Education shall  
2627 provide an instructional program and establish guidelines and  
2628 procedures for managing such program in the public schools within  
2629 the school districts throughout the state as part of the State  
2630 Program of Educational Accountability and Assessment of  
2631 Performance as prescribed in Section 37-3-46. Public school  
2632 districts may (a) elect to adopt the instructional program and  
2633 management system provided by the State Department of Education,



2634 or (b) elect to adopt an instructional program and management  
2635 system which meets or exceeds criteria established by the State  
2636 Department of Education for such. This provision shall begin with  
2637 the courses taught in Grades K-8 which contain skills tested  
2638 through the Mississippi Basic Skills Assessment Program and shall  
2639 proceed through all secondary school courses mandated for  
2640 graduation and all secondary school courses in the Mississippi  
2641 end-of-course testing program. Other state core objectives must  
2642 be included in the district's instructional program as they are  
2643 provided by the State Department of Education along with  
2644 instructional practices, resources, evaluation items and  
2645 management procedures. Districts are encouraged to adapt this  
2646 program and accompanying procedures to all other instructional  
2647 areas. The department shall provide that such program and  
2648 guidelines, or a program and guidelines developed by a local  
2649 school district which incorporates the core objectives from the  
2650 curriculum structure are enforced through the performance-based  
2651 accreditation system. It is the intent of the Legislature that  
2652 every effort be made to protect the instructional time in the  
2653 classroom and reduce the amount of paperwork which must be  
2654 completed by teachers. The State Department of Education shall  
2655 take steps to insure that school districts properly use staff  
2656 development time to work on the districts' instructional  
2657 management plans.



2658           (2) The State Department of Education shall provide such  
2659 instructional program and management guidelines which shall  
2660 require for every public school district that:

2661           (a) All courses taught in Grades K-8 which contain  
2662 skills which are tested through the Mississippi Basic Skills  
2663 Assessment Program, all secondary school courses mandated for  
2664 graduation, and all courses in the end-of-course testing program  
2665 shall include the State Department of Education's written list of  
2666 learning objectives.

2667           (b) The local school board must adopt the objectives  
2668 that will form the core curriculum which will be systematically  
2669 delivered throughout the district.

2670           (c) The set of objectives provided by the State  
2671 Department of Education must be accompanied by suggested  
2672 instructional practices and resources that would help teachers  
2673 organize instruction so as to promote student learning of the  
2674 objectives. Objectives added by the school district must also be  
2675 accompanied by suggested instructional practices and resources  
2676 that would help teachers organize instruction. The instructional  
2677 practices and resources that are identified are to be used as  
2678 suggestions and not as requirements that teachers must follow.  
2679 The goal of the program is to have students to achieve the desired  
2680 objective and not to limit teachers in the way they teach.

2681           (d) Standards for student performance must be  
2682 established for each core objective in the local program and those





2683 standards establish the district's definition of mastery for each  
2684 objective.

2685 (e) There shall be an annual review of student  
2686 performance in the instructional program against locally  
2687 established standards. When weaknesses exist in the local  
2688 instructional program, the district shall take action to improve  
2689 student performance.

2690 (3) The State Board of Education and the board of trustees  
2691 of each school district shall adopt policies to limit and reduce  
2692 the number and length of written reports that classroom teachers  
2693 are required to prepare.

2694 (4) This section shall not be construed to limit teachers  
2695 from using their own professional skills to help students master  
2696 instructional objectives, nor shall it be construed as a call for  
2697 more detailed or complex lesson plans or any increase in testing  
2698 at the local school district level.

2699 (5) Districts meeting the highest levels of accreditation  
2700 standards, as defined by the State Board of Education, shall be  
2701 exempted from the provisions of subsection (2) of this section.

2702 **SECTION 45.** Section 37-3-51, Mississippi Code of 1972, is  
2703 amended as follows:

2704 37-3-51. (1) Upon the conviction of any licensed personnel,  
2705 as defined in Section \* \* \* 37-9-1, employed by a public school  
2706 district or any person employed by a charter or private elementary  
2707 or secondary school in a position that requires licensure in the



2708 public school districts, of any felony, or of a sex offense as  
2709 defined in subsection (2) of this section, the district attorney  
2710 or other prosecuting attorney shall identify those defendants for  
2711 the circuit clerk. Each circuit clerk shall provide the State  
2712 Department of Education with notice of the conviction of any such  
2713 personnel of a felony or a sex offense. In addition, if the  
2714 convicted person is an employee of a charter school, the circuit  
2715 clerk must provide the same notice to the Mississippi Charter  
2716 School Authorizer Board.

2717 (2) "Sex offense" shall mean any of the following offenses:

2718 (a) Section 97-3-65, Mississippi Code of 1972, relating  
2719 to the carnal knowledge of a child under fourteen (14) years of  
2720 age;

2721 (b) Section 97-3-95, Mississippi Code of 1972, relating  
2722 to sexual battery;

2723 (c) Section 97-5-21, Mississippi Code of 1972, relating  
2724 to seduction of a child under age eighteen (18);

2725 (d) Section 97-5-23, Mississippi Code of 1972, relating  
2726 to the touching of a child for lustful purposes;

2727 (e) Section 97-5-27, Mississippi Code of 1972, relating  
2728 to the dissemination of sexually oriented material to children;

2729 (f) Section 97-5-33, Mississippi Code of 1972, relating  
2730 to the exploitation of children;



2731 (g) Section 97-5-41, Mississippi Code of 1972, relating  
2732 to the carnal knowledge of a stepchild, adopted child, or child of  
2733 a cohabitating partner;

2734 (h) Section 97-29-59, Mississippi Code of 1972,  
2735 relating to unnatural intercourse; or

2736 (i) Any other offense committed in another jurisdiction  
2737 which, if committed in this state, would be deemed to be such a  
2738 crime without regard to its designation elsewhere.

2739 (3) In addition, the State Department of Education is  
2740 considered to be the employer of such personnel for purposes of  
2741 requesting a criminal record background checks.

2742 **SECTION 46.** Section 37-3-53, Mississippi Code of 1972, is  
2743 amended as follows:

2744 37-3-53. Each school year, the State Board of Education,  
2745 acting through the Office of Educational Accountability, shall  
2746 develop a public school reporting system, or "Mississippi Report  
2747 Card," on the performance of students and public schools,  
2748 including charter schools, at the local, district and state level.

2749 In developing the report card, the Office of Educational  
2750 Accountability shall collect school, district and state level  
2751 student achievement data in the appropriate grades as designated  
2752 by the State Board of Education in all core subjects, and compare  
2753 the data with national standards to identify students' strengths  
2754 and weaknesses. The Mississippi Report Card shall provide more  
2755 than reports to parents on the level at which their children are



2756 performing; the report shall provide clear and comparable public  
2757 information on the level at which schools, school districts and  
2758 the state public education system are performing. The Office of  
2759 Educational Accountability shall encourage local school districts  
2760 and the general public to use Mississippi Report Card information  
2761 along with local individual student data to assess the quality of  
2762 instructional programs and the performance of schools and to plan  
2763 and implement programs of instructional improvement.

2764 Beginning with the 1998-1999 school year, the Mississippi  
2765 Report Card shall include information, as compiled by the Office  
2766 of Compulsory School Attendance Enforcement, which demonstrates  
2767 clearly the absenteeism and dropout rates in each school district,  
2768 charter school and the state as a whole and whether those rates  
2769 reflect a positive or negative change from the same information as  
2770 reported in the previous year's Mississippi Report Card.

2771 Each local school district shall be required to develop and  
2772 publish an annual report as prescribed by the State Board of  
2773 Education. By November 1 of each year, as prescribed by the State  
2774 Board of Education, the report shall be published in a newspaper  
2775 having general circulation in the county and posted on the school  
2776 district's website in a printable format. The public notice shall  
2777 include information on the report's availability on the district's  
2778 website, with the website address, and the location(s) in the  
2779 school district where a copy of the report can be obtained.



2780           **SECTION 47.** Section 37-3-61, Mississippi Code of 1972, is  
2781 amended as follows:

2782           37-3-61. The State Board of Education may provide for the  
2783 establishment of an Alliance for Families program for the purpose  
2784 of mobilizing public and parental support for education and to  
2785 strengthen communication between the school, student and parents.  
2786 The program's goal shall be to increase student success in  
2787 Mississippi public \* \* \* school districts, K-12, by generating  
2788 focused, effective parent involvement. The objectives of the  
2789 program shall be as follows:

2790           (a) To engage parents in supporting the schools and  
2791 their children's education.

2792           (b) To implement effective home-school communication  
2793 systems which allow parents to be kept well informed about the  
2794 school and their children's progress.

2795           (c) To train school administrators on successful  
2796 strategies for involving parents both at home and at school and in  
2797 developing community support for the schools.

2798           (d) To train teachers on successful strategies for  
2799 communicating with parents and teaching parents to reinforce  
2800 skills being learned at school.

2801           (e) To promote reading as the key curricular activity  
2802 for parental focus.

2803           (f) To involve the business, medical and religious  
2804 communities in supporting the schools through direct assistance,



2805 and to develop positive public relations for the schools in the  
2806 community.

2807 (g) Publication of a resource manual to assist schools  
2808 and school districts in implementation of Alliance for Families  
2809 program.

2810 **SECTION 48.** Section 37-3-105, Mississippi Code of 1972, is  
2811 amended as follows:

2812 37-3-105. Beginning with the 2009-2010 school year, the  
2813 State Department of Education shall require that in-service  
2814 training shall include an emphasis on intensive, comprehensive and  
2815 researched-based reading methods for all licensed teachers  
2816 teaching Grades K through 3 in a public school district. The  
2817 education may be accomplished through self-review of suitable  
2818 intensive, comprehensive and researched-based reading materials.

2819 **SECTION 49.** Section 37-5-61, Mississippi Code of 1972, is  
2820 amended as follows:

2821 37-5-61. (1) There shall be a county superintendent of  
2822 education in each county.

2823 (2) Said superintendent shall serve as the executive  
2824 secretary of the county board of education, but shall have no vote  
2825 in the proceedings before the board and no voice in fixing the  
2826 policies thereof.

2827 (3) In addition, said superintendent shall be the director  
2828 of all schools in the county school district which are outside the  
2829 municipal separate school districts.



2830 (4) Said superintendent shall be elected at the same time  
2831 and in the same manner as other county officers are elected and  
2832 shall hold office for a term of four (4) years.

2833 **SECTION 50.** Section 37-7-455, Mississippi Code of 1972, is  
2834 amended as follows:

2835 37-7-455. (1) Any land, buildings or other property that is  
2836 not used for school purposes and which is not needed in the  
2837 operation of the schools of the district may be sold in the manner  
2838 established in this section but only after each charter school  
2839 located in the school district has notified the school board that  
2840 it is not exercising its right of first refusal on the property,  
2841 as provided under Section 31 of this act. Except as otherwise  
2842 provided in subsections (2) and (3) of this section, all such  
2843 land, buildings or other property shall be sold only after the  
2844 receipt of sealed bids therefor after the time and place of making  
2845 such sale has been duly advertised in some newspaper having a  
2846 general circulation in the county in which the property is located  
2847 once each week for three (3) consecutive weeks with the first  
2848 publication to be made not less than fifteen (15) days prior to  
2849 the date upon which such bids are to be received and opened. The  
2850 property shall be sold to the highest and best bidder for cash,  
2851 but the school board shall have the right to reject any and all  
2852 bids. If the property is not sold pursuant to such advertisement,  
2853 the school board, by resolution, may set a date for an open  
2854 meeting of the school board to be held within sixty (60) days



2855 after the date upon which the bids were opened. At the meeting  
2856 held pursuant to such resolution, the school board may sell by  
2857 auction the property for a consideration not less than the highest  
2858 sealed bid previously received pursuant to the advertisement. At  
2859 the meeting, any interested party may bid for cash, and the  
2860 property shall be sold to the highest and best bidder for cash,  
2861 but the school board shall have the right to reject any and all  
2862 bids. The school board may require a written confirmation of bids  
2863 received at such called meeting before selling the property at  
2864 auction, but it shall not be necessary that sealed bids be  
2865 received before conducting the auction.

2866 (2) As an alternative to the procedures established under  
2867 subsection (1) of this section, the school board of a school  
2868 district may elect, in its discretion, to sell by public auction  
2869 any property, other than real property or buildings of the school  
2870 district, which is not used for school or related school purposes  
2871 and not needed in the operation of the schools, according to the  
2872 procedure in Section 17-25-25.

2873 (3) As an alternative to the procedures established under  
2874 subsection (1) or (2) of this section, the county board of  
2875 education of a county having a population in excess of ten  
2876 thousand (10,000) according to the 2000 decennial census and in  
2877 which U.S. Highway 45 intersects with Mississippi Highway 16, may  
2878 elect, in its discretion, to transfer and sell the buildings of  
2879 the school district and the real property upon which the buildings





2880 are located which are not used as school facilities or for  
2881 school-related purposes and not needed in the operation of the  
2882 schools, after advertising for and receiving competitive bids for  
2883 the sale of such property. If any bid is offered by a nonprofit  
2884 501(c)(3) entity which has made substantial improvements to the  
2885 buildings, the fair market value of the improvements shall be  
2886 deemed to be consideration for, a part of, the bid offered by the  
2887 entity. In this case, the school board shall enter a finding on  
2888 its minutes that the nonprofit entity has made substantial  
2889 improvements to the property and the property is no longer needed  
2890 for school district purposes.

2891 (4) When the sale of such property is authorized and  
2892 approved by the school board, the president of the school board  
2893 shall be authorized and empowered to execute a conveyance of the  
2894 property upon the terms and for the consideration fixed by the  
2895 board. The school board shall reserve unto the district all oil,  
2896 gas and minerals in, on or under the land, and all proceeds  
2897 derived from royalties upon the reserved mineral interests shall  
2898 be used as provided by Section 37-7-457.

2899 **SECTION 51.** Section 37-7-473, Mississippi Code of 1972, is  
2900 amended as follows:

2901 37-7-473. School buildings, land, property and related  
2902 facilities may be sold, conveyed, leased or otherwise disposed of  
2903 under Sections 37-7-471 through 37-7-483, to any charter school,  
2904 to any group of persons, to any association, club or corporation,



2905 or to any county, municipality or other political subdivision, to  
2906 be used as a charter school facility, to be used as a civic,  
2907 community, recreational or youth center, or to be used by any  
2908 county or district fair association in connection with its  
2909 activities, or to be used for church purposes, or to be used as a  
2910 library or other public building, or to be used as a factory or  
2911 otherwise in connection with an industrial enterprise, or to be  
2912 used as part of a development activity to stimulate economic  
2913 development activities within the district, or to enhance property  
2914 values within the district, or to be used for any similar or  
2915 related purpose or activity.

2916         **SECTION 52.** Section 37-9-1, Mississippi Code of 1972, is  
2917 amended as follows:

2918         37-9-1. (1) For the purposes of this chapter, the terms  
2919 "superintendent" and "principal" shall have such meaning as are  
2920 ascribed to them under the provisions of Section 37-19-1. The  
2921 term "licensed employee" shall mean any other employee of a public  
2922 school district required to hold a valid license by the Commission  
2923 on Teacher and Administrator Education, Certification and  
2924 Licensure and Development. The term "non-instructional employee"  
2925 shall include all employees of school districts other than  
2926 superintendents, principals and licensed employees.

2927         (2) Unless a statute in this chapter specifically is made  
2928 applicable to charter schools, the provisions of this chapter only  
2929 apply to public school districts, the employees of public school



2930 districts and the public schools that are within those school  
2931 districts.

2932 **SECTION 53.** Section 37-9-103, Mississippi Code of 1972, is  
2933 amended as follows:

2934 37-9-103. (1) As used in Sections 37-9-101 through  
2935 37-9-113, the word "employee" shall include:

2936 (a) Any teacher, principal, superintendent or other  
2937 professional personnel employed by the local school district for a  
2938 continuous period of two (2) years with that district and required  
2939 to have a valid license issued by the State Department of  
2940 Education as a prerequisite of employment; or

2941 (b) Any teacher, principal, superintendent or other  
2942 professional personnel who has completed a continuous period of  
2943 two (2) years of employment in a Mississippi public school  
2944 district and one (1) full year of employment with the school  
2945 district of current employment, and who is required to have a  
2946 valid license issued by the State Department of Education as a  
2947 prerequisite of employment.

2948 (2) (a) The Education Employment Procedures Law shall not  
2949 apply to any category of employee as defined in this section  
2950 employed in any school district after the Governor declares a  
2951 state of emergency under the provisions of Section 37-17-6(11).  
2952 The Education Employment Procedures Law shall not be applicable in  
2953 any school district for the full period of time that those  
2954 conditions, as defined in Section 37-17-6(11), exist.



2955 (b) The Education Employment Procedures Law shall not  
2956 apply to any category of teacher, administrator or other employee  
2957 \* \* \* employed to work in any charter school \* \* \*.

2958 (3) For purposes of Sections 37-9-101 through 37-9-113, the  
2959 term "days" means calendar days.

2960 **SECTION 54.** Section 37-11-1, Mississippi Code of 1972, is  
2961 amended as follows:

2962 37-11-1. (1) Subject to the provisions of subsection (2) of  
2963 this section, after a pupil has been assigned to a particular  
2964 public school in a school district, the principal, or anyone else  
2965 vested with the authority of assigning pupils to classes,  
2966 knowingly shall not place such pupil in a class where the pupil's  
2967 presence would serve to adversely affect, hinder, or retard the  
2968 academic development of the other pupils in the class.

2969 (2) (a) A parent or guardian of twins or higher order  
2970 multiples, as defined in paragraph (d) of this subsection, may  
2971 request that the children be placed in the same classroom or in  
2972 separate classrooms if the children are in the same grade level at  
2973 the same school in the school district. The school may recommend  
2974 classroom placement and provide professional education advice to  
2975 the parent or guardian to assist the parent or guardian in making  
2976 the best decision for the children's education. A school must  
2977 provide the placement requested by the children's parent or  
2978 guardian unless: (i) the parent or guardian has requested that  
2979 the children, who are different sexes, be placed in the same



2980 classroom and the students in the school have been assigned to  
2981 different classrooms according to sex, as authorized under Section  
2982 37-11-3; or (ii) the school board of the school district makes a  
2983 classroom placement determination following the school principal's  
2984 request according to this subsection.

2985           (b) A parent or guardian making a request under this  
2986 subsection must submit a written request for the classroom  
2987 placement to the school principal no later than fourteen (14)  
2988 calendar days after the first day of each school year or, if the  
2989 children are enrolled in the school after the school year  
2990 commences, no later than fourteen (14) calendar days after the  
2991 children's first day of attendance in the school.

2992           (c) At the end of the initial grading period during  
2993 which children have been in the same classroom or separate  
2994 classrooms pursuant to their parent or guardian's request under  
2995 this subsection, if the principal, in consultation with the  
2996 children's classroom teacher or teachers, determines that the  
2997 requested classroom placement is disruptive to the school, the  
2998 principal may request that the school board determine the  
2999 children's classroom placement.

3000           (d) For purposes of this section, the term "higher  
3001 order multiples" means triplets, quadruplets, quintuplets or more.

3002           **SECTION 55.** Section 37-11-17, Mississippi Code of 1972, is  
3003 amended as follows:



3004           37-11-17. (1) The State Board of Education, the Board of  
3005 Trustees of State Institutions of Higher Learning, the State Board  
3006 for Community and Junior Colleges, the boards of trustees of the  
3007 several junior colleges, the county boards of education, the  
3008 governing authorities of any county, municipal or other public  
3009 school districts, such other boards set up by law for any  
3010 educational institution, school, college or university, or their  
3011 authorized representative, or the State Health Officer or his  
3012 authorized representative, may require any teacher, supervisor,  
3013 janitor or other employee of the school to submit to a thorough  
3014 physical examination, deemed advisable to determine whether he has  
3015 any infectious or communicable disease.

3016           (2) The State Board of Education may develop a program to  
3017 accomplish the identification of public school district students  
3018 with abnormal spinal curvature. No state funds shall be expended  
3019 for the purposes of implementing this subsection. Such program  
3020 shall:

3021                   (a) Provide that an adequate number of school personnel  
3022 in each district be instructed by qualified medical experts in the  
3023 proper examination of students for abnormal spinal curvatures;

3024                   (b) Provide that all public school district students  
3025 who are at least ten (10) years old be screened at least every two  
3026 (2) years but at least in the fourth, sixth, eighth and tenth  
3027 grades or at such other times as may be recommended by medical  
3028 experts on a per case basis;



3029 (c) Provide that students identified as having abnormal  
3030 spinal curvatures or potential for abnormal spinal curvatures be  
3031 referred to the county health officer or to the student's personal  
3032 physician or chiropractor with notice of the evaluation; and

3033 (d) Provide for notification of the parent or guardian  
3034 of any student identified under this program and for the supplying  
3035 to such parent or guardian information on the condition and  
3036 resources available for the correction or treatment of such  
3037 condition. However, the requirement for screening shall not apply  
3038 to a child whose parent or guardian objects thereto on grounds  
3039 that the requirement conflicts with his conscientiously held  
3040 religious beliefs.

3041 **SECTION 56.** Section 37-11-25, Mississippi Code of 1972, is  
3042 brought forward as follows:

3043 37-11-25. If any public school official of this state or of  
3044 any county or municipality or school district thereof, or any  
3045 superintendent, principal, or teacher in the public schools, or  
3046 any trustee of a school district shall be interested, either  
3047 directly or indirectly, in the proceeds or profits of the sale or  
3048 rental of any book, furniture, equipment or other property to be  
3049 used in any public schools of this state such person shall be  
3050 guilty of a misdemeanor and, upon conviction, he shall be fined  
3051 not less than Two Hundred Dollars (\$200.00) nor more than Five  
3052 Hundred Dollars (\$500.00). However, nothing in this section shall



3053 be construed to apply to the receipt of royalties on books or  
3054 other publications used in the public schools.

3055         **SECTION 57.** Section 37-11-57, Mississippi Code of 1972, is  
3056 amended as follows:

3057         37-11-57. (1) Except in the case of excessive force or  
3058 cruel and unusual punishment, a public school teacher, assistant  
3059 teacher, principal, or an assistant principal acting within the  
3060 course and scope of his employment shall not be liable for any  
3061 action carried out in conformity with state or federal law or  
3062 rules or regulations of the State Board of Education or the local  
3063 school board or governing board of a charter school regarding the  
3064 control, discipline, suspension and expulsion of students. The  
3065 local school board shall provide any necessary legal defense to a  
3066 teacher, assistant teacher, principal, or assistant principal in  
3067 the school district who was acting within the course and scope of  
3068 his employment in any action which may be filed against such  
3069 school personnel. A school district or charter school, as the  
3070 case may be, shall be entitled to reimbursement for legal fees and  
3071 expenses from its employee if a court finds that the act of the  
3072 employee was outside the course and scope of his employment, or  
3073 that the employee was acting with criminal intent. Any action by  
3074 a school district or charter school against its employee and any  
3075 action by the employee against the school district or charter  
3076 school for necessary legal fees and expenses shall be tried to the  
3077 court in the same suit brought against the school employee.





3078 (2) Corporal punishment administered in a reasonable manner,  
3079 or any reasonable action to maintain control and discipline of  
3080 students taken by a public school teacher, assistant teacher,  
3081 principal or assistant principal acting within the scope of his  
3082 employment or function and in accordance with any state or federal  
3083 laws or rules or regulations of the State Board of Education or  
3084 the local school board or governing board of a charter school does  
3085 not constitute negligence or child abuse. No public school  
3086 teacher, assistant teacher, principal or assistant principal so  
3087 acting shall be held liable in a suit for civil damages alleged to  
3088 have been suffered by a student as a result of the administration  
3089 of corporal punishment, or the taking of action to maintain  
3090 control and discipline of a student, unless the court determines  
3091 that the teacher, assistant teacher, principal or assistant  
3092 principal acted in bad faith or with malicious purpose or in a  
3093 manner exhibiting a wanton and willful disregard of human rights  
3094 or safety. For the purposes of this subsection, "corporal  
3095 punishment" means the reasonable use of physical force or physical  
3096 contact by a teacher, assistant teacher, principal or assistant  
3097 principal, as may be necessary to maintain discipline, to enforce  
3098 a school rule, for self-protection or for the protection of other  
3099 students from disruptive students.

3100 **SECTION 58.** Section 37-13-21, Mississippi Code of 1972, is  
3101 amended as follows:



3102           37-13-21. The State Board of Health and the various county  
3103 health departments are hereby authorized and empowered to  
3104 establish and provide for health education programs in the public  
3105     \* \* \* school districts of this state and to employ county health  
3106 educators for such purpose. In order to effectuate such programs  
3107 the county superintendents of education of counties in which such  
3108 programs have been established, with the approval of the county  
3109 board of education, and the board of trustees of the municipal  
3110 separate school districts are authorized and empowered, in their  
3111 discretion, to cooperate and join with the said State Board of  
3112 Health and the county health departments in such program. For  
3113 such purposes the said county superintendents of education, with  
3114 the approval of the county board of education, are hereby  
3115 authorized and empowered to expend such funds as may be necessary  
3116 from the common school funds of the county, and the board of  
3117 trustees of municipal separate school districts are hereby  
3118 authorized and empowered to expend such funds as may be necessary  
3119 from the maintenance funds of such districts for the purpose of  
3120 defraying the expenses of such cooperative health education  
3121 programs. Those students whose parents or guardians shall make  
3122 written application to the proper authorities on the ground that  
3123 such program is inconsistent with the tenets and practices of the  
3124 known religious organization with which they are affiliated shall  
3125 not be required to participate in the program.



3126           The State Board of Health and various county health  
3127 departments shall have the power and authority to enter into such  
3128 agreements and joint programs with the said county superintendents  
3129 of education and boards of trustees of municipal separate school  
3130 districts as may be necessary, proper and desirable in carrying  
3131 out the purposes of this section, and in establishing and carrying  
3132 on health education programs in the public \* \* \* school districts  
3133 of this state, and the said county superintendents of education,  
3134 with the approval and consent of the county board of education,  
3135 and the board of trustees of municipal separate school districts  
3136 shall have the power and authority to enter into such agreements  
3137 and joint programs with each other and with the State Board of  
3138 Health and county health departments as may be necessary for such  
3139 purpose.

3140           **SECTION 59.** Section 37-13-41, Mississippi Code of 1972, is  
3141 amended as follows:

3142           37-13-41. All principals and/or superintendents of public  
3143 schools \* \* \* in all school districts in Mississippi shall report  
3144 to their county superintendent of education upon forms prepared  
3145 and sent to the county superintendent of education by the director  
3146 of the division of instruction, giving the type and amount of work  
3147 done in each grade of their respective school, with other  
3148 information that may be desired by the director. The county  
3149 superintendents of education shall compile this information on  
3150 forms sent out by the director. This shall be made in duplicate,



3151 one (1) copy to be sent to the director, and the other filed as  
3152 other public records are filed in the county superintendents'  
3153 offices. This report shall be made to the director by the county  
3154 superintendents of education not later than the first of June each  
3155 year.

3156 **SECTION 60.** Section 37-13-91, Mississippi Code of 1972, is  
3157 amended as follows:

3158 37-13-91. (1) This section shall be referred to as the  
3159 "Mississippi Compulsory School Attendance Law."

3160 (2) The following terms as used in this section are defined  
3161 as follows:

3162 (a) "Parent" means the father or mother to whom a child  
3163 has been born, or the father or mother by whom a child has been  
3164 legally adopted.

3165 (b) "Guardian" means a guardian of the person of a  
3166 child, other than a parent, who is legally appointed by a court of  
3167 competent jurisdiction.

3168 (c) "Custodian" means any person having the present  
3169 care or custody of a child, other than a parent or guardian of the  
3170 child.

3171 (d) "School day" means not less than five (5) and not  
3172 more than eight (8) hours of actual teaching in which both  
3173 teachers and pupils are in regular attendance for scheduled  
3174 schoolwork.



3175           (e) "School" means any public school, including a  
3176 charter school, in this state or any nonpublic school in this  
3177 state which is in session each school year for at least one  
3178 hundred eighty (180) school days, except that the "nonpublic"  
3179 school term shall be the number of days that each school shall  
3180 require for promotion from grade to grade.

3181           (f) "Compulsory-school-age child" means a child who has  
3182 attained or will attain the age of six (6) years on or before  
3183 September 1 of the calendar year and who has not attained the age  
3184 of seventeen (17) years on or before September 1 of the calendar  
3185 year; and shall include any child who has attained or will attain  
3186 the age of five (5) years on or before September 1 and has  
3187 enrolled in a full-day public school kindergarten program.  
3188 Provided, however, that the parent or guardian of any child  
3189 enrolled in a full-day public school kindergarten program shall be  
3190 allowed to disenroll the child from the program on a one-time  
3191 basis, and such child shall not be deemed a compulsory-school-age  
3192 child until the child attains the age of six (6) years.

3193           (g) "School attendance officer" means a person employed  
3194 by the State Department of Education pursuant to Section 37-13-89.

3195           (h) "Appropriate school official" means the  
3196 superintendent of the school district, or his designee, or, in the  
3197 case of a nonpublic school, the principal or the headmaster.

3198           (i) "Nonpublic school" means an institution for the  
3199 teaching of children, consisting of a physical plant, whether



3200 owned or leased, including a home, instructional staff members and  
3201 students, and which is in session each school year. This  
3202 definition shall include, but not be limited to, private, church,  
3203 parochial and home instruction programs.

3204 (3) A parent, guardian or custodian of a  
3205 compulsory-school-age child in this state shall cause the child to  
3206 enroll in and attend a public school or legitimate nonpublic  
3207 school for the period of time that the child is of compulsory  
3208 school age, except under the following circumstances:

3209 (a) When a compulsory-school-age child is physically,  
3210 mentally or emotionally incapable of attending school as  
3211 determined by the appropriate school official based upon  
3212 sufficient medical documentation.

3213 (b) When a compulsory-school-age child is enrolled in  
3214 and pursuing a course of special education, remedial education or  
3215 education for handicapped or physically or mentally disadvantaged  
3216 children.

3217 (c) When a compulsory-school-age child is being  
3218 educated in a legitimate home instruction program.

3219 The parent, guardian or custodian of a compulsory-school-age  
3220 child described in this subsection, or the parent, guardian or  
3221 custodian of a compulsory-school-age child attending any charter  
3222 school or nonpublic school, or the appropriate school official for  
3223 any or all children attending a charter school or nonpublic school



3224 shall complete a "certificate of enrollment" in order to  
3225 facilitate the administration of this section.

3226 The form of the certificate of enrollment shall be prepared  
3227 by the Office of Compulsory School Attendance Enforcement of the  
3228 State Department of Education and shall be designed to obtain the  
3229 following information only:

3230 (i) The name, address, telephone number and date  
3231 of birth of the compulsory-school-age child;

3232 (ii) The name, address and telephone number of the  
3233 parent, guardian or custodian of the compulsory-school-age child;

3234 (iii) A simple description of the type of  
3235 education the compulsory-school-age child is receiving and, if the  
3236 child is enrolled in a nonpublic school, the name and address of  
3237 the school; and

3238 (iv) The signature of the parent, guardian or  
3239 custodian of the compulsory-school-age child or, for any or all  
3240 compulsory-school-age child or children attending a charter school  
3241 or nonpublic school, the signature of the appropriate school  
3242 official and the date signed.

3243 The certificate of enrollment shall be returned to the school  
3244 attendance officer where the child resides on or before September  
3245 15 of each year. Any parent, guardian or custodian found by the  
3246 school attendance officer to be in noncompliance with this section  
3247 shall comply, after written notice of the noncompliance by the  
3248 school attendance officer, with this subsection within ten (10)



3249 days after the notice or be in violation of this section.  
3250 However, in the event the child has been enrolled in a public  
3251 school within fifteen (15) calendar days after the first day of  
3252 the school year as required in subsection (6), the parent or  
3253 custodian may, at a later date, enroll the child in a legitimate  
3254 nonpublic school or legitimate home instruction program and send  
3255 the certificate of enrollment to the school attendance officer and  
3256 be in compliance with this subsection.

3257 For the purposes of this subsection, a legitimate nonpublic  
3258 school or legitimate home instruction program shall be those not  
3259 operated or instituted for the purpose of avoiding or  
3260 circumventing the compulsory attendance law.

3261 (4) An "unlawful absence" is an absence during a school day  
3262 by a compulsory-school-age child, which absence is not due to a  
3263 valid excuse for temporary nonattendance. Days missed from school  
3264 due to disciplinary suspension shall not be considered an  
3265 "excused" absence under this section. This subsection shall not  
3266 apply to children enrolled in a nonpublic school.

3267 Each of the following shall constitute a valid excuse for  
3268 temporary nonattendance of a compulsory-school-age child enrolled  
3269 in a noncharter public school, provided satisfactory evidence of  
3270 the excuse is provided to the superintendent of the school  
3271 district, or his designee:

3272 (a) An absence is excused when the absence results from  
3273 the compulsory-school-age child's attendance at an authorized





3274 school activity with the prior approval of the superintendent of  
3275 the school district, or his designee. These activities may  
3276 include field trips, athletic contests, student conventions,  
3277 musical festivals and any similar activity.

3278 (b) An absence is excused when the absence results from  
3279 illness or injury which prevents the compulsory-school-age child  
3280 from being physically able to attend school.

3281 (c) An absence is excused when isolation of a  
3282 compulsory-school-age child is ordered by the county health  
3283 officer, by the State Board of Health or appropriate school  
3284 official.

3285 (d) An absence is excused when it results from the  
3286 death or serious illness of a member of the immediate family of a  
3287 compulsory-school-age child. The immediate family members of a  
3288 compulsory-school-age child shall include children, spouse,  
3289 grandparents, parents, brothers and sisters, including  
3290 stepbrothers and stepsisters.

3291 (e) An absence is excused when it results from a  
3292 medical or dental appointment of a compulsory-school-age child.

3293 (f) An absence is excused when it results from the  
3294 attendance of a compulsory-school-age child at the proceedings of  
3295 a court or an administrative tribunal if the child is a party to  
3296 the action or under subpoena as a witness.

3297 (g) An absence may be excused if the religion to which  
3298 the compulsory-school-age child or the child's parents adheres,



3299 requires or suggests the observance of a religious event. The  
3300 approval of the absence is within the discretion of the  
3301 superintendent of the school district, or his designee, but  
3302 approval should be granted unless the religion's observance is of  
3303 such duration as to interfere with the education of the child.

3304 (h) An absence may be excused when it is demonstrated  
3305 to the satisfaction of the superintendent of the school district,  
3306 or his designee, that the purpose of the absence is to take  
3307 advantage of a valid educational opportunity such as travel,  
3308 including vacations or other family travel. Approval of the  
3309 absence must be gained from the superintendent of the school  
3310 district, or his designee, before the absence, but the approval  
3311 shall not be unreasonably withheld.

3312 (i) An absence may be excused when it is demonstrated  
3313 to the satisfaction of the superintendent of the school district,  
3314 or his designee, that conditions are sufficient to warrant the  
3315 compulsory-school-age child's nonattendance. However, no absences  
3316 shall be excused by the school district superintendent, or his  
3317 designee, when any student suspensions or expulsions circumvent  
3318 the intent and spirit of the compulsory attendance law.

3319 (5) Any parent, guardian or custodian of a  
3320 compulsory-school-age child subject to this section who refuses or  
3321 willfully fails to perform any of the duties imposed upon him or  
3322 her under this section or who intentionally falsifies any  
3323 information required to be contained in a certificate of



3324 enrollment, shall be guilty of contributing to the neglect of a  
3325 child and, upon conviction, shall be punished in accordance with  
3326 Section 97-5-39.

3327       Upon prosecution of a parent, guardian or custodian of a  
3328 compulsory-school-age child for violation of this section, the  
3329 presentation of evidence by the prosecutor that shows that the  
3330 child has not been enrolled in school within eighteen (18)  
3331 calendar days after the first day of the school year of the public  
3332 school which the child is eligible to attend, or that the child  
3333 has accumulated twelve (12) unlawful absences during the school  
3334 year at the public school in which the child has been enrolled,  
3335 shall establish a prima facie case that the child's parent,  
3336 guardian or custodian is responsible for the absences and has  
3337 refused or willfully failed to perform the duties imposed upon him  
3338 or her under this section. However, no proceedings under this  
3339 section shall be brought against a parent, guardian or custodian  
3340 of a compulsory-school-age child unless the school attendance  
3341 officer has contacted promptly the home of the child and has  
3342 provided written notice to the parent, guardian or custodian of  
3343 the requirement for the child's enrollment or attendance.

3344       (6) If a compulsory-school-age child has not been enrolled  
3345 in a school within fifteen (15) calendar days after the first day  
3346 of the school year of the school which the child is eligible to  
3347 attend or the child has accumulated five (5) unlawful absences  
3348 during the school year of the public school in which the child is



3349 enrolled, the school district superintendent or his designee shall  
3350 report, within two (2) school days or within five (5) calendar  
3351 days, whichever is less, the absences to the school attendance  
3352 officer. The State Department of Education shall prescribe a  
3353 uniform method for schools to utilize in reporting the unlawful  
3354 absences to the school attendance officer. The superintendent, or  
3355 his designee, also shall report any student suspensions or student  
3356 expulsions to the school attendance officer when they occur.

3357 (7) When a school attendance officer has made all attempts  
3358 to secure enrollment and/or attendance of a compulsory-school-age  
3359 child and is unable to effect the enrollment and/or attendance,  
3360 the attendance officer shall file a petition with the youth court  
3361 under Section 43-21-451 or shall file a petition in a court of  
3362 competent jurisdiction as it pertains to parent or child.  
3363 Sheriffs, deputy sheriffs and municipal law enforcement officers  
3364 shall be fully authorized to investigate all cases of  
3365 nonattendance and unlawful absences by compulsory-school-age  
3366 children, and shall be authorized to file a petition with the  
3367 youth court under Section 43-21-451 or file a petition or  
3368 information in the court of competent jurisdiction as it pertains  
3369 to parent or child for violation of this section. The youth court  
3370 shall expedite a hearing to make an appropriate adjudication and a  
3371 disposition to ensure compliance with the Compulsory School  
3372 Attendance Law, and may order the child to enroll or re-enroll in  
3373 school. The superintendent of the school district to which the



3374 child is ordered may assign, in his discretion, the child to the  
3375 alternative school program of the school established pursuant to  
3376 Section 37-13-92.

3377 (8) The State Board of Education shall adopt rules and  
3378 regulations for the purpose of reprimanding any school  
3379 superintendents who fail to timely report unexcused absences under  
3380 the provisions of this section.

3381 (9) Notwithstanding any provision or implication herein to  
3382 the contrary, it is not the intention of this section to impair  
3383 the primary right and the obligation of the parent or parents, or  
3384 person or persons in loco parentis to a child, to choose the  
3385 proper education and training for such child, and nothing in this  
3386 section shall ever be construed to grant, by implication or  
3387 otherwise, to the State of Mississippi, any of its officers,  
3388 agencies or subdivisions any right or authority to control,  
3389 manage, supervise or make any suggestion as to the control,  
3390 management or supervision of any private or parochial school or  
3391 institution for the education or training of children, of any kind  
3392 whatsoever that is not a public school according to the laws of  
3393 this state; and this section shall never be construed so as to  
3394 grant, by implication or otherwise, any right or authority to any  
3395 state agency or other entity to control, manage, supervise,  
3396 provide for or affect the operation, management, program,  
3397 curriculum, admissions policy or discipline of any such school or  
3398 home instruction program.



3399           **SECTION 61.** Section 37-15-1, Mississippi Code of 1972, is  
3400 amended as follows:

3401           37-15-1. The State Board of Education shall prepare and  
3402 provide necessary forms for keeping permanent records and  
3403 cumulative folders for each pupil in the public schools, including  
3404 charter schools, of the state. In the permanent record and  
3405 cumulative folders, the teachers and principals shall keep  
3406 information concerning the pupil's date of birth, as verified by  
3407 the documentation authorized in this section, record of  
3408 attendance, grades and withdrawal from the school, including the  
3409 date of any expulsion from the school \* \* \* and a description of  
3410 the student's act or behavior resulting in the expulsion. The  
3411 records also shall contain information pertaining to immunization  
3412 and such other information as the State Board of Education may  
3413 prescribe. The cumulative folder, in addition to that information  
3414 maintained in the permanent records, also shall contain such other  
3415 information as the State Board of Education shall prescribe. It  
3416 shall be the responsibility of the person in charge of each school  
3417 to enforce the requirement for evidence of the age of each pupil  
3418 before enrollment. If the first prescribed evidence is not  
3419 available, the next evidence obtainable in the order set forth  
3420 below shall be accepted:

- 3421           (a) A certified birth certificate;
- 3422           (b) A duly attested transcript of a certificate of  
3423 baptism showing the date of birth and place of baptism of the



3424 child, accompanied by an affidavit sworn to by a parent,  
3425 grandparent or custodian;

3426 (c) An insurance policy on the child's life which has  
3427 been in force for at least two (2) years;

3428 (d) A bona fide contemporary Bible record of the  
3429 child's birth accompanied by an affidavit sworn to by the parent,  
3430 grandparent or custodian;

3431 (e) A passport or certificate of arrival in the United  
3432 States showing the age of the child;

3433 (f) A transcript of record of age shown in the child's  
3434 school record of at least four (4) years prior to application,  
3435 stating date of birth; or

3436 (g) If none of these evidences can be produced, an  
3437 affidavit of age sworn to by a parent, grandparent or custodian.  
3438 Any child enrolling in Kindergarten or Grade 1 shall present the  
3439 required evidence of age upon enrollment. Any child in Grades 2  
3440 through 12 not in compliance at the end of sixty (60) days from  
3441 enrollment shall be suspended until in compliance.

3442 **SECTION 62.** Section 37-15-3, Mississippi Code of 1972, is  
3443 amended as follows:

3444 37-15-3. Such cumulative folders as are provided for in  
3445 Section 37-15-1 shall be kept in the school wherein the pupils are  
3446 in attendance. Both the permanent records and the cumulative  
3447 folders shall be available to school officials, including teachers  
3448 within the school district who have been determined by the school



3449 district to have legitimate educational interests. In no case,  
3450 however, shall such records be available to the general public.  
3451 Transcripts of courses and grades may be furnished when requested  
3452 by the parent or guardian or eligible pupil as prescribed in the  
3453 Family Educational Rights and Privacy Act of 1974, as amended, 20  
3454 USC Section 1232. Such records shall be kept for each pupil  
3455 throughout his entire public school enrollment period. In the  
3456 event a pupil transfers to a public school, including a charter  
3457 school, then the cumulative folder shall be furnished to the head  
3458 of the school to which the pupil transfers; if a pupil transfers  
3459 to a private school, then a copy of the cumulative folder shall be  
3460 furnished to the head of the school to which the pupil transfers.  
3461 The permanent record shall be kept permanently by the school  
3462 district from which the pupil transferred.

3463 At no time may a permanent record of a student be destroyed,  
3464 but cumulative folders may be destroyed by order of the school  
3465 board of the school district in not less than five (5) years after  
3466 the permanent record of the pupil has become inactive and has been  
3467 transferred to the central depository of the district. Provided,  
3468 however, that where a school district makes complete copies of  
3469 inactive permanent records on photographic film, microfilm, or any  
3470 other acceptable form of medium for storage which may be  
3471 reproduced as needed, such permanent records may be destroyed  
3472 after the photographic film or microfilm copy has been stored in  
3473 the central depository of the district.





3474           **SECTION 63.** Section 37-15-6, Mississippi Code of 1972, is  
3475 amended as follows:

3476           37-15-6. For the purpose of providing notice to public and  
3477 private school officials, both within and outside the boundaries  
3478 of the state, of the expulsion of any public school student, the  
3479 State Department of Education may develop a central reporting  
3480 system for maintaining information concerning each expulsion from  
3481 a public school. In establishing and maintaining the reporting  
3482 system, the department may require each school district and  
3483 charter school to report, within a certain period of time after an  
3484 expulsion, as established by the department, information such as  
3485 the following:

3486                   (a) The name of the student expelled;

3487                   (b) The date the student was expelled;

3488                   (c) The age of the student at the time of the  
3489 expulsion;

3490                   (d) The school from which the student was expelled;

3491                   (e) The reason for the expulsion, including a detailed  
3492 description of the student's act or acts;

3493                   (f) The duration of the period of expulsion, if not  
3494 indefinite; and

3495                   (g) Any other information that the department deems  
3496 necessary for school officials in a public or private school,  
3497 where a student is seeking enrollment, to determine whether or not



3498 a student should be denied enrollment based upon a previous  
3499 expulsion.

3500 Any information maintained by the department under the  
3501 authority of this section shall be strictly confidential. The  
3502 information shall be available to school officials at a public or  
3503 private school only upon their request and only when a student  
3504 seeks enrollment or admission to that school. In no case shall  
3505 the information be available to the general public.

3506 **SECTION 64.** Section 37-15-9, Mississippi Code of 1972, is  
3507 amended as follows:

3508 37-15-9. (1) Except as provided in subsection (2) and  
3509 subject to the provisions of subsection (3) of this section, no  
3510 child shall be enrolled or admitted to any kindergarten which is a  
3511 part of \* \* \* a public school \* \* \* during any school year unless  
3512 such child will reach his fifth birthday on or before September 1  
3513 of said school year, and no child shall be enrolled or admitted to  
3514 the first grade in any public school \* \* \* during any school year  
3515 unless such child will reach his sixth birthday on or before  
3516 September 1 of said school year. No pupil shall be permanently  
3517 enrolled in a public school in the State of Mississippi who  
3518 formerly was enrolled in another public or private school within  
3519 the state until the cumulative record of the pupil shall have been  
3520 received from the school from which he transferred. Should such  
3521 record have become lost or destroyed, then it shall be the duty of



3522 the superintendent or principal of the school where the pupil last  
3523 attended school to initiate a new record.

3524 (2) Subject to the provisions of subsection (3) of this  
3525 section, any child who transfers from an out-of-state public or  
3526 private school in which that state's law provides for a  
3527 first-grade or kindergarten enrollment date subsequent to  
3528 September 1, shall be allowed to enroll in the public schools of  
3529 Mississippi, at the same grade level as their prior out-of-state  
3530 enrollment, if:

3531 (a) The parent, legal guardian or custodian of such  
3532 child was a legal resident of the state from which the child is  
3533 transferring;

3534 (b) The out-of-state school from which the child is  
3535 transferring is duly accredited by that state's appropriate  
3536 accrediting authority;

3537 (c) Such child was legally enrolled in a public or  
3538 private school for a minimum of four (4) weeks in the previous  
3539 state; and

3540 (d) The superintendent of schools in the applicable  
3541 Mississippi school district or the principal of a charter school,  
3542 as the case may be, has determined that the child was making  
3543 satisfactory educational progress in the previous state.

3544 (3) When any child applies for admission or enrollment in  
3545 any public school in the state, the parent, guardian or child, in  
3546 the absence of an accompanying parent or guardian, shall indicate



3547 on the school registration form if the enrolling child has been  
3548 expelled from any public or private school or is currently a party  
3549 to an expulsion proceeding. If it is determined from the child's  
3550 cumulative record or application for admission or enrollment that  
3551 the child has been expelled, the school district or charter school  
3552 may deny the student admission and enrollment until the  
3553 superintendent of the school, or his designee, or principal of the  
3554 charter school, as the case may be, has reviewed the child's  
3555 cumulative record and determined that the child has participated  
3556 in successful rehabilitative efforts including, but not limited  
3557 to, progress in an alternative school or similar program. If the  
3558 child is a party to an expulsion proceeding, the child may be  
3559 admitted to a public school pending final disposition of the  
3560 expulsion proceeding. If the expulsion proceeding results in the  
3561 expulsion of the child, the public school may revoke such  
3562 admission to school. If the child was expelled or is a party to  
3563 an expulsion proceeding for an act involving violence, weapons,  
3564 alcohol, illegal drugs or other activity that may result in  
3565 expulsion, the school district or charter school shall not be  
3566 required to grant admission or enrollment to the child before one  
3567 (1) calendar year after the date of the expulsion.

3568       **SECTION 65.** Section 37-16-1, Mississippi Code of 1972, is  
3569 amended as follows:



3570           37-16-1. The primary purpose of the statewide testing  
3571 program is to provide information needed for state-level  
3572 decisions. The program shall be designed to:

3573           (a) Assist in the identification of educational needs  
3574 at the state, district and school levels.

3575           (b) Assess how well districts and schools are meeting  
3576 state goals and minimum performance standards.

3577           (c) Provide information to aid in the development of  
3578 policy issues and concerns.

3579           (d) Provide a basis for comparisons among districts,  
3580 between charter schools throughout the state and nonpublic charter  
3581 schools in those school districts in which charter schools are  
3582 located, and between districts, the state and the nation, where  
3583 appropriate.

3584           (e) Produce data which can be used to aid in the  
3585 identification of exceptional educational programs or processes.

3586           **SECTION 66.** Section 37-16-3, Mississippi Code of 1972, is  
3587 amended as follows:

3588           37-16-3. (1) The State Department of Education is directed  
3589 to implement a program of statewide assessment testing which shall  
3590 provide for the improvement of the operation and management of the  
3591 public schools. The statewide program shall be timed, as far as  
3592 possible, so as not to conflict with ongoing district assessment  
3593 programs. As part of the program, the department shall:



3594 (a) Establish, with the approval of the State Board of  
3595 Education, minimum performance standards related to the goals for  
3596 education contained in the state's plan including, but not limited  
3597 to, basic skills in reading, writing and mathematics. The minimum  
3598 performance standards shall be approved by April 1 in each year  
3599 they are established.

3600 (b) Conduct a uniform statewide testing program in  
3601 grades deemed appropriate in the public schools, including charter  
3602 schools. The program may test skill areas, basic skills and high  
3603 school course content.

3604 (c) Monitor the results of the assessment program and,  
3605 at any time the composite student performance of a school or basic  
3606 program is found to be below the established minimum standards,  
3607 notify the district superintendent or the governing board of the  
3608 charter school, as the case may be, the school principal and the  
3609 school advisory committee or other existing parent group of the  
3610 situation within thirty (30) days of its determination. The  
3611 department shall further provide technical assistance to \* \* \* a  
3612 school district in the identification of the causes of this  
3613 deficiency and shall recommend courses of action for its  
3614 correction.

3615 (d) Provide technical assistance to the school  
3616 districts, when requested, in the development of student  
3617 performance standards in addition to the established minimum  
3618 statewide standards.



3619 (e) Issue security procedure regulations providing for  
3620 the security and integrity of the tests that are administered  
3621 under the basic skills assessment program.

3622 (2) Uniform basic skills tests shall be completed by each  
3623 student in the appropriate grade. These tests shall be  
3624 administered in such a manner as to preserve the integrity and  
3625 validity of the assessment. In the event of excused or unexcused  
3626 student absences, make-up tests shall be given. The school  
3627 superintendent of every school district in the state and the  
3628 principal of each charter school shall annually certify to the  
3629 State Department of Education that each student enrolled in the  
3630 appropriate grade has completed the required basic skills  
3631 assessment test for his or her grade in a valid test  
3632 administration.

3633 **SECTION 67.** Section 37-17-1, Mississippi Code of 1972, is  
3634 amended as follows:

3635 37-17-1. (1) The power and authority to prescribe standards  
3636 for the accreditation of noncharter public schools, to insure  
3637 compliance with such standards and to establish procedures for the  
3638 accreditation of noncharter public schools is hereby vested in the  
3639 State Board of Education. The board shall, by orders placed upon  
3640 its minutes, adopt all necessary rules and regulations to  
3641 effectuate the purposes of this chapter and shall provide, through  
3642 the State Department of Education, for the necessary personnel for  
3643 the enforcement of standards so established.



3644       (2) A charter school authorized by the Mississippi Charter  
3645 School Authorizer Board must be granted accreditation by the State  
3646 Board of Education based solely on the approval of the school by  
3647 the authorizer. If the authorizer, at any time, revokes a  
3648 school's charter, the State Board of Education shall withdraw the  
3649 accreditation of the charter school immediately.

3650       **SECTION 68.** Section 37-17-6, Mississippi Code of 1972, is  
3651 amended as follows:

3652       **[Effective until the date Laws of 2012, Ch. 525, is**  
3653 **effectuated under Section 5 of the Voting Rights Act of 1965, as**  
3654 **amended and extended, this section will read:]**

3655       37-17-6. (1) The State Board of Education, acting through  
3656 the Commission on School Accreditation, shall establish and  
3657 implement a permanent performance-based accreditation system, and  
3658 all noncharter public elementary and secondary schools shall be  
3659 accredited under this system.

3660       (2) No later than June 30, 1995, the State Board of  
3661 Education, acting through the Commission on School Accreditation,  
3662 shall require school districts to provide school classroom space  
3663 that is air-conditioned as a minimum requirement for  
3664 accreditation.

3665       (3) (a) Beginning with the 1994-1995 school year, the State  
3666 Board of Education, acting through the Commission on School  
3667 Accreditation, shall require that school districts employ  
3668 certified school librarians according to the following formula:





3669	Number of Students	Number of Certified
3670	Per School Library	School Librarians
3671	0 - 499 Students	1/2 Full-time Equivalent
3672		Certified Librarian
3673	500 or More Students	1 Full-time Certified
3674		Librarian

3675 (b) The State Board of Education, however, may increase  
3676 the number of positions beyond the above requirements.

3677 (c) The assignment of certified school librarians to  
3678 the particular schools shall be at the discretion of the local  
3679 school district. No individual shall be employed as a certified  
3680 school librarian without appropriate training and certification as  
3681 a school librarian by the State Department of Education.

3682 (d) School librarians in the district shall spend at  
3683 least fifty percent (50%) of direct work time in a school library  
3684 and shall devote no more than one-fourth (1/4) of the workday to  
3685 administrative activities that are library related.

3686 (e) Nothing in this subsection shall prohibit any  
3687 school district from employing more certified school librarians  
3688 than are provided for in this section.

3689 (f) Any additional millage levied to fund school  
3690 librarians required for accreditation under this subsection shall  
3691 be included in the tax increase limitation set forth in Sections  
3692 37-57-105 and 37-57-107 and shall not be deemed a new program for  
3693 purposes of the limitation.



3694 (4) On or before December 31, 2002, the State Board of  
3695 Education shall implement the performance-based accreditation  
3696 system for school districts and for individual noncharter public  
3697 schools which shall include the following:

3698 (a) High expectations for students and high standards  
3699 for all schools, with a focus on the basic curriculum;

3700 (b) Strong accountability for results with appropriate  
3701 local flexibility for local implementation;

3702 (c) A process to implement accountability at both the  
3703 school district level and the school level;

3704 (d) Individual schools shall be held accountable for  
3705 student growth and performance;

3706 (e) Set annual performance standards for each of the  
3707 schools of the state and measure the performance of each school  
3708 against itself through the standard that has been set for it;

3709 (f) A determination of which schools exceed their  
3710 standards and a plan for providing recognition and rewards to  
3711 those schools;

3712 (g) A determination of which schools are failing to  
3713 meet their standards and a determination of the appropriate role  
3714 of the State Board of Education and the State Department of  
3715 Education in providing assistance and initiating possible  
3716 intervention. A failing district is a district that fails to meet  
3717 both the absolute student achievement standards and the rate of  
3718 annual growth expectation standards as set by the State Board of



3719 Education for two (2) consecutive years. The State Board of  
3720 Education shall establish the level of benchmarks by which  
3721 absolute student achievement and growth expectations shall be  
3722 assessed. In setting the benchmarks for school districts, the  
3723 State Board of Education may also take into account such factors  
3724 as graduation rates, dropout rates, completion rates, the extent  
3725 to which the school or district employs qualified teachers in  
3726 every classroom, and any other factors deemed appropriate by the  
3727 State Board of Education. The State Board of Education, acting  
3728 through the State Department of Education, shall apply a simple  
3729 "A," "B," "C," "D" and "F" designation to the current school and  
3730 school district statewide accountability performance  
3731 classification labels beginning with the State Accountability  
3732 Results for the 2011-2012 school year and following, and in the  
3733 school, district and state report cards required under state and  
3734 federal law. Under the new designations, a school or school  
3735 district that has earned a "Star" rating shall be designated an  
3736 "A" school or school district; a school or school district that  
3737 has earned a "High-Performing" rating shall be designated a "B"  
3738 school or school district; a school or school district that has  
3739 earned a "Successful" rating shall be designated a "C" school or  
3740 school district; a school or school district that has earned an  
3741 "Academic Watch" rating shall be designated a "D" school or school  
3742 district; a school or school district that has earned a  
3743 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



3744 be designated an "F" school or school district. Effective with  
3745 the implementation of any new curriculum and assessment standards,  
3746 the State Board of Education, acting through the State Department  
3747 of Education, is further authorized and directed to change the  
3748 school and school district accreditation rating system to a simple  
3749 "A," "B," "C," "D," and "F" designation based on a combination of  
3750 student achievement scores and student growth as measured by the  
3751 statewide testing programs developed by the State Board of  
3752 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
3753 1972. In any statute or regulation containing the former  
3754 accreditation designations, the new designations shall be  
3755 applicable;

3756 (h) Development of a comprehensive student assessment  
3757 system to implement these requirements; and

3758 (i) The State Board of Education may, based on a  
3759 written request that contains specific reasons for requesting a  
3760 waiver from the school districts affected by Hurricane Katrina of  
3761 2005, hold harmless school districts from assignment of district  
3762 and school level accountability ratings for the 2005-2006 school  
3763 year. The State Board of Education upon finding an extreme  
3764 hardship in the school district may grant the request. It is the  
3765 intent of the Legislature that all school districts maintain the  
3766 highest possible academic standards and instructional programs in  
3767 all schools as required by law and the State Board of Education.



3768           The State Board of Education may continue to assign school  
3769 district performance levels by using a number classification and  
3770 may assign individual school performance levels by using a number  
3771 classification to be consistent with school district performance  
3772 levels.

3773           (5) Nothing in this section shall be deemed to require a  
3774 nonpublic school that receives no local, state or federal funds  
3775 for support to become accredited by the State Board of Education.

3776           (6) The State Board of Education shall create an  
3777 accreditation audit unit under the Commission on School  
3778 Accreditation to determine whether schools are complying with  
3779 accreditation standards.

3780           (7) The State Board of Education shall be specifically  
3781 authorized and empowered to withhold adequate education program  
3782 fund allocations, whichever is applicable, to any public school  
3783 district for failure to timely report student, school personnel  
3784 and fiscal data necessary to meet state and/or federal  
3785 requirements.

3786           (8) Deleted.

3787           (9) The State Board of Education shall establish, for those  
3788 school districts failing to meet accreditation standards, a  
3789 program of development to be complied with in order to receive  
3790 state funds, except as otherwise provided in subsection (14) of  
3791 this section when the Governor has declared a state of emergency  
3792 in a school district or as otherwise provided in Section 206,



3793 Mississippi Constitution of 1890. The state board, in  
3794 establishing these standards, shall provide for notice to schools  
3795 and sufficient time and aid to enable schools to attempt to meet  
3796 these standards, unless procedures under subsection (14) of this  
3797 section have been invoked.

3798 (10) Beginning July 1, 1998, the State Board of Education  
3799 shall be charged with the implementation of the program of  
3800 development in each applicable school district as follows:

3801 (a) Develop an impairment report for each district  
3802 failing to meet accreditation standards in conjunction with school  
3803 district officials;

3804 (b) Notify any applicable school district failing to  
3805 meet accreditation standards that it is on probation until  
3806 corrective actions are taken or until the deficiencies have been  
3807 removed. The local school district shall develop a corrective  
3808 action plan to improve its deficiencies. For district academic  
3809 deficiencies, the corrective action plan for each such school  
3810 district shall be based upon a complete analysis of the following:  
3811 student test data, student grades, student attendance reports,  
3812 student dropout data, existence and other relevant data. The  
3813 corrective action plan shall describe the specific measures to be  
3814 taken by the particular school district and school to improve:  
3815 (i) instruction; (ii) curriculum; (iii) professional development;  
3816 (iv) personnel and classroom organization; (v) student incentives  
3817 for performance; (vi) process deficiencies; and (vii) reporting to



3818 the local school board, parents and the community. The corrective  
3819 action plan shall describe the specific individuals responsible  
3820 for implementing each component of the recommendation and how each  
3821 will be evaluated. All corrective action plans shall be provided  
3822 to the State Board of Education as may be required. The decision  
3823 of the State Board of Education establishing the probationary  
3824 period of time shall be final;

3825 (c) Offer, during the probationary period, technical  
3826 assistance to the school district in making corrective actions.  
3827 Beginning July 1, 1998, subject to the availability of funds, the  
3828 State Department of Education shall provide technical and/or  
3829 financial assistance to all such school districts in order to  
3830 implement each measure identified in that district's corrective  
3831 action plan through professional development and on-site  
3832 assistance. Each such school district shall apply for and utilize  
3833 all available federal funding in order to support its corrective  
3834 action plan in addition to state funds made available under this  
3835 paragraph;

3836 (d) Assign department personnel or contract, in its  
3837 discretion, with the institutions of higher learning or other  
3838 appropriate private entities with experience in the academic,  
3839 finance and other operational functions of schools to assist  
3840 school districts;

3841 (e) Provide for publication of public notice at least  
3842 one time during the probationary period, in a newspaper published



3843 within the jurisdiction of the school district failing to meet  
3844 accreditation standards, or if no newspaper is published therein,  
3845 then in a newspaper having a general circulation therein. The  
3846 publication shall include the following: declaration of school  
3847 system's status as being on probation; all details relating to the  
3848 impairment report; and other information as the State Board of  
3849 Education deems appropriate. Public notices issued under this  
3850 section shall be subject to Section 13-3-31 and not contrary to  
3851 other laws regarding newspaper publication.

3852 (11) (a) If the recommendations for corrective action are  
3853 not taken by the local school district or if the deficiencies are  
3854 not removed by the end of the probationary period, the Commission  
3855 on School Accreditation shall conduct a hearing to allow the  
3856 affected school district to present evidence or other reasons why  
3857 its accreditation should not be withdrawn. After its  
3858 consideration of the results of the hearing, the Commission on  
3859 School Accreditation shall be authorized, with the approval of the  
3860 State Board of Education, to withdraw the accreditation of a  
3861 public school district, and issue a request to the Governor that a  
3862 state of emergency be declared in that district.

3863 (b) If the State Board of Education and the Commission  
3864 on School Accreditation determine that an extreme emergency  
3865 situation exists in a school district that jeopardizes the safety,  
3866 security or educational interests of the children enrolled in the  
3867 schools in that district and that emergency situation is believed





3868 to be related to a serious violation or violations of  
3869 accreditation standards or state or federal law, or when a school  
3870 district meets the State Board of Education's definition of a  
3871 failing school district for two (2) consecutive full school years,  
3872 or if more than fifty percent (50%) of the schools within the  
3873 school district are designated as Schools At-Risk in any one (1)  
3874 year, the State Board of Education may request the Governor to  
3875 declare a state of emergency in that school district. For  
3876 purposes of this paragraph, the declarations of a state of  
3877 emergency shall not be limited to those instances when a school  
3878 district's impairments are related to a lack of financial  
3879 resources, but also shall include serious failure to meet minimum  
3880 academic standards, as evidenced by a continued pattern of poor  
3881 student performance.

3882 (c) Whenever the Governor declares a state of emergency  
3883 in a school district in response to a request made under paragraph  
3884 (a) or (b) of this subsection, the State Board of Education may  
3885 take one or more of the following actions:

3886 (i) Declare a state of emergency, under which some  
3887 or all of state funds can be escrowed except as otherwise provided  
3888 in Section 206, Constitution of 1890, until the board determines  
3889 corrective actions are being taken or the deficiencies have been  
3890 removed, or that the needs of students warrant the release of  
3891 funds. The funds may be released from escrow for any program  
3892 which the board determines to have been restored to standard even



3893 though the state of emergency may not as yet be terminated for the  
3894 district as a whole;

3895                   (ii) Override any decision of the local school  
3896 board or superintendent of education, or both, concerning the  
3897 management and operation of the school district, or initiate and  
3898 make decisions concerning the management and operation of the  
3899 school district;

3900                   (iii) Assign an interim conservator, or in its  
3901 discretion, contract with a private entity with experience in the  
3902 academic, finance and other operational functions of schools and  
3903 school districts, who will have those powers and duties prescribed  
3904 in subsection (14) of this section;

3905                   (iv) Grant transfers to students who attend this  
3906 school district so that they may attend other accredited schools  
3907 or districts in a manner that is not in violation of state or  
3908 federal law;

3909                   (v) For states of emergency declared under  
3910 paragraph (a) only, if the accreditation deficiencies are related  
3911 to the fact that the school district is too small, with too few  
3912 resources, to meet the required standards and if another school  
3913 district is willing to accept those students, abolish that  
3914 district and assign that territory to another school district or  
3915 districts. If the school district has proposed a voluntary  
3916 consolidation with another school district or districts, then if  
3917 the State Board of Education finds that it is in the best interest



3918 of the pupils of the district for the consolidation to proceed,  
3919 the voluntary consolidation shall have priority over any such  
3920 assignment of territory by the State Board of Education;

3921 (vi) For states of emergency declared under  
3922 paragraph (b) only, reduce local supplements paid to school  
3923 district employees, including, but not limited to, instructional  
3924 personnel, assistant teachers and extracurricular activities  
3925 personnel, if the district's impairment is related to a lack of  
3926 financial resources, but only to an extent that will result in the  
3927 salaries being comparable to districts similarly situated, as  
3928 determined by the State Board of Education;

3929 (vii) For states of emergency declared under  
3930 paragraph (b) only, the State Board of Education may take any  
3931 action as prescribed in Section 37-17-13.

3932 (d) At the time that satisfactory corrective action has  
3933 been taken in a school district in which a state of emergency has  
3934 been declared, the State Board of Education may request the  
3935 Governor to declare that the state of emergency no longer exists  
3936 in the district.

3937 (e) There is established a Mississippi Recovery School  
3938 District within the State Department of Education under the  
3939 supervision of a deputy superintendent appointed by the State  
3940 Superintendent of Public Education, who is subject to the approval  
3941 by the State Board of Education. The Mississippi Recovery School  
3942 District shall provide leadership and oversight of all school



3943 districts that are subject to state conservatorship, as defined in  
3944 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall  
3945 have all the authority granted under these two (2) chapters. The  
3946 Mississippi Department of Education, with the approval of the  
3947 State Board of Education, shall develop policies for the operation  
3948 and management of the Mississippi Recovery School District. The  
3949 deputy state superintendent is responsible for the Mississippi  
3950 Recovery School District and shall be authorized to oversee the  
3951 administration of the Mississippi Recovery School District,  
3952 oversee conservators assigned by the State Board of Education to a  
3953 local school district, hear appeals from school districts under  
3954 conservatorship that would normally be filed by students, parents  
3955 or employees and heard by a local school board, which hearings on  
3956 appeal shall be conducted in a prompt and timely manner in the  
3957 school district from which the appeal originated in order to  
3958 ensure the ability of appellants, other parties and witnesses to  
3959 appeal without undue burden of travel costs or loss of time from  
3960 work, and perform other related duties as assigned by the State  
3961 Superintendent of Public Education. The deputy state  
3962 superintendent is responsible for the Mississippi Recovery School  
3963 District and shall determine, based on rigorous professional  
3964 qualifications set by the State Board of Education, the  
3965 appropriate individuals to be engaged to be conservators and  
3966 financial advisors, if applicable, of all school districts subject  
3967 to state conservatorship. After State Board of Education



3968 approval, these individuals shall be deemed independent  
3969 contractors.

3970 (12) Upon the declaration of a state of emergency in a  
3971 school district under subsection (11) of this section, the  
3972 Commission on School Accreditation shall be responsible for public  
3973 notice at least once a week for at least three (3) consecutive  
3974 weeks in a newspaper published within the jurisdiction of the  
3975 school district failing to meet accreditation standards, or if no  
3976 newspaper is published therein, then in a newspaper having a  
3977 general circulation therein. The size of the notice shall be no  
3978 smaller than one-fourth (1/4) of a standard newspaper page and  
3979 shall be printed in bold print. If a conservator has been  
3980 appointed for the school district, the notice shall begin as  
3981 follows: "By authority of Section 37-17-6, Mississippi Code of  
3982 1972, as amended, adopted by the Mississippi Legislature during  
3983 the 1991 Regular Session, this school district (name of school  
3984 district) is hereby placed under the jurisdiction of the State  
3985 Department of Education acting through its appointed conservator  
3986 (name of conservator)."

3987 The notice also shall include, in the discretion of the State  
3988 Board of Education, any or all details relating to the school  
3989 district's emergency status, including the declaration of a state  
3990 of emergency in the school district and a description of the  
3991 district's impairment deficiencies, conditions of any  
3992 conservatorship and corrective actions recommended and being



3993 taken. Public notices issued under this section shall be subject  
3994 to Section 13-3-31 and not contrary to other laws regarding  
3995 newspaper publication.

3996       Upon termination of the state of emergency in a school  
3997 district, the Commission on School Accreditation shall cause  
3998 notice to be published in the school district in the same manner  
3999 provided in this section, to include any or all details relating  
4000 to the corrective action taken in the school district that  
4001 resulted in the termination of the state of emergency.

4002       (13) The State Board of Education or the Commission on  
4003 School Accreditation shall have the authority to require school  
4004 districts to produce the necessary reports, correspondence,  
4005 financial statements, and any other documents and information  
4006 necessary to fulfill the requirements of this section.

4007       Nothing in this section shall be construed to grant any  
4008 individual, corporation, board or conservator the authority to  
4009 levy taxes except in accordance with presently existing statutory  
4010 provisions.

4011       (14) (a) Whenever the Governor declares a state of  
4012 emergency in a school district in response to a request made under  
4013 subsection (11) of this section, the State Board of Education, in  
4014 its discretion, may assign an interim conservator to the school  
4015 district, or in its discretion, may contract with an appropriate  
4016 private entity with experience in the academic, finance and other  
4017 operational functions of schools and school districts, who will be



4018 responsible for the administration, management and operation of  
4019 the school district, including, but not limited to, the following  
4020 activities:

4021 (i) Approving or disapproving all financial  
4022 obligations of the district, including, but not limited to, the  
4023 employment, termination, nonrenewal and reassignment of all  
4024 licensed and nonlicensed personnel, contractual agreements and  
4025 purchase orders, and approving or disapproving all claim dockets  
4026 and the issuance of checks; in approving or disapproving  
4027 employment contracts of superintendents, assistant superintendents  
4028 or principals, the interim conservator shall not be required to  
4029 comply with the time limitations prescribed in Sections 37-9-15  
4030 and 37-9-105;

4031 (ii) Supervising the day-to-day activities of the  
4032 district's staff, including reassigning the duties and  
4033 responsibilities of personnel in a manner which, in the  
4034 determination of the conservator, will best suit the needs of the  
4035 district;

4036 (iii) Reviewing the district's total financial  
4037 obligations and operations and making recommendations to the  
4038 district for cost savings, including, but not limited to,  
4039 reassigning the duties and responsibilities of staff;

4040 (iv) Attending all meetings of the district's  
4041 school board and administrative staff;



4042 (v) Approving or disapproving all athletic, band  
4043 and other extracurricular activities and any matters related to  
4044 those activities;

4045 (vi) Maintaining a detailed account of  
4046 recommendations made to the district and actions taken in response  
4047 to those recommendations;

4048 (vii) Reporting periodically to the State Board of  
4049 Education on the progress or lack of progress being made in the  
4050 district to improve the district's impairments during the state of  
4051 emergency; and

4052 (viii) Appointing a parent advisory committee,  
4053 comprised of parents of students in the school district that may  
4054 make recommendations to the conservator concerning the  
4055 administration, management and operation of the school district.

4056 Except when, in the determination of the State Board of  
4057 Education, the school district's impairment is related to a lack  
4058 of financial resources, the cost of the salary of the conservator  
4059 and any other actual and necessary costs related to the  
4060 conservatorship paid by the State Department of Education shall be  
4061 reimbursed by the local school district from funds other than  
4062 adequate education program funds. The department shall submit an  
4063 itemized statement to the superintendent of the local school  
4064 district for reimbursement purposes, and any unpaid balance may be  
4065 withheld from the district's adequate education program funds.





4066           At the time that the Governor, in accordance with the request  
4067 of the State Board of Education, declares that the state of  
4068 emergency no longer exists in a school district, the powers and  
4069 responsibilities of the interim conservator assigned to the  
4070 district shall cease.

4071           (b) In order to provide loans to school districts under  
4072 a state of emergency that have impairments related to a lack of  
4073 financial resources, the School District Emergency Assistance Fund  
4074 is created as a special fund in the State Treasury into which  
4075 monies may be transferred or appropriated by the Legislature from  
4076 any available public education funds.

4077           The State Board of Education may loan monies from the School  
4078 District Emergency Assistance Fund to a school district that is  
4079 under a state of emergency in those amounts, as determined by the  
4080 board, that are necessary to correct the district's impairments  
4081 related to a lack of financial resources. The loans shall be  
4082 evidenced by an agreement between the school district and the  
4083 State Board of Education and shall be repayable in principal,  
4084 without necessity of interest, to the State General Fund or the  
4085 Education Enhancement Fund, depending on the source of funding for  
4086 the loan, by the school district from any allowable funds that are  
4087 available. The total amount loaned to the district shall be due  
4088 and payable within five (5) years after the impairments related to  
4089 a lack of financial resources are corrected. If a school district  
4090 fails to make payments on the loan in accordance with the terms of



4091 the agreement between the district and the State Board of  
4092 Education, the State Department of Education, in accordance with  
4093 rules and regulations established by the State Board of Education,  
4094 may withhold that district's adequate education program funds in  
4095 an amount and manner that will effectuate repayment consistent  
4096 with the terms of the agreement; the funds withheld by the  
4097 department shall be deposited into the State General Fund or the  
4098 Education Enhancement Fund, as the case may be.

4099         The State Board of Education shall develop a protocol that  
4100 will outline the performance standards and requisite time line  
4101 deemed necessary for extreme emergency measures. If the State  
4102 Board of Education determines that an extreme emergency exists,  
4103 simultaneous with the powers exercised in this subsection, it  
4104 shall take immediate action against all parties responsible for  
4105 the affected school districts having been determined to be in an  
4106 extreme emergency. The action shall include, but not be limited  
4107 to, initiating civil actions to recover funds and criminal actions  
4108 to account for criminal activity. Any funds recovered by the  
4109 State Auditor or the State Board of Education from the surety  
4110 bonds of school officials or from any civil action brought under  
4111 this subsection shall be applied toward the repayment of any loan  
4112 made to a school district hereunder.

4113         (15) If a majority of the membership of the school board of  
4114 any school district resigns from office, the State Board of  
4115 Education shall be authorized to assign an interim conservator,



4116 who shall be responsible for the administration, management and  
4117 operation of the school district until the time as new board  
4118 members are selected or the Governor declares a state of emergency  
4119 in that school district under subsection (11), whichever occurs  
4120 first. In that case, the State Board of Education, acting through  
4121 the interim conservator, shall have all powers which were held by  
4122 the previously existing school board, and may take any action as  
4123 prescribed in Section 37-17-13 and/or one or more of the actions  
4124 authorized in this section.

4125       (16) (a) If the Governor declares a state of emergency in a  
4126 school district, the State Board of Education may take all such  
4127 action pertaining to that school district as is authorized under  
4128 subsection (11) or (14) of Section 37-17-6, including the  
4129 appointment of an interim conservator. The State Board of  
4130 Education shall also have the authority to issue a written request  
4131 with documentation to the Governor asking that the office of the  
4132 superintendent of the school district be subject to recall. If  
4133 the Governor declares that the office of the superintendent of the  
4134 school district is subject to recall, the local school board or  
4135 the county election commission, as the case may be, shall take the  
4136 following action:

4137               (i) If the office of superintendent is an elected  
4138 office, in those years in which there is no general election, the  
4139 name shall be submitted by the State Board of Education to the  
4140 county election commission, and the county election commission



4141 shall submit the question at a special election to the voters  
4142 eligible to vote for the office of superintendent within the  
4143 county, and the special election shall be held within sixty (60)  
4144 days from notification by the State Board of Education. The  
4145 ballot shall read substantially as follows:

4146 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
4147 name of the superintendent shall be inserted) of the \_\_\_\_\_  
4148 (here the title of the school district shall be inserted) be  
4149 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4150 If a majority of those voting on the question votes against  
4151 retaining the superintendent in office, a vacancy shall exist  
4152 which shall be filled in the manner provided by law; otherwise,  
4153 the superintendent shall remain in office for the term of that  
4154 office, and at the expiration of the term shall be eligible for  
4155 qualification and election to another term or terms.

4156 (ii) If the office of superintendent is an  
4157 appointive office, the name of the superintendent shall be  
4158 submitted by the president of the local school board at the next  
4159 regular meeting of the school board for retention in office or  
4160 dismissal from office. If a majority of the school board voting  
4161 on the question vote against retaining the superintendent in  
4162 office, a vacancy shall exist which shall be filled as provided by  
4163 law, otherwise the superintendent shall remain in office for the  
4164 duration of his employment contract.



4165 (b) The State Board of Education may issue a written  
4166 request with documentation to the Governor asking that the  
4167 membership of the school board of the school district shall be  
4168 subject to recall. Whenever the Governor declares that the  
4169 membership of the school board is subject to recall, the county  
4170 election commission or the local governing authorities, as the  
4171 case may be, shall take the following action:

4172 (i) If the members of the local school board are  
4173 elected to office, in those years in which the specific member's  
4174 office is not up for election, the name of the school board member  
4175 shall be submitted by the State Board of Education to the county  
4176 election commission, and the county election commission at a  
4177 special election shall submit the question to the voters eligible  
4178 to vote for the particular member's office within the county or  
4179 school district, as the case may be, and the special election  
4180 shall be held within sixty (60) days from notification by the  
4181 State Board of Education. The ballot shall read substantially as  
4182 follows:

4183 "Members of the \_\_\_\_\_ (here the title of the school  
4184 district shall be inserted) School Board who are not up for  
4185 election this year are subject to recall because of the school  
4186 district's failure to meet critical accountability standards as  
4187 defined in the letter of notification to the Governor from the  
4188 State Board of Education. Shall the member of the school board  
4189 representing this area, \_\_\_\_\_ (here the name of the school



4190 board member holding the office shall be inserted), be retained in  
4191 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4192 If a majority of those voting on the question vote against  
4193 retaining the member of the school board in office, a vacancy in  
4194 that board member's office shall exist, which shall be filled in  
4195 the manner provided by law; otherwise, the school board member  
4196 shall remain in office for the term of that office, and at the  
4197 expiration of the term of office, the member shall be eligible for  
4198 qualification and election to another term or terms of office.  
4199 However, if a majority of the school board members are recalled in  
4200 the special election, the Governor shall authorize the board of  
4201 supervisors of the county in which the school district is situated  
4202 to appoint members to fill the offices of the members recalled.  
4203 The board of supervisors shall make those appointments in the  
4204 manner provided by law for filling vacancies on the school board,  
4205 and the appointed members shall serve until the office is filled  
4206 at the next regular special election or general election.

4207 (ii) If the local school board is an appointed  
4208 school board, the name of all school board members shall be  
4209 submitted as a collective board by the president of the municipal  
4210 or county governing authority, as the case may be, at the next  
4211 regular meeting of the governing authority for retention in office  
4212 or dismissal from office. If a majority of the governing  
4213 authority voting on the question vote against retaining the board  
4214 in office, a vacancy shall exist in each school board member's



4215 office, which shall be filled as provided by law; otherwise, the  
4216 members of the appointed school board shall remain in office for  
4217 the duration of their term of appointment, and those members may  
4218 be reappointed.

4219 (iii) If the local school board is comprised of  
4220 both elected and appointed members, the elected members shall be  
4221 subject to recall in the manner provided in subparagraph (i) of  
4222 this subsection, and the appointed members shall be subject to  
4223 recall in the manner provided in subparagraph (ii).

4224 (17) Beginning with the school district audits conducted for  
4225 the 1997-1998 fiscal year, the State Board of Education, acting  
4226 through the Commission on School Accreditation, shall require each  
4227 school district to comply with standards established by the State  
4228 Department of Audit for the verification of fixed assets and the  
4229 auditing of fixed assets records as a minimum requirement for  
4230 accreditation.

4231 (18) Before December 1, 1999, the State Board of Education  
4232 shall recommend a program to the Education Committees of the House  
4233 of Representatives and the Senate for identifying and rewarding  
4234 public schools that improve or are high performing. The program  
4235 shall be described by the board in a written report, which shall  
4236 include criteria and a process through which improving schools and  
4237 high-performing schools will be identified and rewarded.

4238 The State Superintendent of Public Education and the State  
4239 Board of Education also shall develop a comprehensive



4240 accountability plan to ensure that local school boards,  
4241 superintendents, principals and teachers are held accountable for  
4242 student achievement. A written report on the accountability plan  
4243 shall be submitted to the Education Committees of both houses of  
4244 the Legislature before December 1, 1999, with any necessary  
4245 legislative recommendations.

4246 (19) Before January 1, 2008, the State Board of Education  
4247 shall evaluate and submit a recommendation to the Education  
4248 Committees of the House of Representatives and the Senate on  
4249 inclusion of graduation rate and dropout rate in the school level  
4250 accountability system.

4251 (20) If a local school district is determined as failing and  
4252 placed into conservatorship for reasons authorized by the  
4253 provisions of this section, the conservator appointed to the  
4254 district shall, within forty-five (45) days after being appointed,  
4255 present a detailed and structured corrective action plan to move  
4256 the local school district out of conservatorship status to the  
4257 local school board and local superintendent of education if they  
4258 have not been removed by the conservator, or if the board and  
4259 superintendent have been removed, to the local governing authority  
4260 of the municipality or county in which the school district under  
4261 conservatorship is located. A copy of the conservator's  
4262 corrective action plan shall also be filed with the State Board of  
4263 Education.







4289           (c) The assignment of certified school librarians to  
4290 the particular schools shall be at the discretion of the local  
4291 school district. No individual shall be employed as a certified  
4292 school librarian without appropriate training and certification as  
4293 a school librarian by the State Department of Education.

4294           (d) School librarians in the district shall spend at  
4295 least fifty percent (50%) of direct work time in a school library  
4296 and shall devote no more than one-fourth (1/4) of the workday to  
4297 administrative activities that are library related.

4298           (e) Nothing in this subsection shall prohibit any  
4299 school district from employing more certified school librarians  
4300 than are provided for in this section.

4301           (f) Any additional millage levied to fund school  
4302 librarians required for accreditation under this subsection shall  
4303 be included in the tax increase limitation set forth in Sections  
4304 37-57-105 and 37-57-107 and shall not be deemed a new program for  
4305 purposes of the limitation.

4306           (4) On or before December 31, 2002, the State Board of  
4307 Education shall implement the performance-based accreditation  
4308 system for school districts and for individual noncharter public  
4309 schools which shall include the following:

4310           (a) High expectations for students and high standards  
4311 for all schools, with a focus on the basic curriculum;

4312           (b) Strong accountability for results with appropriate  
4313 local flexibility for local implementation;



4314 (c) A process to implement accountability at both the  
4315 school district level and the school level;

4316 (d) Individual schools shall be held accountable for  
4317 student growth and performance;

4318 (e) Set annual performance standards for each of the  
4319 schools of the state and measure the performance of each school  
4320 against itself through the standard that has been set for it;

4321 (f) A determination of which schools exceed their  
4322 standards and a plan for providing recognition and rewards to  
4323 those schools;

4324 (g) A determination of which schools are failing to  
4325 meet their standards and a determination of the appropriate role  
4326 of the State Board of Education and the State Department of  
4327 Education in providing assistance and initiating possible  
4328 intervention. A failing district is a district that fails to meet  
4329 both the absolute student achievement standards and the rate of  
4330 annual growth expectation standards as set by the State Board of  
4331 Education for two (2) consecutive years. The State Board of  
4332 Education shall establish the level of benchmarks by which  
4333 absolute student achievement and growth expectations shall be  
4334 assessed. In setting the benchmarks for school districts, the  
4335 State Board of Education may also take into account such factors  
4336 as graduation rates, dropout rates, completion rates, the extent  
4337 to which the school or district employs qualified teachers in  
4338 every classroom, and any other factors deemed appropriate by the



4339 State Board of Education. The State Board of Education, acting  
4340 through the State Department of Education, shall apply a simple  
4341 "A," "B," "C," "D" and "F" designation to the current school and  
4342 school district statewide accountability performance  
4343 classification labels beginning with the State Accountability  
4344 Results for the 2011-2012 school year and following, and in the  
4345 school, district and state report cards required under state and  
4346 federal law. Under the new designations, a school or school  
4347 district that has earned a "Star" rating shall be designated an  
4348 "A" school or school district; a school or school district that  
4349 has earned a "High-Performing" rating shall be designated a "B"  
4350 school or school district; a school or school district that has  
4351 earned a "Successful" rating shall be designated a "C" school or  
4352 school district; a school or school district that has earned an  
4353 "Academic Watch" rating shall be designated a "D" school or school  
4354 district; a school or school district that has earned a  
4355 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
4356 be designated an "F" school or school district. Effective with  
4357 the implementation of any new curriculum and assessment standards,  
4358 the State Board of Education, acting through the State Department  
4359 of Education, is further authorized and directed to change the  
4360 school and school district accreditation rating system to a simple  
4361 "A," "B," "C," "D," and "F" designation based on a combination of  
4362 student achievement scores and student growth as measured by the  
4363 statewide testing programs developed by the State Board of



4364 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
4365 1972. In any statute or regulation containing the former  
4366 accreditation designations, the new designations shall be  
4367 applicable;

4368 (h) Development of a comprehensive student assessment  
4369 system to implement these requirements; and

4370 (i) The State Board of Education may, based on a  
4371 written request that contains specific reasons for requesting a  
4372 waiver from the school districts affected by Hurricane Katrina of  
4373 2005, hold harmless school districts from assignment of district  
4374 and school level accountability ratings for the 2005-2006 school  
4375 year. The State Board of Education upon finding an extreme  
4376 hardship in the school district may grant the request. It is the  
4377 intent of the Legislature that all school districts maintain the  
4378 highest possible academic standards and instructional programs in  
4379 all schools as required by law and the State Board of Education.

4380 The State Board of Education may continue to assign school  
4381 district performance levels by using a number classification and  
4382 may assign individual school performance levels by using a number  
4383 classification to be consistent with school district performance  
4384 levels.

4385 (5) Nothing in this section shall be deemed to require a  
4386 nonpublic school that receives no local, state or federal funds  
4387 for support to become accredited by the State Board of Education.



4388           (6) The State Board of Education shall create an  
4389 accreditation audit unit under the Commission on School  
4390 Accreditation to determine whether schools are complying with  
4391 accreditation standards.

4392           (7) The State Board of Education shall be specifically  
4393 authorized and empowered to withhold adequate education program  
4394 fund allocations, whichever is applicable, to any public school  
4395 district for failure to timely report student, school personnel  
4396 and fiscal data necessary to meet state and/or federal  
4397 requirements.

4398           (8) Deleted.

4399           (9) The State Board of Education shall establish, for those  
4400 school districts failing to meet accreditation standards, a  
4401 program of development to be complied with in order to receive  
4402 state funds, except as otherwise provided in subsection (14) of  
4403 this section when the Governor has declared a state of emergency  
4404 in a school district or as otherwise provided in Section 206,  
4405 Mississippi Constitution of 1890. The state board, in  
4406 establishing these standards, shall provide for notice to schools  
4407 and sufficient time and aid to enable schools to attempt to meet  
4408 these standards, unless procedures under subsection (14) of this  
4409 section have been invoked.

4410           (10) Beginning July 1, 1998, the State Board of Education  
4411 shall be charged with the implementation of the program of  
4412 development in each applicable school district as follows:



4413 (a) Develop an impairment report for each district  
4414 failing to meet accreditation standards in conjunction with school  
4415 district officials;

4416 (b) Notify any applicable school district failing to  
4417 meet accreditation standards that it is on probation until  
4418 corrective actions are taken or until the deficiencies have been  
4419 removed. The local school district shall develop a corrective  
4420 action plan to improve its deficiencies. For district academic  
4421 deficiencies, the corrective action plan for each such school  
4422 district shall be based upon a complete analysis of the following:  
4423 student test data, student grades, student attendance reports,  
4424 student dropout data, existence and other relevant data. The  
4425 corrective action plan shall describe the specific measures to be  
4426 taken by the particular school district and school to improve:  
4427 (i) instruction; (ii) curriculum; (iii) professional development;  
4428 (iv) personnel and classroom organization; (v) student incentives  
4429 for performance; (vi) process deficiencies; and (vii) reporting to  
4430 the local school board, parents and the community. The corrective  
4431 action plan shall describe the specific individuals responsible  
4432 for implementing each component of the recommendation and how each  
4433 will be evaluated. All corrective action plans shall be provided  
4434 to the State Board of Education as may be required. The decision  
4435 of the State Board of Education establishing the probationary  
4436 period of time shall be final;



4437           (c) Offer, during the probationary period, technical  
4438 assistance to the school district in making corrective actions.  
4439 Beginning July 1, 1998, subject to the availability of funds, the  
4440 State Department of Education shall provide technical and/or  
4441 financial assistance to all such school districts in order to  
4442 implement each measure identified in that district's corrective  
4443 action plan through professional development and on-site  
4444 assistance. Each such school district shall apply for and utilize  
4445 all available federal funding in order to support its corrective  
4446 action plan in addition to state funds made available under this  
4447 paragraph;

4448           (d) Assign department personnel or contract, in its  
4449 discretion, with the institutions of higher learning or other  
4450 appropriate private entities with experience in the academic,  
4451 finance and other operational functions of schools to assist  
4452 school districts;

4453           (e) Provide for publication of public notice at least  
4454 one time during the probationary period, in a newspaper published  
4455 within the jurisdiction of the school district failing to meet  
4456 accreditation standards, or if no newspaper is published therein,  
4457 then in a newspaper having a general circulation therein. The  
4458 publication shall include the following: declaration of school  
4459 system's status as being on probation; all details relating to the  
4460 impairment report; and other information as the State Board of  
4461 Education deems appropriate. Public notices issued under this





4462 section shall be subject to Section 13-3-31 and not contrary to  
4463 other laws regarding newspaper publication.

4464 (11) (a) If the recommendations for corrective action are  
4465 not taken by the local school district or if the deficiencies are  
4466 not removed by the end of the probationary period, the Commission  
4467 on School Accreditation shall conduct a hearing to allow the  
4468 affected school district to present evidence or other reasons why  
4469 its accreditation should not be withdrawn. Additionally, if the  
4470 local school district violates accreditation standards that have  
4471 been determined by the policies and procedures of the State Board  
4472 of Education to be a basis for withdrawal of school district's  
4473 accreditation without a probationary period, the Commission on  
4474 School Accreditation shall conduct a hearing to allow the affected  
4475 school district to present evidence or other reasons why its  
4476 accreditation should not be withdrawn. After its consideration of  
4477 the results of the hearing, the Commission on School Accreditation  
4478 shall be authorized, with the approval of the State Board of  
4479 Education, to withdraw the accreditation of a public school  
4480 district, and issue a request to the Governor that a state of  
4481 emergency be declared in that district.

4482 (b) If the State Board of Education and the Commission  
4483 on School Accreditation determine that an extreme emergency  
4484 situation exists in a school district that jeopardizes the safety,  
4485 security or educational interests of the children enrolled in the  
4486 schools in that district and that emergency situation is believed



4487 to be related to a serious violation or violations of  
4488 accreditation standards or state or federal law, or when a school  
4489 district meets the State Board of Education's definition of a  
4490 failing school district for two (2) consecutive full school years,  
4491 or if more than fifty percent (50%) of the schools within the  
4492 school district are designated as Schools At-Risk in any one (1)  
4493 year, the State Board of Education may request the Governor to  
4494 declare a state of emergency in that school district. For  
4495 purposes of this paragraph, the declarations of a state of  
4496 emergency shall not be limited to those instances when a school  
4497 district's impairments are related to a lack of financial  
4498 resources, but also shall include serious failure to meet minimum  
4499 academic standards, as evidenced by a continued pattern of poor  
4500 student performance.

4501 (c) Whenever the Governor declares a state of emergency  
4502 in a school district in response to a request made under paragraph  
4503 (a) or (b) of this subsection, the State Board of Education may  
4504 take one or more of the following actions:

4505 (i) Declare a state of emergency, under which some  
4506 or all of state funds can be escrowed except as otherwise provided  
4507 in Section 206, Constitution of 1890, until the board determines  
4508 corrective actions are being taken or the deficiencies have been  
4509 removed, or that the needs of students warrant the release of  
4510 funds. The funds may be released from escrow for any program  
4511 which the board determines to have been restored to standard even



4512 though the state of emergency may not as yet be terminated for the  
4513 district as a whole;

4514 (ii) Override any decision of the local school  
4515 board or superintendent of education, or both, concerning the  
4516 management and operation of the school district, or initiate and  
4517 make decisions concerning the management and operation of the  
4518 school district;

4519 (iii) Assign an interim conservator, or in its  
4520 discretion, contract with a private entity with experience in the  
4521 academic, finance and other operational functions of schools and  
4522 school districts, who will have those powers and duties prescribed  
4523 in subsection (14) of this section;

4524 (iv) Grant transfers to students who attend this  
4525 school district so that they may attend other accredited schools  
4526 or districts in a manner that is not in violation of state or  
4527 federal law;

4528 (v) For states of emergency declared under  
4529 paragraph (a) only, if the accreditation deficiencies are related  
4530 to the fact that the school district is too small, with too few  
4531 resources, to meet the required standards and if another school  
4532 district is willing to accept those students, abolish that  
4533 district and assign that territory to another school district or  
4534 districts. If the school district has proposed a voluntary  
4535 consolidation with another school district or districts, then if  
4536 the State Board of Education finds that it is in the best interest



4537 of the pupils of the district for the consolidation to proceed,  
4538 the voluntary consolidation shall have priority over any such  
4539 assignment of territory by the State Board of Education;

4540 (vi) For states of emergency declared under  
4541 paragraph (b) only, reduce local supplements paid to school  
4542 district employees, including, but not limited to, instructional  
4543 personnel, assistant teachers and extracurricular activities  
4544 personnel, if the district's impairment is related to a lack of  
4545 financial resources, but only to an extent that will result in the  
4546 salaries being comparable to districts similarly situated, as  
4547 determined by the State Board of Education;

4548 (vii) For states of emergency declared under  
4549 paragraph (b) only, the State Board of Education may take any  
4550 action as prescribed in Section 37-17-13.

4551 (d) At the time that satisfactory corrective action has  
4552 been taken in a school district in which a state of emergency has  
4553 been declared, the State Board of Education may request the  
4554 Governor to declare that the state of emergency no longer exists  
4555 in the district.

4556 (e) The parent or legal guardian of a school-age child  
4557 who is enrolled in a school district whose accreditation has been  
4558 withdrawn by the Commission on School Accreditation and without  
4559 approval of that school district may file a petition in writing to  
4560 a school district accredited by the Commission on School  
4561 Accreditation for a legal transfer. The school district



4562 accredited by the Commission on School Accreditation may grant the  
4563 transfer according to the procedures of Section 37-15-31(1)(b).  
4564 In the event the accreditation of the student's home district is  
4565 restored after a transfer has been approved, the student may  
4566 continue to attend the transferee school district. The per-pupil  
4567 amount of the adequate education program allotment, including the  
4568 collective "add-on program" costs for the student's home school  
4569 district shall be transferred monthly to the school district  
4570 accredited by the Commission on School Accreditation that has  
4571 granted the transfer of the school-age child.

4572 (f) Upon the declaration of a state of emergency for  
4573 any school district in which the Governor has previously declared  
4574 a state of emergency, the State Board of Education may either (i)  
4575 establish a conservatorship or (ii) abolish the school district  
4576 and administratively consolidate the school district with one or  
4577 more existing school districts or (iii) reduce the size of the  
4578 district and administratively consolidate parts of the district,  
4579 as determined by the State Board of Education; provided, however,  
4580 that no school district which is not under conservatorship shall  
4581 be required to accept additional territory over the objection of  
4582 the district.

4583 (g) There is established a Mississippi Recovery School  
4584 District within the State Department of Education under the  
4585 supervision of a deputy superintendent appointed by the State  
4586 Superintendent of Public Education, who is subject to the approval



4587 by the State Board of Education. The Mississippi Recovery School  
4588 District shall provide leadership and oversight of all school  
4589 districts that are subject to state conservatorship, as defined in  
4590 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall  
4591 have all the authority granted under these two (2) chapters. The  
4592 Mississippi Department of Education, with the approval of the  
4593 State Board of Education, shall develop policies for the operation  
4594 and management of the Mississippi Recovery School District. The  
4595 deputy state superintendent is responsible for the Mississippi  
4596 Recovery School District and shall be authorized to oversee the  
4597 administration of the Mississippi Recovery School District,  
4598 oversee conservators assigned by the State Board of Education to a  
4599 local school district, hear appeals from school districts under  
4600 conservatorship that would normally be filed by students, parents  
4601 or employees and heard by a local school board, which hearings on  
4602 appeal shall be conducted in a prompt and timely manner in the  
4603 school district from which the appeal originated in order to  
4604 ensure the ability of appellants, other parties and witnesses to  
4605 appeal without undue burden of travel costs or loss of time from  
4606 work, and perform other related duties as assigned by the State  
4607 Superintendent of Public Education. The deputy state  
4608 superintendent is responsible for the Mississippi Recovery School  
4609 District and shall determine, based on rigorous professional  
4610 qualifications set by the State Board of Education, the  
4611 appropriate individuals to be engaged to be conservators and



4612 financial advisors, if applicable, of all school districts subject  
4613 to state conservatorship. After State Board of Education  
4614 approval, these individuals shall be deemed independent  
4615 contractors.

4616 (12) Upon the declaration of a state of emergency in a  
4617 school district under subsection (11) of this section, the  
4618 Commission on School Accreditation shall be responsible for public  
4619 notice at least once a week for at least three (3) consecutive  
4620 weeks in a newspaper published within the jurisdiction of the  
4621 school district failing to meet accreditation standards, or if no  
4622 newspaper is published therein, then in a newspaper having a  
4623 general circulation therein. The size of the notice shall be no  
4624 smaller than one-fourth (1/4) of a standard newspaper page and  
4625 shall be printed in bold print. If a conservator has been  
4626 appointed for the school district, the notice shall begin as  
4627 follows: "By authority of Section 37-17-6, Mississippi Code of  
4628 1972, as amended, adopted by the Mississippi Legislature during  
4629 the 1991 Regular Session, this school district (name of school  
4630 district) is hereby placed under the jurisdiction of the State  
4631 Department of Education acting through its appointed conservator  
4632 (name of conservator)."

4633 The notice also shall include, in the discretion of the State  
4634 Board of Education, any or all details relating to the school  
4635 district's emergency status, including the declaration of a state  
4636 of emergency in the school district and a description of the



4637 district's impairment deficiencies, conditions of any  
4638 conservatorship and corrective actions recommended and being  
4639 taken. Public notices issued under this section shall be subject  
4640 to Section 13-3-31 and not contrary to other laws regarding  
4641 newspaper publication.

4642       Upon termination of the state of emergency in a school  
4643 district, the Commission on School Accreditation shall cause  
4644 notice to be published in the school district in the same manner  
4645 provided in this section, to include any or all details relating  
4646 to the corrective action taken in the school district that  
4647 resulted in the termination of the state of emergency.

4648       (13) The State Board of Education or the Commission on  
4649 School Accreditation shall have the authority to require school  
4650 districts to produce the necessary reports, correspondence,  
4651 financial statements, and any other documents and information  
4652 necessary to fulfill the requirements of this section.

4653       Nothing in this section shall be construed to grant any  
4654 individual, corporation, board or conservator the authority to  
4655 levy taxes except in accordance with presently existing statutory  
4656 provisions.

4657       (14) (a) Whenever the Governor declares a state of  
4658 emergency in a school district in response to a request made under  
4659 subsection (11) of this section, the State Board of Education, in  
4660 its discretion, may assign an interim conservator to the school  
4661 district, or in its discretion, may contract with an appropriate





4662 private entity with experience in the academic, finance and other  
4663 operational functions of schools and school districts, who will be  
4664 responsible for the administration, management and operation of  
4665 the school district, including, but not limited to, the following  
4666 activities:

4667 (i) Approving or disapproving all financial  
4668 obligations of the district, including, but not limited to, the  
4669 employment, termination, nonrenewal and reassignment of all  
4670 licensed and nonlicensed personnel, contractual agreements and  
4671 purchase orders, and approving or disapproving all claim dockets  
4672 and the issuance of checks; in approving or disapproving  
4673 employment contracts of superintendents, assistant superintendents  
4674 or principals, the interim conservator shall not be required to  
4675 comply with the time limitations prescribed in Sections 37-9-15  
4676 and 37-9-105;

4677 (ii) Supervising the day-to-day activities of the  
4678 district's staff, including reassigning the duties and  
4679 responsibilities of personnel in a manner which, in the  
4680 determination of the conservator, will best suit the needs of the  
4681 district;

4682 (iii) Reviewing the district's total financial  
4683 obligations and operations and making recommendations to the  
4684 district for cost savings, including, but not limited to,  
4685 reassigning the duties and responsibilities of staff;



- 4686 (iv) Attending all meetings of the district's  
4687 school board and administrative staff;
- 4688 (v) Approving or disapproving all athletic, band  
4689 and other extracurricular activities and any matters related to  
4690 those activities;
- 4691 (vi) Maintaining a detailed account of  
4692 recommendations made to the district and actions taken in response  
4693 to those recommendations;
- 4694 (vii) Reporting periodically to the State Board of  
4695 Education on the progress or lack of progress being made in the  
4696 district to improve the district's impairments during the state of  
4697 emergency; and
- 4698 (viii) Appointing a parent advisory committee,  
4699 comprised of parents of students in the school district that may  
4700 make recommendations to the conservator concerning the  
4701 administration, management and operation of the school district.

4702 Except when, in the determination of the State Board of  
4703 Education, the school district's impairment is related to a lack  
4704 of financial resources, the cost of the salary of the conservator  
4705 and any other actual and necessary costs related to the  
4706 conservatorship paid by the State Department of Education shall be  
4707 reimbursed by the local school district from funds other than  
4708 adequate education program funds. The department shall submit an  
4709 itemized statement to the superintendent of the local school



4710 district for reimbursement purposes, and any unpaid balance may be  
4711 withheld from the district's adequate education program funds.

4712         At the time that the Governor, in accordance with the request  
4713 of the State Board of Education, declares that the state of  
4714 emergency no longer exists in a school district, the powers and  
4715 responsibilities of the interim conservator assigned to the  
4716 district shall cease.

4717                 (b) In order to provide loans to school districts under  
4718 a state of emergency or under conservatorship that have  
4719 impairments related to a lack of financial resources, the School  
4720 District Emergency Assistance Fund is created as a special fund in  
4721 the State Treasury into which monies may be transferred or  
4722 appropriated by the Legislature from any available public  
4723 education funds. Funds in the School District Emergency  
4724 Assistance Fund up to a maximum balance of Three Million Dollars  
4725 (\$3,000,000.00) annually shall not lapse but shall be available  
4726 for expenditure in subsequent years subject to approval of the  
4727 State Board of Education. Any amount in the fund in excess of  
4728 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
4729 year shall lapse into the State General Fund or the Education  
4730 Enhancement Fund, depending on the source of the fund.

4731         The State Board of Education may loan monies from the School  
4732 District Emergency Assistance Fund to a school district that is  
4733 under a state of emergency or under conservatorship, in those  
4734 amounts, as determined by the board, that are necessary to correct



4735 the district's impairments related to a lack of financial  
4736 resources. The loans shall be evidenced by an agreement between  
4737 the school district and the State Board of Education and shall be  
4738 repayable in principal, without necessity of interest, to the  
4739 School District Emergency Assistance Fund \* \* \* by the school  
4740 district from any allowable funds that are available. The total  
4741 amount loaned to the district shall be due and payable within five  
4742 (5) years after the impairments related to a lack of financial  
4743 resources are corrected. If a school district fails to make  
4744 payments on the loan in accordance with the terms of the agreement  
4745 between the district and the State Board of Education, the State  
4746 Department of Education, in accordance with rules and regulations  
4747 established by the State Board of Education, may withhold that  
4748 district's adequate education program funds in an amount and  
4749 manner that will effectuate repayment consistent with the terms of  
4750 the agreement; the funds withheld by the department shall be  
4751 deposited into the School District Emergency Assistance Fund.

4752 The State Board of Education shall develop a protocol that  
4753 will outline the performance standards and requisite time line  
4754 deemed necessary for extreme emergency measures. If the State  
4755 Board of Education determines that an extreme emergency exists,  
4756 simultaneous with the powers exercised in this subsection, it  
4757 shall take immediate action against all parties responsible for  
4758 the affected school districts having been determined to be in an  
4759 extreme emergency. The action shall include, but not be limited



4760 to, initiating civil actions to recover funds and criminal actions  
4761 to account for criminal activity. Any funds recovered by the  
4762 State Auditor or the State Board of Education from the surety  
4763 bonds of school officials or from any civil action brought under  
4764 this subsection shall be applied toward the repayment of any loan  
4765 made to a school district hereunder.

4766 (15) If a majority of the membership of the school board of  
4767 any school district resigns from office, the State Board of  
4768 Education shall be authorized to assign an interim conservator,  
4769 who shall be responsible for the administration, management and  
4770 operation of the school district until the time as new board  
4771 members are selected or the Governor declares a state of emergency  
4772 in that school district under subsection (11), whichever occurs  
4773 first. In that case, the State Board of Education, acting through  
4774 the interim conservator, shall have all powers which were held by  
4775 the previously existing school board, and may take any action as  
4776 prescribed in Section 37-17-13 and/or one or more of the actions  
4777 authorized in this section.

4778 (16) (a) If the Governor declares a state of emergency in a  
4779 school district, the State Board of Education may take all such  
4780 action pertaining to that school district as is authorized under  
4781 subsection (11) or (14) of Section 37-17-6, including the  
4782 appointment of an interim conservator. The State Board of  
4783 Education shall also have the authority to issue a written request  
4784 with documentation to the Governor asking that the office of the



4785 superintendent of the school district be subject to recall. If  
4786 the Governor declares that the office of the superintendent of the  
4787 school district is subject to recall, the local school board or  
4788 the county election commission, as the case may be, shall take the  
4789 following action:

4790 (i) If the office of superintendent is an elected  
4791 office, in those years in which there is no general election, the  
4792 name shall be submitted by the State Board of Education to the  
4793 county election commission, and the county election commission  
4794 shall submit the question at a special election to the voters  
4795 eligible to vote for the office of superintendent within the  
4796 county, and the special election shall be held within sixty (60)  
4797 days from notification by the State Board of Education. The  
4798 ballot shall read substantially as follows:

4799 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
4800 name of the superintendent shall be inserted) of the \_\_\_\_\_  
4801 (here the title of the school district shall be inserted) be  
4802 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4803 If a majority of those voting on the question votes against  
4804 retaining the superintendent in office, a vacancy shall exist  
4805 which shall be filled in the manner provided by law; otherwise,  
4806 the superintendent shall remain in office for the term of that  
4807 office, and at the expiration of the term shall be eligible for  
4808 qualification and election to another term or terms.



4809                   (ii) If the office of superintendent is an  
4810 appointive office, the name of the superintendent shall be  
4811 submitted by the president of the local school board at the next  
4812 regular meeting of the school board for retention in office or  
4813 dismissal from office. If a majority of the school board voting  
4814 on the question vote against retaining the superintendent in  
4815 office, a vacancy shall exist which shall be filled as provided by  
4816 law, otherwise the superintendent shall remain in office for the  
4817 duration of his employment contract.

4818                   (b) The State Board of Education may issue a written  
4819 request with documentation to the Governor asking that the  
4820 membership of the school board of the school district shall be  
4821 subject to recall. Whenever the Governor declares that the  
4822 membership of the school board is subject to recall, the county  
4823 election commission or the local governing authorities, as the  
4824 case may be, shall take the following action:

4825                   (i) If the members of the local school board are  
4826 elected to office, in those years in which the specific member's  
4827 office is not up for election, the name of the school board member  
4828 shall be submitted by the State Board of Education to the county  
4829 election commission, and the county election commission at a  
4830 special election shall submit the question to the voters eligible  
4831 to vote for the particular member's office within the county or  
4832 school district, as the case may be, and the special election  
4833 shall be held within sixty (60) days from notification by the



4834 State Board of Education. The ballot shall read substantially as  
4835 follows:

4836 "Members of the \_\_\_\_\_ (here the title of the school  
4837 district shall be inserted) School Board who are not up for  
4838 election this year are subject to recall because of the school  
4839 district's failure to meet critical accountability standards as  
4840 defined in the letter of notification to the Governor from the  
4841 State Board of Education. Shall the member of the school board  
4842 representing this area, \_\_\_\_\_ (here the name of the school  
4843 board member holding the office shall be inserted), be retained in  
4844 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4845 If a majority of those voting on the question vote against  
4846 retaining the member of the school board in office, a vacancy in  
4847 that board member's office shall exist, which shall be filled in  
4848 the manner provided by law; otherwise, the school board member  
4849 shall remain in office for the term of that office, and at the  
4850 expiration of the term of office, the member shall be eligible for  
4851 qualification and election to another term or terms of office.  
4852 However, if a majority of the school board members are recalled in  
4853 the special election, the Governor shall authorize the board of  
4854 supervisors of the county in which the school district is situated  
4855 to appoint members to fill the offices of the members recalled.  
4856 The board of supervisors shall make those appointments in the  
4857 manner provided by law for filling vacancies on the school board,





4858 and the appointed members shall serve until the office is filled  
4859 at the next regular special election or general election.

4860 (ii) If the local school board is an appointed  
4861 school board, the name of all school board members shall be  
4862 submitted as a collective board by the president of the municipal  
4863 or county governing authority, as the case may be, at the next  
4864 regular meeting of the governing authority for retention in office  
4865 or dismissal from office. If a majority of the governing  
4866 authority voting on the question vote against retaining the board  
4867 in office, a vacancy shall exist in each school board member's  
4868 office, which shall be filled as provided by law; otherwise, the  
4869 members of the appointed school board shall remain in office for  
4870 the duration of their term of appointment, and those members may  
4871 be reappointed.

4872 (iii) If the local school board is comprised of  
4873 both elected and appointed members, the elected members shall be  
4874 subject to recall in the manner provided in subparagraph (i) of  
4875 this subsection, and the appointed members shall be subject to  
4876 recall in the manner provided in subparagraph (ii).

4877 (17) Beginning with the school district audits conducted for  
4878 the 1997-1998 fiscal year, the State Board of Education, acting  
4879 through the Commission on School Accreditation, shall require each  
4880 school district to comply with standards established by the State  
4881 Department of Audit for the verification of fixed assets and the



4882 auditing of fixed assets records as a minimum requirement for  
4883 accreditation.

4884 (18) Before December 1, 1999, the State Board of Education  
4885 shall recommend a program to the Education Committees of the House  
4886 of Representatives and the Senate for identifying and rewarding  
4887 public schools that improve or are high performing. The program  
4888 shall be described by the board in a written report, which shall  
4889 include criteria and a process through which improving schools and  
4890 high-performing schools will be identified and rewarded.

4891 The State Superintendent of Public Education and the State  
4892 Board of Education also shall develop a comprehensive  
4893 accountability plan to ensure that local school boards,  
4894 superintendents, principals and teachers are held accountable for  
4895 student achievement. A written report on the accountability plan  
4896 shall be submitted to the Education Committees of both houses of  
4897 the Legislature before December 1, 1999, with any necessary  
4898 legislative recommendations.

4899 (19) Before January 1, 2008, the State Board of Education  
4900 shall evaluate and submit a recommendation to the Education  
4901 Committees of the House of Representatives and the Senate on  
4902 inclusion of graduation rate and dropout rate in the school level  
4903 accountability system.

4904 (20) If a local school district is determined as failing and  
4905 placed into conservatorship for reasons authorized by the  
4906 provisions of this section, the conservator appointed to the



4907 district shall, within forty-five (45) days after being appointed,  
4908 present a detailed and structured corrective action plan to move  
4909 the local school district out of conservatorship status to the  
4910 local school board and local superintendent of education if they  
4911 have not been removed by the conservator, or if the board and  
4912 superintendent have been removed, to the local governing authority  
4913 of the municipality or county in which the school district under  
4914 conservatorship is located. A copy of the conservator's  
4915 corrective action plan shall also be filed with the State Board of  
4916 Education.

4917         **SECTION 69.** Section 37-18-1, Mississippi Code of 1972, is  
4918 amended as follows:

4919         37-18-1. (1) The State Board of Education shall establish,  
4920 design and implement a Superior-Performing Schools Program and an  
4921 Exemplary Schools Program for identifying and rewarding public  
4922 schools, including charter schools, that improve. The State Board  
4923 of Education shall develop rules and regulations for the program,  
4924 establish criteria and establish a process through which  
4925 Superior-Performing and Exemplary Schools will be identified and  
4926 rewarded. Upon full implementation of the statewide testing  
4927 program, Superior-Performing, Exemplary or School At-Risk  
4928 designation shall be made by the State Board of Education in  
4929 accordance with the following:

4930                 (a) A growth expectation will be established by testing  
4931 students annually and, using a psychometrically approved formula,



4932 by tracking their progress. This growth expectation will result  
4933 in a composite score each year for each school.

4934 (b) A determination will be made as to the percentage  
4935 of students proficient in each school. This measurement will  
4936 define what a student must know in order to be deemed proficient  
4937 at each grade level and will clearly show how well a student is  
4938 performing. The definition of proficiency shall be developed for  
4939 each grade, based on a demonstrated range of performance in  
4940 relation to content as reflected in the Mississippi Curriculum  
4941 Frameworks. This range of performance must be established through  
4942 a formal procedure including educators, parents, community leaders  
4943 and other stakeholders.

4944 (c) A school has the following two (2) methods for  
4945 designation as either a Superior-Performing or an Exemplary  
4946 School, to be determined on an annual basis:

4947 (i) A school exceeds its growth expectation by a  
4948 percentage established by the State Board of Education; or

4949 (ii) A school achieves the grade level proficiency  
4950 standard established by the State Board of Education.

4951 Any school designated as a School At-Risk which exceeds its  
4952 growth expectation by a percentage established by the State Board  
4953 of Education shall no longer be considered a School At-Risk and  
4954 shall be eligible for monetary awards under this section.

4955 (2) Superior-Performing and Exemplary Schools may apply to  
4956 the State Board of Education for monetary incentives to be used



4957 for selected school needs, as identified by a vote of all licensed  
4958 and instructional personnel employed at the school. These  
4959 incentive funds may be used for specific school needs, including,  
4960 but not limited to:

4961 (a) Funding for professional development activities.  
4962 Staff participating in such activities will report to the school  
4963 and school district or, in the case of a charter school, the  
4964 governing board of the school about the benefits and lessons  
4965 learned from such training;

4966 (b) Technology needs;

4967 (c) Sabbaticals for teachers or administrators, or  
4968 both, to pursue additional professional development or educational  
4969 enrichment;

4970 (d) Paid professional leave;

4971 (e) Training for parents, including, but not limited  
4972 to, the following:

4973 (i) Curriculum;

4974 (ii) Chapter 1;

4975 (iii) Special need students;

4976 (iv) Student rights and responsibility;

4977 (v) School and community relations;

4978 (vi) Effective parenting.

4979 All funds awarded under this subsection shall be subject to  
4980 specific appropriation therefor by the Legislature.



4981           (3) The State Board of Education shall provide special  
4982 recognition to all schools receiving Superior-Performing or  
4983 Exemplary designation and, in the case of noncharter public  
4984 schools, their school districts. Examples of such recognition  
4985 include, but are not limited to: public announcements and events;  
4986 special recognition of student progress and effort; certificates  
4987 of recognition and plaques for teachers, principals,  
4988 superintendents, support and classified personnel and parents; and  
4989 media announcements utilizing the services of Mississippi  
4990 Educational Television.

4991           **SECTION 70.** Section 37-21-3, Mississippi Code of 1972, is  
4992 amended as follows:

4993           37-21-3. (1) No person shall act in the capacity of  
4994 teacher, assistant teacher or teacher's aide in any federal or  
4995 state funded program of early childhood education or "Headstart,"  
4996 or perform any of the functions, duties or powers of the same,  
4997 unless that person shall be qualified in the following manner:

4998           (a) A head teacher or any other employee or consultant  
4999 receiving a salary or fee equivalent to that of a head teacher,  
5000 shall possess a college degree or its equivalent.

5001           (b) A teacher shall possess a full junior college or  
5002 two (2) years of college education or its equivalent.

5003           (c) An assistant teacher shall possess a high school  
5004 diploma or its equivalent.



5005 (d) A teacher's aide shall possess an eighth-grade  
5006 education or its equivalent.

5007 (2) Persons employed as a teacher, assistant teacher or in  
5008 any other capacity in a prekindergarten or early childhood  
5009 education program in a charter school authorized by the  
5010 Mississippi Charter School Authorizer Board are exempt from the  
5011 requirements of this section.

5012 **SECTION 71.** Section 37-41-1, Mississippi Code of 1972, is  
5013 amended as follows:

5014 37-41-1. The State Board of Education is authorized,  
5015 empowered and directed to promulgate rules and regulations  
5016 relating to the transportation of students enrolled in the public  
5017 school districts, including rules and regulations for:

5018 (a) Setting standards for public school district bus  
5019 routes;

5020 (b) Setting standards for public school district buses;

5021 (c) Setting standards for public school district bus  
5022 drivers;

5023 (d) Formulating procedure for selecting public school  
5024 district bus drivers;

5025 (e) Formulating courses of training for public school  
5026 district bus drivers and mechanics, and assist in administering  
5027 and financing such courses;

5028 (f) Providing operation procedure for public school  
5029 district buses to insure safety of pupils;



5030 (g) Formulating specifications for use in purchasing  
5031 public school district buses; getting bids on public school  
5032 district buses; equipment and supplies; and fixing prices based  
5033 upon said bids which school districts may not exceed in purchasing  
5034 said equipment;

5035 (h) Formulating specifications for use by school  
5036 districts in purchasing used school buses; and

5037 (i) Providing a system of records and reports for the  
5038 purpose of carrying out the provisions of Sections 37-41-1 through  
5039 37-41-51, and providing the superintendent of schools with a  
5040 sufficient supply of report forms.

5041 All rules and regulations adopted and promulgated by the  
5042 State Board of Education relating to school district bus drivers  
5043 shall also be applicable to drivers of privately owned buses  
5044 transporting public school district children.

5045 All rules and regulations adopted and promulgated by the  
5046 State Board of Education pursuant to the authority conferred by  
5047 this section shall be spread at large upon the minutes of the  
5048 State Board of Education and copies thereof shall be furnished to  
5049 all school boards not less than thirty (30) days prior to the  
5050 effective date of such rules and regulations.

5051 The provisions of this chapter are applicable to school  
5052 districts and the transportation of students enrolled in public  
5053 school districts. Charter schools authorized by the Mississippi





5054 Charter School Authorizer Board are exempt from the provisions of  
5055 this chapter

5056 **SECTION 72.** Section 37-41-3, Mississippi Code of 1972, is  
5057 amended as follows:

5058 37-41-3. Pupils of legal school age, which shall include  
5059 kindergarten pupils, and in actual attendance in the public  
5060 schools who live a distance of one (1) mile or more by the nearest  
5061 traveled road from the school to which they are assigned by the  
5062 school district in which they are enrolled shall be entitled to  
5063 transportation within the meaning of this chapter. Nothing  
5064 contained in this section shall be construed to bar any child from  
5065 such transportation where he or she lives less than one (1) mile  
5066 and is on the regular route of travel of a school bus and space is  
5067 available in such bus for such transportation. No state funds  
5068 shall be paid for the transportation of children living within one  
5069 (1) mile of the school, except as otherwise provided in this  
5070 chapter, and such children shall not be included in transportation  
5071 reports. In the development of route plans, economy shall be a  
5072 prime consideration. There shall be no duplication of routes  
5073 except in circumstances where it is totally unavoidable. The  
5074 State Department of Education shall have authority to investigate  
5075 school bus routing when there is reason to believe the provisions  
5076 of this statute are being violated. The State Board of Education  
5077 shall have authority to withhold transportation funds when school  
5078 districts fail to correct unnecessary route duplication. Provided



5079 further, that all school districts are hereby authorized to lease  
5080 or contract with any public or private individual, partnership,  
5081 corporation, association, agency or other organization for the  
5082 implementation of transportation of pupils as provided for in this  
5083 section.

5084 The school boards may provide transportation to such crippled  
5085 and physically handicapped children as may be designated by such  
5086 boards, when the failure to do so would result in undue hardship,  
5087 even though the children are not otherwise entitled to  
5088 transportation under the provisions of this chapter. The State  
5089 Department of Education shall require all school districts during  
5090 the 1993-1994 school year to equip school buses with properly  
5091 designed seat belts to protect such physically handicapped  
5092 children, and school districts are authorized to expend funds  
5093 therefor from nonminimum program or other sources.

5094 Where space is available, students attending junior colleges  
5095 shall be allowed transportation on established routes in  
5096 district-owned buses. However, no additional funds shall be  
5097 allocated or expended for such purposes, and such persons shall  
5098 not be included in transportation reports.

5099 Children enrolled in special or alternative programs approved  
5100 by school boards may be provided transportation even though such  
5101 children are not otherwise entitled to transportation under the  
5102 provisions of this chapter. No additional funds shall be



5103 allocated or expended for such purpose, and such children shall  
5104 not be included in transportation reports.

5105         **SECTION 73.** Section 37-41-23, Mississippi Code of 1972, is  
5106 amended as follows:

5107         37-41-23. The State Board of Education shall prescribe  
5108 keeping and preservation of all records and the making of all  
5109 reports and the description thereof as the board may deem  
5110 necessary for the efficient operation of the school district  
5111 transportation system of this state. It shall be unlawful for any  
5112 pay certificate to be issued to any school district carrier or bus  
5113 driver until all such reports required by the regulations of the  
5114 State Board of Education shall have been filed in accordance with  
5115 said regulations. Any person making a false list, report, or  
5116 record required by the aforesaid rules and regulations of the  
5117 State Board of Education shall be subject to the penalties  
5118 provided by Section 37-41-25.

5119         **SECTION 74.** Section 37-41-25, Mississippi Code of 1972, is  
5120 brought forward as follows:

5121         37-41-25. Any superintendent of schools, member of the  
5122 school board, superintendent, principal or carrier, or bus driver,  
5123 who shall knowingly make any false report, list or record, or who  
5124 shall knowingly make use of any false report, list or record  
5125 concerning the number of school children being transported or  
5126 entitled to be transported in any county or school district shall  
5127 be guilty of a misdemeanor and upon conviction shall be punished



5128 by imprisonment in the county jail for a period not to exceed  
5129 sixty (60) days, or by a fine of not less than One Hundred Dollars  
5130 (\$100.00) nor more than Three Hundred Dollars (\$300.00), or by  
5131 both such fine and imprisonment, in the discretion of the court.  
5132 In addition, any such person shall be civilly liable for all  
5133 amounts of public funds which are illegally, unlawfully or  
5134 wrongfully expended or paid out by virtue of or pursuant to such  
5135 false report, list or record, and upon conviction or adjudication  
5136 of civil liability hereunder such person shall forfeit his license  
5137 to teach for a period of three (3) years, if such person is the  
5138 holder of such a license. Any suit to recover such funds  
5139 illegally, unlawfully, or wrongfully expended or paid out may be  
5140 brought in the name of the State of Mississippi by the Attorney  
5141 General or the proper district attorney or county attorney. In  
5142 the event such suit be brought against a person who is under bond,  
5143 the sureties upon such bond shall likewise be liable for such  
5144 amount illegally, unlawfully or wrongfully expended or paid out.

5145       **SECTION 75.** Section 37-41-31, Mississippi Code of 1972, is  
5146 amended as follows:

5147       37-41-31. In each case where pupils are transported to and  
5148 from the public schools in the school districts of this state in  
5149 privately owned vehicles, the contract for such transportation  
5150 shall be let to the lowest responsible bidder who is able to  
5151 furnish a solvent bond for the faithful performance of his  
5152 contract. This shall be done after each route over which such



5153 pupils are to be transported has been laid out and established as  
5154 provided in this chapter. Such contracts shall be awarded upon  
5155 receipt of sealed bids or proposals after the time and place of  
5156 letting such contracts and the manner of bidding have been duly  
5157 advertised in some newspaper published in the county in accordance  
5158 with the procedures provided in Section 31-7-13(c). If no  
5159 newspaper is published in the county, then the advertisement shall  
5160 be made by publication for the required time in some newspaper  
5161 having a general circulation therein, and, in addition, by posting  
5162 a copy thereof for that time in at least three (3) public places  
5163 in the county, one (1) of which shall be at the county courthouse  
5164 in each judicial district of the county. The awarding of all such  
5165 contracts shall, however, in all respects be subject to the  
5166 provisions of Section 37-41-29.

5167 Private contracts for the transportation of exceptional  
5168 children, as defined in Section 37-23-3, may be negotiated by the  
5169 local school board without the necessity of the advertising for or  
5170 taking of bids. The same may apply under extraordinary  
5171 circumstances where regular transportation is considered to be  
5172 impractical. The local school board may negotiate and contract  
5173 for the transportation described in this paragraph so long as the  
5174 local school board complies with the school transportation  
5175 regulations promulgated by the State Board of Education.

5176 Contracts shall be made for four (4) years, at the discretion  
5177 of the local school board. Any and all bids may be rejected. At



5178 the expiration of any transportation contract, if the school board  
5179 believes a route should remain substantially as established and  
5180 finds that the carrier thereon has rendered efficient and  
5181 satisfactory services it may extend the contract for not more than  
5182 four (4) years, subject, however, to the provisions of Section  
5183 37-41-29.

5184         **SECTION 76.** Section 37-41-43, Mississippi Code of 1972, is  
5185 amended as follows:

5186         37-41-43. All publicly owned school district buses which are  
5187 hereafter acquired, and all publicly owned school district buses  
5188 which shall hereafter be repainted, whether presently owned or  
5189 hereafter acquired, and all publicly owned school district buses  
5190 which do not have the name of the county or school district owning  
5191 same painted thereon, whether such buses be owned by the county or  
5192 a school district, shall have painted on both sides thereof the  
5193 name of the county or school district owning same. Such words  
5194 shall be painted on each such bus in letters at least five (5)  
5195 inches in height and in a color which is in contrast with the  
5196 color of the vehicle.

5197         **SECTION 77.** Section 37-41-45, Mississippi Code of 1972, is  
5198 amended as follows:

5199         37-41-45. It shall be a misdemeanor for any person to use a  
5200 publicly owned school district bus for any purpose other than one  
5201 in connection with the school, and upon conviction thereof such  
5202 person shall be fined not less than Fifty Dollars (\$50.00). When



5203 any publicly owned school district bus is being operated on the  
5204 public roads or highways at a time other than the usual and  
5205 customary time for the transportation of children to and from the  
5206 public schools, members of the Highway Safety Patrol, sheriffs,  
5207 constables and other peace officers shall have the power and  
5208 authority to stop such bus for the purpose of ascertaining whether  
5209 the trip then being made is authorized by law. If it be found  
5210 that such trip is unauthorized, such highway patrolman, sheriff,  
5211 constable or other peace or police officer shall forthwith report  
5212 the same to the school board owning such bus and to the State  
5213 Department of Education.

5214         **SECTION 78.** Section 37-41-49, Mississippi Code of 1972, is  
5215 amended as follows:

5216         37-41-49. In case of any violation by a school district bus  
5217 driver or carrier of the safety regulations established by the  
5218 State Board of Education, such violation shall be deemed a  
5219 misdemeanor and such offender may be punished as provided in  
5220 Section 37-41-47.

5221         **SECTION 79.** Section 37-41-53, Mississippi Code of 1972, is  
5222 amended as follows:

5223         37-41-53. (1) Each school board, person, firm or  
5224 corporation transporting public school district children on the  
5225 public roads, streets and highways of the state with motor  
5226 vehicles shall have the motor vehicles inspected according to the  
5227 laws of the state. Each motor vehicle shall be inspected by a



5228 competent mechanic to be safe for transporting pupils on the  
5229 roads, streets and highways of the state before it is released for  
5230 such purpose. If such motor vehicle is found to be unsafe for  
5231 transporting pupils, then it shall be properly repaired or  
5232 adjusted as necessary before being used to transport pupils. The  
5233 provisions of this subsection shall not apply to vehicles owned by  
5234 individuals and under private contract to the school district and  
5235 used exclusively for transporting members of their immediate  
5236 families.

5237 (2) The State Department of Education may inspect, at its  
5238 discretion, any school bus used for transporting school district  
5239 pupils to and from the public schools or for activity purposes to  
5240 determine the safety of such motor vehicle for operation on the  
5241 roads, streets and highways of this state. In the event a vehicle  
5242 is inspected and is found to be unsafe for transporting pupils, a  
5243 report shall be filed with the appropriate school district  
5244 official indicating its deficiencies with recommendations for  
5245 correcting such deficiencies.

5246 (3) If it is determined that any school district buses are  
5247 in such defective condition as to constitute an emergency safety  
5248 hazard, those buses may be condemned and removed from service and  
5249 shall not be returned to service until adequate repairs are  
5250 completed and such buses are reinspected by the State Department  
5251 of Education. Any school district official who approves the  
5252 operation of any school bus that has been removed from service





5253 under the conditions listed above, prior to being reinspected by  
5254 the State Department of Education, shall be guilty of a  
5255 misdemeanor and upon conviction shall be punished by imprisonment  
5256 in the county jail for a period not to exceed sixty (60) days, or  
5257 a fine of not less than Five Hundred Dollars (\$500.00) nor more  
5258 than One Thousand Dollars (\$1,000.00), or by both such fine and  
5259 imprisonment, in the discretion of the court.

5260         **SECTION 80.** Section 37-41-57, Mississippi Code of 1972, is  
5261 brought forward as follows:

5262         37-41-57. The State Board of Education shall adopt and  
5263 enforce regulations not inconsistent with the traffic laws and  
5264 regulations of this state to govern the design and operation of  
5265 all school buses used for the transportation of school children  
5266 when owned and operated by any school board or privately owned and  
5267 operated under contract with any school board in this state. Such  
5268 regulations shall by reference be made a part of any such contract  
5269 with a school board. Every school board, its officers and  
5270 employees, and every person employed under contract by a school  
5271 board shall be subject to said regulations.

5272         Any officer or employee of any school board who violates any  
5273 of said regulations or fails to include the obligation to comply  
5274 with said regulations in any contract executed by them on behalf  
5275 of a school board shall be guilty of misconduct and subject to  
5276 removal from office or employment. Any person operating a school  
5277 bus under a contract with a school board who fails to comply with



5278 any of said regulations shall be guilty of breach of contract and  
5279 such contract shall be cancelled after notice and hearing by the  
5280 responsible officers of such school board.

5281         **SECTION 81.** Section 37-43-1, Mississippi Code of 1972, is  
5282 amended as follows:

5283             37-43-1. (1) This chapter is intended to furnish a plan for  
5284 the adoption, purchase, distribution, care and use of free  
5285 textbooks to be loaned to the pupils in all elementary and high  
5286 schools, other than charter schools, of Mississippi.

5287             (2) The books herein provided by the State Board of  
5288 Education, which shall be the State Textbook Procurement  
5289 Commission, shall be distributed and loaned free of cost to the  
5290 children of the free public \* \* \* school districts of the state  
5291 and of all other schools located in the state, which maintain  
5292 educational standards equivalent to the standards established by  
5293 the State Department of Education for the state schools as  
5294 outlined in the Approval Requirements of the State Board of  
5295 Education for Nonpublic Schools.

5296             (3) Teachers shall permit all pupils in all grades of any  
5297 public school in any school district to carry to their homes for  
5298 home study, the free textbooks loaned to them, and any other  
5299 regular textbooks whether they be free textbooks or not.

5300             (4) For the purposes of this chapter, the term "board" shall  
5301 mean the State Board of Education.



5302 (5) "Textbook" shall be defined as any medium or manual of  
5303 instruction which contains a systematic presentation of the  
5304 principles of a subject and which constitutes a major  
5305 instructional vehicle for that subject.

5306 (6) In addition to the authority granted in this chapter,  
5307 local school boards shall make available to the parents or legal  
5308 guardians of any children of school age who reside in the school  
5309 district administered by the school board, upon request, any  
5310 textbooks on the state surplus inventory list. The parent or  
5311 legal guardian is responsible for the return of the textbook(s) to  
5312 the local school district upon completion of the textbook(s) use.  
5313 Failure to return the textbook(s) to the school district will  
5314 result in the parents or legal guardians being responsible for  
5315 compensating the school district for the fair market value of the  
5316 textbook(s).

5317 **SECTION 82.** Section 37-43-39, Mississippi Code of 1972, is  
5318 amended as follows:

5319 37-43-39. No teacher in any of the noncharter public schools  
5320 of the state, and no county or municipal superintendent of  
5321 schools, and no person officially connected with the government of  
5322 or direction of any noncharter public school shall, during the  
5323 term of his office as said superintendent or during the time of  
5324 his or her employment as teacher, act as agent or attorney for any  
5325 textbook publishing company selling textbooks in this state. If,  
5326 after election as county or municipal superintendent or employment



5327 as teacher, any person filling such position accepts the agency or  
5328 attorneyship of any textbook publishing company, the acceptance of  
5329 such agency or attorneyship shall work a forfeiture of the office  
5330 or position as teacher held at the time of the acceptance of such  
5331 agency or attorneyship.

5332         **SECTION 83.** Section 37-45-23, Mississippi Code of 1972, is  
5333 amended as follows:

5334         37-45-23. Subject to the provisions of any applicable  
5335 statute, the commission shall formulate policies and approve or  
5336 disapprove plans for the location and construction of all  
5337 necessary elementary and secondary noncharter public school  
5338 buildings.

5339         **SECTION 84.** Section 37-47-9, Mississippi Code of 1972, is  
5340 amended as follows:

5341         37-47-9. It is found and determined that the state should  
5342 make an annual grant of Twenty-four Dollars (\$24.00) for each  
5343 child in average daily attendance in the public schools of the  
5344 various school districts of this state during each school year,  
5345 and that such monies should be applied for the purpose of  
5346 establishing and maintaining adequate physical facilities for the  
5347 public school \* \* \* district and/or the payment of existing debt  
5348 therefor.

5349         The grant to which \* \* \* each public school is entitled under  
5350 the provisions of this section shall be credited to the school  
5351 district of which such school is part. If any change is made in



5352 the operation or boundaries of any such school district, equitable  
5353 reallocations shall be made by the commission of all balances to  
5354 the credit of such school district, and all debits charged against  
5355 the districts affected by the change in the boundaries or system  
5356 of operation. The obligation of the state to make remittance of  
5357 the sums appropriated or otherwise provided to make the annual  
5358 grants provided by this section shall be subordinate to the pledge  
5359 made to secure the state school bonds authorized under this  
5360 chapter and the sinking fund created for their retirement. The  
5361 grants shall be computed annually as soon as practicable after the  
5362 end of the school year, and shall be based on the average daily  
5363 attendance for such school year in all of the public schools  
5364 operated by each school district as determined by the State  
5365 Department of Education.

5366       **SECTION 85.** Section 37-143-11, Mississippi Code of 1972, is  
5367 amended as follows:

5368       37-143-11. (1) It is the intention of the Legislature to  
5369 attract and retain qualified teachers by awarding incentive loans  
5370 to persons declaring an intention to serve in the teaching field  
5371 and who actually render service to the state while possessing an  
5372 appropriate teaching license.

5373       (2) There is established the "William F. Winter Teacher  
5374 Scholar Loan Program."

5375       (3) To the extent of appropriations available, students who  
5376 are enrolled in any baccalaureate degree-granting institution of



5377 higher learning in the State of Mississippi accredited by the  
5378 Southern Association of Colleges and Schools and approved by the  
5379 Mississippi Commission on College Accreditation, or any accredited  
5380 nonprofit community or junior college, and who have expressed in  
5381 writing a present intention to teach in Mississippi, shall be  
5382 eligible for student loans to be applied to the costs of their  
5383 college education. Persons who have been admitted to a teacher  
5384 education program or a nontraditional teacher internship licensure  
5385 program authorized under Section 37-3-2(6)(b), as approved by the  
5386 State Board of Education, shall also qualify for loans at approved  
5387 institutions. The Board of Trustees of State Institutions of  
5388 Higher Learning shall provide that teacher education majors and  
5389 noneducation majors shall have equal access to scholarship/loans  
5390 under authority of this section.

5391 (4) A freshman establishing initial eligibility shall be  
5392 eligible for a maximum of four (4) annual loans and a senior shall  
5393 be eligible for one (1) annual loan.

5394 (5) The maximum annual loan shall be set by the Board of  
5395 Trustees of State Institutions of Higher Learning at an amount not  
5396 to exceed the cost of attendance at any baccalaureate  
5397 degree-granting institution of higher learning in the State of  
5398 Mississippi. However, it is the intent of the Legislature that  
5399 the maximum annual loan amounts under the William F. Winter  
5400 Teacher Scholar Loan Program shall not be of such amounts that  
5401 would compete with the Critical Needs Teacher Scholarship Program.



5402 (6) The loans of persons who actually render service as  
5403 licensed teachers or nontraditional teacher interns authorized  
5404 under Section 37-3-2(6)(b) in a public school, including a charter  
5405 school, in Mississippi for a major portion of the school day for  
5406 at least seventy-eight (78) school days during each of eight (8)  
5407 school semesters of the ten (10) immediately after obtaining a  
5408 baccalaureate degree, shall be converted to interest-free  
5409 scholarships. Conversion shall be based on two (2) semesters of  
5410 service for each year a loan was received, and the Board of  
5411 Trustees of State Institutions of Higher Learning shall not  
5412 authorize the conversion of loans into interest-free scholarships  
5413 at any other ratio, except as follows: Participants in the  
5414 William F. Winter Teacher Scholar Loan Program may have their  
5415 loans converted into interest-free scholarships at the same ratio  
5416 as under the Critical Needs Teacher Scholarship Program if they  
5417 render service as a licensed teacher or nontraditional teacher  
5418 intern authorized under Section 37-3-2(6)(b) in a public school  
5419 district in a geographical area of the state where there is a  
5420 critical shortage of teachers, as designated by the State Board of  
5421 Education, or in a charter school located in such a school  
5422 district.

5423 (7) Persons failing to complete an appropriate program of  
5424 study shall immediately become liable to the Board of Trustees of  
5425 State Institutions of Higher Learning for the sum of all  
5426 outstanding loans, except in the case of a deferral of debt for



5427 cause by the board, after which period of deferral, study may be  
5428 resumed. Persons failing to meet teaching requirements in any  
5429 required semester shall immediately be in breach of contract and  
5430 become liable to the board for the amount of the corresponding  
5431 loan received, with interest accruing at the current Stafford Loan  
5432 rate at the time the breach occurs, except in the case of a  
5433 deferral of debt for cause by the board, after which period of  
5434 deferral, teaching duties required hereunder will be resumed. If  
5435 the claim for payment of such loan is placed in the hands of an  
5436 attorney for collection after default, then the obligor shall be  
5437 liable for an additional amount equal to a reasonable attorney's  
5438 fee.

5439 (8) A loan made pursuant to this section shall not be  
5440 voidable by reason of the age of the borrower at the time of  
5441 receiving the loan.

5442 (9) Failure to repay any loan and interest that becomes due  
5443 shall be cause for the revocation of a person's teaching license  
5444 by the State Department of Education.

5445 (10) All monies repaid to the Board of Trustees of State  
5446 Institutions of Higher Learning hereunder shall be added to the  
5447 appropriations made for purposes of this section, and those  
5448 appropriations shall not lapse.

5449 (11) The Board of Trustees of State Institutions of Higher  
5450 Learning with the concurrence of the State Board of Education





5451 shall jointly promulgate regulations necessary for the proper  
5452 administration of this section.

5453 (12) If insufficient funds are available for requested loans  
5454 to a qualified student during any fiscal year, the Board of  
5455 Trustees of State Institutions of Higher Learning shall make pro  
5456 rata reductions in the loans made to qualifying applicants.  
5457 Priority consideration shall be given to persons receiving  
5458 previous loans and participating in the program.

5459 (13) The Board of Trustees of State Institutions of Higher  
5460 Learning shall make an annual report to the Legislature. Each  
5461 report shall contain a complete enumeration of the board's  
5462 activities, loans or scholarships granted, names of persons to  
5463 whom granted and the institutions attended by those receiving the  
5464 same, names of persons to whom loans or scholarships were granted  
5465 who were not education majors, the teaching location of applicants  
5466 who have received their education and become licensed teachers  
5467 within this state as a result of the loans and/or scholarships.  
5468 The board shall make a full report and account of receipts and  
5469 expenditures for salaries and expenses incurred under the  
5470 provisions of this section. The board shall, upon its records and  
5471 any published reports, distinguish between those recipients who  
5472 have breached their contracts but with the board's permission who  
5473 have paid their financial obligations in full, and those  
5474 recipients who have breached their contracts and remain  
5475 financially indebted to the state.



5476           **SECTION 86.** Section 37-143-12, Mississippi Code of 1972, is  
5477 amended as follows:

5478           37-143-12.   **Speech-Language Pathologists Loan Forgiveness**  
5479 **Program.** (1) There is established a Speech-Language Pathologists  
5480 Loan Forgiveness Program. It is the intent of the Legislature  
5481 that persons declaring an intention to work in an accredited  
5482 public school (K-12), including a charter school, located in the  
5483 State of Mississippi as a speech-language pathologist shall be  
5484 eligible for a loan for the purpose of acquiring a master's level  
5485 education in such profession. The Board of Trustees of State  
5486 Institutions of Higher Learning shall enter into contracts with  
5487 applicants, providing that such loans may be discharged by working  
5488 as a master's level speech-language pathologist in an accredited  
5489 public school (K-12), including a charter school, located in the  
5490 State of Mississippi, for a period of time after graduation equal  
5491 to the period of study provided under the loan. Such contracts  
5492 shall provide that for each year of service, the appropriate  
5493 portion of the outstanding balance of principal and interest of  
5494 such loan shall be converted to interest-free scholarships and  
5495 discharged.

5496           (2) The Board of Trustees of State Institutions of Higher  
5497 Learning, with the concurrence of the State Board of Education,  
5498 shall jointly establish rules and regulations as it deems  
5499 necessary and proper to carry out the purposes and intent of this  
5500 section.



5501           The provisions of this section shall be subject to specific  
5502 appropriation therefor by the Legislature.

5503           **SECTION 87.** Section 37-151-5, Mississippi Code of 1972, is  
5504 amended as follows:

5505           37-151-5. As used in Sections 37-151-5 and 37-151-7:

5506           (a) "Adequate program" or "adequate education program"  
5507 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
5508 program to establish adequate current operation funding levels  
5509 necessary for the programs of such school district to meet at  
5510 least a successful Level III rating of the accreditation system as  
5511 established by the State Board of Education using current  
5512 statistically relevant state assessment data.

5513           (b) "Educational programs or elements of programs not  
5514 included in the adequate education program calculations, but which  
5515 may be included in appropriations and transfers to school  
5516 districts" shall mean:

5517           (i) "Capital outlay" shall mean those funds used  
5518 for the constructing, improving, equipping, renovating or major  
5519 repairing of school buildings or other school facilities, or the  
5520 cost of acquisition of land whereon to construct or establish such  
5521 school facilities.

5522           (ii) "Pilot programs" shall mean programs of a  
5523 pilot or experimental nature usually designed for special purposes  
5524 and for a specified period of time other than those included in  
5525 the adequate education program.



5526 (iii) "Adult education" shall mean public  
5527 education dealing primarily with students above eighteen (18)  
5528 years of age not enrolled as full-time public school students and  
5529 not classified as students of technical schools, colleges or  
5530 universities of the state.

5531 (iv) "Food service programs" shall mean those  
5532 programs dealing directly with the nutritional welfare of the  
5533 student, such as the school lunch and school breakfast programs.

5534 (c) "Base student" shall mean that student  
5535 classification that represents the most economically educated  
5536 pupil in a school system meeting the definition of successful, as  
5537 determined by the State Board of Education.

5538 (d) "Base student cost" shall mean the funding level  
5539 necessary for providing an adequate education program for one (1)  
5540 base student, subject to any minimum amounts prescribed in Section  
5541 37-151-7(1).

5542 (e) "Add-on program costs" shall mean those items which  
5543 are included in the adequate education program appropriations and  
5544 are outside of the program calculations:

5545 (i) "Transportation" shall mean transportation to  
5546 and from public schools for the students of Mississippi's public  
5547 schools provided for under law and funded from state funds.

5548 (ii) "Vocational or technical education program"  
5549 shall mean a secondary vocational or technical program approved by



5550 the State Department of Education and provided for from state  
5551 funds.

5552 (iii) "Special education program" shall mean a  
5553 program for exceptional children as defined and authorized by  
5554 Sections 37-23-1 through 37-23-9, and approved by the State  
5555 Department of Education and provided from state funds.

5556 (iv) "Gifted education program" shall mean those  
5557 programs for the instruction of intellectually or academically  
5558 gifted children as defined and provided for in Section 37-23-175  
5559 et seq.

5560 (v) "Alternative school program" shall mean those  
5561 programs for certain compulsory-school-age students as defined and  
5562 provided for in Sections 37-13-92 and 37-19-22.

5563 (vi) "Extended school year programs" shall mean  
5564 those programs authorized by law which extend beyond the normal  
5565 school year.

5566 (vii) "University-based programs" shall mean those  
5567 university-based programs for handicapped children as defined and  
5568 provided for in Section 37-23-131 et seq.

5569 (viii) "Bus driver training" programs shall mean  
5570 those driver training programs as provided for in Section 37-41-1.

5571 (f) "Teacher" shall include any employee of a local  
5572 school who is required by law to obtain a teacher's license from  
5573 the State Board of Education and who is assigned to an



5574 instructional area of work as defined by the State Department of  
5575 Education.

5576 (g) "Principal" shall mean the head of an attendance  
5577 center or division thereof.

5578 (h) "Superintendent" shall mean the head of a school  
5579 district.

5580 (i) "School district" shall mean any type of school  
5581 district in the State of Mississippi, and shall include  
5582 agricultural high schools.

5583 (j) "Minimum school term" shall mean a term of at least  
5584 one hundred eighty (180) days of school in which both teachers and  
5585 pupils are in regular attendance for scheduled classroom  
5586 instruction for not less than sixty percent (60%) of the normal  
5587 school day. It is the intent of the Legislature that any tax  
5588 levies generated to produce additional local funds required by any  
5589 school district to operate school terms in excess of one hundred  
5590 seventy-five (175) days shall not be construed to constitute a new  
5591 program for the purposes of exemption from the limitation on tax  
5592 revenues as allowed under Sections 27-39-321 and 37-57-107 for new  
5593 programs mandated by the Legislature.

5594 (k) The term "transportation density" shall mean the  
5595 number of transported children in average daily attendance per  
5596 square mile of area served in a school district, as determined by  
5597 the State Department of Education.



5598           (1) The term "transported children" shall mean children  
5599 being transported to school who live within legal limits for  
5600 transportation and who are otherwise qualified for being  
5601 transported to school at public expense as fixed by Mississippi  
5602 state law.

5603           (m) The term "year of teaching experience" shall mean  
5604 nine (9) months of actual teaching in the public or private  
5605 schools. In no case shall more than one (1) year of teaching  
5606 experience be given for all services in one (1) calendar or school  
5607 year. In determining a teacher's experience, no deduction shall  
5608 be made because of the temporary absence of the teacher because of  
5609 illness or other good cause, and the teacher shall be given credit  
5610 therefor. Beginning with the 2003-2004 school year, the State  
5611 Board of Education shall fix a number of days, not to exceed  
5612 forty-five (45) consecutive school days, during which a teacher  
5613 may not be under contract of employment during any school year and  
5614 still be considered to have been in full-time employment for a  
5615 regular scholastic term. If a teacher exceeds the number of days  
5616 established by the State Board of Education that a teacher may not  
5617 be under contract but may still be employed, that teacher shall  
5618 not be credited with a year of teaching experience. In  
5619 determining the experience of school librarians, each complete  
5620 year of continuous, full-time employment as a professional  
5621 librarian in a public library in this or some other state shall be  
5622 considered a year of teaching experience. If a full-time school



5623 administrator returns to actual teaching in the public schools,  
5624 the term "year of teaching experience" shall include the period of  
5625 time he or she served as a school administrator. In determining  
5626 the salaries of teachers who have experience in any branch of the  
5627 military, the term "year of teaching experience" shall include  
5628 each complete year of actual classroom instruction while serving  
5629 in the military. In determining the experience of speech-language  
5630 pathologists and audiologists, each complete year of continuous  
5631 full-time post master's degree employment in an educational  
5632 setting in this or some other state shall be considered a year of  
5633 teaching experience. Provided, however, that school districts are  
5634 authorized, in their discretion, to negotiate the salary levels  
5635 applicable to certificated employees employed after July 1, 2009,  
5636 who are receiving retirement benefits from the retirement system  
5637 of another state, and the annual experience increment provided in  
5638 Section 37-19-7 shall not be applicable to any such retired  
5639 certificated employee.

5640 (n) The term "average daily attendance" shall be the  
5641 figure which results when the total aggregate attendance during  
5642 the period or months counted is divided by the number of days  
5643 during the period or months counted upon which both teachers and  
5644 pupils are in regular attendance for scheduled classroom  
5645 instruction less the average daily attendance for self-contained  
5646 special education classes and, prior to full implementation of the  
5647 adequate education program the department shall deduct the average





5648 daily attendance for the alternative school program provided for  
5649 in Section 37-19-22.

5650 (o) The term "local supplement" shall mean the amount  
5651 paid to an individual teacher over and above the adequate  
5652 education program salary schedule for regular teaching duties.

5653 (p) The term "aggregate amount of support from ad  
5654 valorem taxation" shall mean the amounts produced by the  
5655 district's total tax levies for operations.

5656 (q) The term "adequate education program funds" shall  
5657 mean all funds, both state and local, constituting the  
5658 requirements for meeting the cost of the adequate program as  
5659 provided for in Section 37-151-7.

5660 (r) "Department" shall mean the State Department of  
5661 Education.

5662 (s) "Commission" shall mean the Mississippi Commission  
5663 on School Accreditation created under Section 37-17-3.

5664 (t) The term "successful school district" shall mean a  
5665 Level III school district as designated by the State Board of  
5666 Education using current statistically relevant state assessment  
5667 data.

5668 (u) "Dual enrollment-dual credit programs" shall mean  
5669 programs for potential or recent high school student dropouts to  
5670 dually enroll in their home high school and a local community  
5671 college in a dual credit program consisting of high school  
5672 completion coursework and a credential, certificate or degree



5673 program at the community college, as provided in Section  
5674 37-15-38(19).

5675 (v) "Charter school" means a public school that is  
5676 established and operating under the terms of a charter contract  
5677 between the school's governing board and the Mississippi Charter  
5678 School Authorizer Board.

5679 **SECTION 88.** Section 37-151-7, Mississippi Code of 1972, is  
5680 amended as follows:

5681 37-151-7. The annual allocation to each school district for  
5682 the operation of the adequate education program shall be  
5683 determined as follows:

5684 (1) **Computation of the basic amount to be included for**  
5685 **current operation in the adequate education program.** The  
5686 following procedure shall be followed in determining the annual  
5687 allocation to each school district:

5688 (a) **Determination of average daily attendance.**  
5689 Effective with fiscal year 2011, the State Department of Education  
5690 shall determine the percentage change from the prior year of each  
5691 year of each school district's average of months two (2) and three  
5692 (3) average daily attendance (ADA) for the three (3) immediately  
5693 preceding school years of the year for which funds are being  
5694 appropriated. For any school district that experiences a positive  
5695 growth in the average of months two (2) and three (3) ADA each  
5696 year of the three (3) years, the average percentage growth over  
5697 the three-year period shall be multiplied times the school



5698 district's average of months two (2) and three (3) ADA for the  
5699 year immediately preceding the year for which MAEP funds are being  
5700 appropriated. The resulting amount shall be added to the school  
5701 district's average of months two (2) and three (3) ADA for the  
5702 year immediately preceding the year for which MAEP funds are being  
5703 appropriated to arrive at the ADA to be used in determining a  
5704 school district's MAEP allocation. Otherwise, months two (2) and  
5705 three (3) ADA for the year immediately preceding the year for  
5706 which MAEP funds are being appropriated will be used in  
5707 determining a school district's MAEP allocation. In any fiscal  
5708 year prior to 2010 in which the MAEP formula is not fully funded,  
5709 for those districts that do not demonstrate a three-year positive  
5710 growth in months two (2) and three (3) ADA, months one (1) through  
5711 nine (9) ADA of the second preceding year for which funds are  
5712 being appropriated or months two (2) and three (3) ADA of the  
5713 preceding year for which funds are being appropriated, whichever  
5714 is greater, shall be used to calculate the district's MAEP  
5715 allocation. The district's average daily attendance shall be  
5716 computed and currently maintained in accordance with regulations  
5717 promulgated by the State Board of Education. The district's  
5718 average daily attendance shall include any student enrolled in a  
5719 Dual Enrollment-Dual Credit Program as defined and provided in  
5720 Section 37-15-38(19). The State Department of Education shall  
5721 make payments for Dual Enrollment-Dual Credit Programs to the home  
5722 school in which the student is enrolled, in accordance with



5723 regulations promulgated by the State Board of Education. The  
5724 community college providing services to students in a Dual  
5725 Enrollment-Dual Credit Program shall require payment from the home  
5726 school district for services provided to such students at a rate  
5727 of one hundred percent (100%) of ADA. All MAEP/state funding  
5728 shall cease upon completion of high school graduation  
5729 requirements.

5730           (b) **Determination of base student cost.** Effective with  
5731 fiscal year 2011 and every fourth fiscal year thereafter, the  
5732 State Board of Education, on or before August 1, with adjusted  
5733 estimate no later than January 2, shall submit to the Legislative  
5734 Budget Office and the Governor a proposed base student cost  
5735 adequate to provide the following cost components of educating a  
5736 pupil in a successful school district: (i) Instructional Cost;  
5737 (ii) Administrative Cost; (iii) Operation and Maintenance of  
5738 Plant; and (iv) Ancillary Support Cost. For purposes of these  
5739 calculations, the Department of Education shall utilize financial  
5740 data from the second preceding year of the year for which funds  
5741 are being appropriated.

5742           For the instructional cost component, the Department of  
5743 Education shall select districts that have been identified as  
5744 instructionally successful and have a ratio of a number of  
5745 teachers per one thousand (1,000) students that is between one (1)  
5746 standard deviation above the mean and two (2) standard deviations  
5747 below the mean of the statewide average of teachers per one



5748 thousand (1,000) students. The instructional cost component shall  
5749 be calculated by dividing the latest available months one (1)  
5750 through nine (9) ADA into the instructional expenditures of these  
5751 selected districts. For the purpose of this calculation, the  
5752 Department of Education shall use the following funds, functions  
5753 and objects:

5754 Fund 1120 Functions 1110-1199 Objects 100-999, Functions  
5755 1210, 1220, 2150-2159 Objects 210 and 215;  
5756 Fund 1130 All Functions, Object Code 210 and 215;  
5757 Fund 2001 Functions 1110-1199 Objects 100-999;  
5758 Fund 2070 Functions 1110-1199 Objects 100-999;  
5759 Fund 2420 Functions 1110-1199 Objects 100-999;  
5760 Fund 2711 All Functions, Object Code 210 and 215.

5761 Prior to the calculation of the instructional cost component,  
5762 there shall be subtracted from the above expenditures any revenue  
5763 received for Chickasaw Cession payments, Master Teacher  
5764 Certification payments and the district's portion of state revenue  
5765 received from the MAEP at-risk allocation.

5766 For the administrative cost component, the Department of  
5767 Education shall select districts that have been identified as  
5768 instructionally successful and have a ratio of an administrative  
5769 staff to nonadministrative staff between one (1) standard  
5770 deviation above the mean and two (2) standard deviations below the  
5771 mean of the statewide average administrative staff to  
5772 nonadministrative staff. The administrative cost component shall



5773 be calculated by dividing the latest available months one (1)  
5774 through nine (9) ADA of the selected districts into the  
5775 administrative expenditures of these selected districts. For the  
5776 purpose of this calculation, the Department of Education shall use  
5777 the following funds, functions and objects:

5778 Fund 1120 Functions 2300-2599, Functions 2800-2899,  
5779 Objects 100-999;

5780 Fund 2711 Functions 2300-2599, Functions 2800-2899,  
5781 Objects 100-999.

5782 For the plant and maintenance cost component, the Department  
5783 of Education shall select districts that have been identified as  
5784 instructionally successful and have a ratio of plant and  
5785 maintenance expenditures per one hundred thousand (100,000) square  
5786 feet of building space and a ratio of maintenance workers per one  
5787 hundred thousand (100,000) square feet of building space that are  
5788 both between one (1) standard deviation above the mean and two (2)  
5789 standard deviations below the mean of the statewide average. The  
5790 plant and maintenance cost component shall be calculated by  
5791 dividing the latest available months one (1) through nine (9) ADA  
5792 of the selected districts into the plant and maintenance  
5793 expenditures of these selected districts. For the purpose of this  
5794 calculation, the Department of Education shall use the following  
5795 funds, functions and objects:

5796 Fund 1120 Functions 2600-2699, Objects 100-699  
5797 and Objects 800-999;



5798 Fund 2711 Functions 2600-2699, Objects 100-699

5799 and Objects 800-999;

5800 Fund 2430 Functions 2600-2699, Objects 100-699

5801 and Objects 800-999.

5802 For the ancillary support cost component, the Department of  
5803 Education shall select districts that have been identified as  
5804 instructionally successful and have a ratio of a number of  
5805 librarians, media specialists, guidance counselors and  
5806 psychologists per one thousand (1,000) students that is between  
5807 one (1) standard deviation above the mean and two (2) standard  
5808 deviations below the mean of the statewide average of librarians,  
5809 media specialists, guidance counselors and psychologists per one  
5810 thousand (1,000) students. The ancillary cost component shall be  
5811 calculated by dividing the latest available months one (1) through  
5812 nine (9) ADA into the ancillary expenditures instructional  
5813 expenditures of these selected districts. For the purpose of this  
5814 calculation, the Department of Education shall use the following  
5815 funds, functions and objects:

5816 Fund 1120 Functions 2110-2129, Objects 100-999;

5817 Fund 1120 Functions 2140-2149, Objects 100-999;

5818 Fund 1120 Functions 2220-2229, Objects 100-999;

5819 Fund 2001 Functions 2100-2129, Objects 100-999;

5820 Fund 2001 Functions 2140-2149, Objects 100-999;

5821 Fund 2001 Functions 2220-2229, Objects 100-999.



5822           The total base cost for each year shall be the sum of the  
5823 instructional cost component, administrative cost component, plant  
5824 and maintenance cost component and ancillary support cost  
5825 component, and any estimated adjustments for additional state  
5826 requirements as determined by the State Board of Education.

5827           Provided, however, that the base student cost in fiscal year 1998  
5828 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

5829           For each of the fiscal years between the recalculation of the  
5830 base student cost under the provisions of this paragraph (b), the  
5831 base student cost shall be increased by an amount equal to forty  
5832 percent (40%) of the base student cost for the previous fiscal  
5833 year, multiplied by the latest annual rate of inflation for the  
5834 State of Mississippi as determined by the State Economist, plus  
5835 any adjustments for additional state requirements such as, but not  
5836 limited to, teacher pay raises and health insurance premium  
5837 increases.

5838           (c)   **Determination of the basic adequate education**  
5839 **program cost.** The basic amount for current operation to be  
5840 included in the Mississippi Adequate Education Program for each  
5841 school district shall be computed as follows:

5842           Multiply the average daily attendance of the district by the  
5843 base student cost as established by the Legislature, which yields  
5844 the total base program cost for each school district.

5845           (d)   **Adjustment to the base student cost for at-risk**  
5846 **pupils.** The amount to be included for at-risk pupil programs for





5847 each school district shall be computed as follows: Multiply the  
5848 base student cost for the appropriate fiscal year as determined  
5849 under paragraph (b) by five percent (5%), and multiply that  
5850 product by the number of pupils participating in the federal free  
5851 school lunch program in such school district, which yields the  
5852 total adjustment for at-risk pupil programs for such school  
5853 district.

5854 (e) **Add-on program cost.** The amount to be allocated to  
5855 school districts in addition to the adequate education program  
5856 cost for add-on programs for each school district shall be  
5857 computed as follows:

5858 (i) Transportation cost shall be the amount  
5859 allocated to such school district for the operational support of  
5860 the district transportation system from state funds.

5861 (ii) Vocational or technical education program  
5862 cost shall be the amount allocated to such school district from  
5863 state funds for the operational support of such programs.

5864 (iii) Special education program cost shall be the  
5865 amount allocated to such school district from state funds for the  
5866 operational support of such programs.

5867 (iv) Gifted education program cost shall be the  
5868 amount allocated to such school district from state funds for the  
5869 operational support of such programs.



5870 (v) Alternative school program cost shall be the  
5871 amount allocated to such school district from state funds for the  
5872 operational support of such programs.

5873 (vi) Extended school year programs shall be the  
5874 amount allocated to school districts for those programs authorized  
5875 by law which extend beyond the normal school year.

5876 (vii) University-based programs shall be the  
5877 amount allocated to school districts for those university-based  
5878 programs for handicapped children as defined and provided for in  
5879 Section 37-23-131 et seq., Mississippi Code of 1972.

5880 (viii) Bus driver training programs shall be the  
5881 amount provided for those driver training programs as provided for  
5882 in Section 37-41-1, Mississippi Code of 1972.

5883 The sum of the items listed above (i) transportation, (ii)  
5884 vocational or technical education, (iii) special education, (iv)  
5885 gifted education, (v) alternative school, (vi) extended school  
5886 year, (vii) university-based, and (viii) bus driver training shall  
5887 yield the add-on cost for each school district.

5888 (f) **Total projected adequate education program cost.**

5889 The total Mississippi Adequate Education Program cost shall be the  
5890 sum of the total basic adequate education program cost (paragraph  
5891 (c)), and the adjustment to the base student cost for at-risk  
5892 pupils (paragraph (d)) for each school district. In any year in  
5893 which the MAEP is not fully funded, the Legislature shall direct



5894 the Department of Education in the K-12 appropriation bill as to  
5895 how to allocate MAEP funds to school districts for that year.

5896 (g) The State Auditor shall annually verify the State  
5897 Board of Education's estimated calculations for the Mississippi  
5898 Adequate Education Program that are submitted each year to the  
5899 Legislative Budget Office on August 1 and the final calculation  
5900 that is submitted on January 2.

5901 (2) **Computation of the required local revenue in support of**  
5902 **the adequate education program.** The amount that each district  
5903 shall provide toward the cost of the adequate education program  
5904 shall be calculated as follows:

5905 (a) The State Department of Education shall certify to  
5906 each school district that twenty-eight (28) mills, less the  
5907 estimated amount of the yield of the School Ad Valorem Tax  
5908 Reduction Fund grants as determined by the State Department of  
5909 Education, is the millage rate required to provide the district  
5910 required local effort for that year, or twenty-seven percent (27%)  
5911 of the basic adequate education program cost for such school  
5912 district as determined under paragraph (c), whichever is a lesser  
5913 amount. In the case of an agricultural high school, the millage  
5914 requirement shall be set at a level which generates an equitable  
5915 amount per pupil to be determined by the State Board of Education.  
5916 The local contribution amount for school districts in which there  
5917 is located one or more charter schools will be calculated using  
5918 the following methodology: using the adequate education program



5919 twenty-eight (28) mill value, or the twenty-seven percent (27%)  
5920 cap amount (whichever is less) for each school district in which a  
5921 charter school is located, an average per pupil amount will be  
5922 calculated. This average per pupil amount will be multiplied  
5923 times the number of students attending the charter school in that  
5924 school district. The sum becomes the charter school's local  
5925 contribution to the adequate education program.

5926           (b) The State Department of Education shall determine  
5927 the following from the annual assessment information submitted to  
5928 the department by the tax assessors of the various counties: (i)  
5929 the total assessed valuation of nonexempt property for school  
5930 purposes in each school district; (ii) assessed value of exempt  
5931 property owned by homeowners aged sixty-five (65) or older or  
5932 disabled as defined in Section 27-33-67(2), Mississippi Code of  
5933 1972; (iii) the school district's tax loss from exemptions  
5934 provided to applicants under the age of sixty-five (65) and not  
5935 disabled as defined in Section 27-33-67(1), Mississippi Code of  
5936 1972; and (iv) the school district's homestead reimbursement  
5937 revenues.

5938           (c) The amount of the total adequate education program  
5939 funding which shall be contributed by each school district shall  
5940 be the sum of the ad valorem receipts generated by the millage  
5941 required under this subsection plus the following local revenue  
5942 sources for the appropriate fiscal year which are or may be  
5943 available for current expenditure by the school district:



5944 One hundred percent (100%) of Grand Gulf income as prescribed  
5945 in Section 27-35-309.

5946 One hundred percent (100%) of any fees in lieu of taxes as  
5947 prescribed in Section 27-31-104.

5948 (3) **Computation of the required state effort in support of**  
5949 **the adequate education program.**

5950 (a) The required state effort in support of the  
5951 adequate education program shall be determined by subtracting the  
5952 sum of the required local tax effort as set forth in subsection  
5953 (2)(a) of this section and the other local revenue sources as set  
5954 forth in subsection (2)(c) of this section in an amount not to  
5955 exceed twenty-seven percent (27%) of the total projected adequate  
5956 education program cost as set forth in subsection (1)(f) of this  
5957 section from the total projected adequate education program cost  
5958 as set forth in subsection (1)(f) of this section.

5959 (b) Provided, however, that in fiscal year 1998 and in  
5960 the fiscal year in which the adequate education program is fully  
5961 funded by the Legislature, any increase in the said state  
5962 contribution to any district calculated under this section shall  
5963 be not less than eight percent (8%) in excess of the amount  
5964 received by said district from state funds for the fiscal year  
5965 immediately preceding. For purposes of this paragraph (b), state  
5966 funds shall include minimum program funds less the add-on  
5967 programs, State Uniform Millage Assistance Grant Funds, Education  
5968 Enhancement Funds appropriated for Uniform Millage Assistance



5969 Grants and state textbook allocations, and State General Funds  
5970 allocated for textbooks.

5971 (c) If the school board of any school district shall  
5972 determine that it is not economically feasible or practicable to  
5973 operate any school within the district for the full one hundred  
5974 eighty (180) days required for a school term of a scholastic year  
5975 as required in Section 37-13-63, Mississippi Code of 1972, due to  
5976 an enemy attack, a man-made, technological or natural disaster in  
5977 which the Governor has declared a disaster emergency under the  
5978 laws of this state or the President of the United States has  
5979 declared an emergency or major disaster to exist in this state,  
5980 said school board may notify the State Department of Education of  
5981 such disaster and submit a plan for altering the school term. If  
5982 the State Board of Education finds such disaster to be the cause  
5983 of the school not operating for the contemplated school term and  
5984 that such school was in a school district covered by the  
5985 Governor's or President's disaster declaration, it may permit said  
5986 school board to operate the schools in its district for less than  
5987 one hundred eighty (180) days and, in such case, the State  
5988 Department of Education shall not reduce the state contributions  
5989 to the adequate education program allotment for such district,  
5990 because of the failure to operate said schools for one hundred  
5991 eighty (180) days.

5992 (4) The Interim School District Capital Expenditure Fund is  
5993 hereby established in the State Treasury which shall be used to



5994 distribute any funds specifically appropriated by the Legislature  
5995 to such fund to school districts entitled to increased allocations  
5996 of state funds under the adequate education program funding  
5997 formula prescribed in Sections 37-151-3 through 37-151-7,  
5998 Mississippi Code of 1972, until such time as the said adequate  
5999 education program is fully funded by the Legislature. The  
6000 following percentages of the total state cost of increased  
6001 allocations of funds under the adequate education program funding  
6002 formula shall be appropriated by the Legislature into the Interim  
6003 School District Capital Expenditure Fund to be distributed to all  
6004 school districts under the formula: Nine and two-tenths percent  
6005 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
6006 (20%) shall be appropriated in fiscal year 1999, forty percent  
6007 (40%) shall be appropriated in fiscal year 2000, sixty percent  
6008 (60%) shall be appropriated in fiscal year 2001, eighty percent  
6009 (80%) shall be appropriated in fiscal year 2002, and one hundred  
6010 percent (100%) shall be appropriated in fiscal year 2003 into the  
6011 State Adequate Education Program Fund. Until July 1, 2002, such  
6012 money shall be used by school districts for the following  
6013 purposes:

6014           (a) Purchasing, erecting, repairing, equipping,  
6015 remodeling and enlarging school buildings and related facilities,  
6016 including gymnasiums, auditoriums, lunchrooms, vocational training  
6017 buildings, libraries, school barns and garages for transportation  
6018 vehicles, school athletic fields and necessary facilities



6019 connected therewith, and purchasing land therefor. Any such  
6020 capital improvement project by a school district shall be approved  
6021 by the State Board of Education, and based on an approved  
6022 long-range plan. The State Board of Education shall promulgate  
6023 minimum requirements for the approval of school district capital  
6024 expenditure plans.

6025 (b) Providing necessary water, light, heating,  
6026 air-conditioning, and sewerage facilities for school buildings,  
6027 and purchasing land therefor.

6028 (c) Paying debt service on existing capital improvement  
6029 debt of the district or refinancing outstanding debt of a district  
6030 if such refinancing will result in an interest cost savings to the  
6031 district.

6032 (d) From and after October 1, 1997, through June 30,  
6033 1998, pursuant to a school district capital expenditure plan  
6034 approved by the State Department of Education, a school district  
6035 may pledge such funds until July 1, 2002, plus funds provided for  
6036 in paragraph (e) of this subsection (4) that are not otherwise  
6037 permanently pledged under such paragraph (e) to pay all or a  
6038 portion of the debt service on debt issued by the school district  
6039 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
6040 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
6041 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
6042 issued by boards of supervisors for agricultural high schools  
6043 pursuant to Section 37-27-65, Mississippi Code of 1972, or





6044 lease-purchase contracts entered into pursuant to Section 31-7-13,  
6045 Mississippi Code of 1972, or to retire or refinance outstanding  
6046 debt of a district, if such pledge is accomplished pursuant to a  
6047 written contract or resolution approved and spread upon the  
6048 minutes of an official meeting of the district's school board or  
6049 board of supervisors. It is the intent of this provision to allow  
6050 school districts to irrevocably pledge their Interim School  
6051 District Capital Expenditure Fund allotments as a constant stream  
6052 of revenue to secure a debt issued under the foregoing code  
6053 sections. To allow school districts to make such an irrevocable  
6054 pledge, the state shall take all action necessary to ensure that  
6055 the amount of a district's Interim School District Capital  
6056 Expenditure Fund allotments shall not be reduced below the amount  
6057 certified by the department or the district's total allotment  
6058 under the Interim Capital Expenditure Fund if fully funded, so  
6059 long as such debt remains outstanding.

6060 (e) [Repealed]

6061 (f) [Repealed]

6062 (g) The State Board of Education may authorize the  
6063 school district to expend not more than twenty percent (20%) of  
6064 its annual allotment of such funds or Twenty Thousand Dollars  
6065 (\$20,000.00), whichever is greater, for technology needs of the  
6066 school district, including computers, software,  
6067 telecommunications, cable television, interactive video, film,  
6068 low-power television, satellite communications, microwave



6069 communications, technology-based equipment installation and  
6070 maintenance, and the training of staff in the use of such  
6071 technology-based instruction. Any such technology expenditure  
6072 shall be reflected in the local district technology plan approved  
6073 by the State Board of Education under Section 37-151-17,  
6074 Mississippi Code of 1972.

6075           (h) To the extent a school district has not utilized  
6076 twenty percent (20%) of its annual allotment for technology  
6077 purposes under paragraph (g), a school district may expend not  
6078 more than twenty percent (20%) of its annual allotment or Twenty  
6079 Thousand Dollars (\$20,000.00), whichever is greater, for  
6080 instructional purposes. The State Board of Education may  
6081 authorize a school district to expend more than said twenty  
6082 percent (20%) of its annual allotment for instructional purposes  
6083 if it determines that such expenditures are needed for  
6084 accreditation purposes.

6085           (i) The State Department of Education or the State  
6086 Board of Education may require that any project commenced under  
6087 this section with an estimated project cost of not less than Five  
6088 Million Dollars (\$5,000,000.00) shall be done only pursuant to  
6089 program management of the process with respect to design and  
6090 construction. Any individuals, partnerships, companies or other  
6091 entities acting as a program manager on behalf of a local school  
6092 district and performing program management services for projects



6093 covered under this subsection shall be approved by the State  
6094 Department of Education.

6095 Any interest accruing on any unexpended balance in the  
6096 Interim School District Capital Expenditure Fund shall be invested  
6097 by the State Treasurer and placed to the credit of each school  
6098 district participating in such fund in its proportionate share.

6099 The provisions of this subsection (4) shall be cumulative and  
6100 supplemental to any existing funding programs or other authority  
6101 conferred upon school districts or school boards.

6102 (5) The State Department of Education shall make payments to  
6103 charter schools for each student in average daily attendance at  
6104 the charter school equal to the state share of the adequate  
6105 education program payments for each student in average daily  
6106 attendance at the school district in which the public charter  
6107 school is located. In calculating the local contribution for  
6108 purposes of determining the state share of the adequate education  
6109 program payments, the department shall deduct the pro rata local  
6110 contribution of the school district in which the student resides  
6111 as determined in subsection (2) (a) of this section.

6112 **SECTION 89.** Section 37-151-101, Mississippi Code of 1972, is  
6113 amended as follows:

6114 37-151-101. It shall be the duty of the State Department of  
6115 Education to file with the State Treasurer and the State Fiscal  
6116 Officer such data and information as may be required to enable the  
6117 said State Treasurer and State Fiscal Officer to distribute the



6118 common school funds and adequate education program funds by  
6119 electronic funds transfer to the several school districts and  
6120 charter schools at the time required and provided under the  
6121 provisions of this chapter. Such data and information so filed  
6122 shall show in detail the amount of funds to which each school  
6123 district and charter school is entitled from such common school  
6124 fund and adequate education program fund. Such data and  
6125 information so filed may be revised from time to time as  
6126 necessitated by law. At the time provided by law, the State  
6127 Treasurer and the State Fiscal Officer shall distribute to the  
6128 several school districts and charter schools the amounts to which  
6129 they are entitled from the common school fund and the adequate  
6130 education program fund as provided by this chapter. Such  
6131 distribution shall be made by electronic funds transfer to the  
6132 depositories of the several school districts and charter schools  
6133 designated in writing to the State Treasurer based upon the data  
6134 and information supplied by the State Department of Education for  
6135 such distribution. In such instances, the State Treasurer shall  
6136 submit a request for an electronic funds transfer to the State  
6137 Fiscal Officer, which shall set forth the purpose, amount and  
6138 payees, and shall be in such form as may be approved by the State  
6139 Fiscal Officer so as to provide the necessary information as would  
6140 be required for a requisition and issuance of a warrant. A copy  
6141 of the record of said electronic funds transfers shall be  
6142 transmitted by the school district and charter school depositories



6143 to the Treasurer, who shall file duplicates with the State Fiscal  
6144 Officer. The Treasurer and State Fiscal Officer shall jointly  
6145 promulgate regulations for the utilization of electronic funds  
6146 transfers to school districts and charter schools.

6147 **SECTION 90.** Section 37-151-103, Mississippi Code of 1972, is  
6148 amended as follows:

6149 37-151-103. (1) Funds due each school district and charter  
6150 school under the terms of this chapter from the Adequate Education  
6151 Program Fund shall be paid in the following manner: On the two  
6152 (2) days prior to the last day of each month, or the next business  
6153 date after that date, there shall be paid to each school district  
6154 and charter school, by electronic funds transfer, one-twelfth  
6155 (1/12) of the funds to which the district or charter school is  
6156 entitled from funds appropriated for the Adequate Education  
6157 Program Fund. However, in December those payments shall be made  
6158 on December 15th or the next business day after that date. All  
6159 school districts shall process a single monthly payroll with  
6160 electronic settlement of payroll checks secured through direct  
6161 deposit of net pay for all school district employees. In  
6162 addition, the State Department of Education may pay school  
6163 districts and charter schools from the common school fund and the  
6164 Adequate Education Program Fund on a date earlier than provided  
6165 for by this section if it is determined that it is in the best  
6166 interest of school districts and charter schools to do so.



6167            Provided, however, that if the cash balance in the State  
6168 General Fund is not adequate on the due date to pay the amounts  
6169 due to all school districts and charter schools in the state as  
6170 determined by the State Superintendent of Education, the State  
6171 Fiscal Officer shall not transfer said funds payable to any school  
6172 district or districts or charter schools until money is available  
6173 to pay the amount due to all districts and charter schools.

6174            (2) Notwithstanding any provision of this chapter or any  
6175 other law requiring the number of children in average daily  
6176 attendance or the average daily attendance of transported children  
6177 to be determined on the basis of the preceding year, the State  
6178 Board of Education is hereby authorized and empowered to make  
6179 proper adjustments in allotments in cases where major changes in  
6180 the number of children in average daily attendance or the average  
6181 daily attendance of transported children occurs from one year to  
6182 another as a result of changes or alterations in the boundaries of  
6183 school districts, the sending of children from one county or  
6184 district to another upon a contract basis, the termination or  
6185 discontinuance of a contract for the sending of children from one  
6186 county or district to another, a change in or relocation of  
6187 attendance centers, or for any other reason which would result in  
6188 a major decrease or increase in the number of children in average  
6189 daily attendance or the average daily attendance of transported  
6190 children during the current school year as compared with the  
6191 preceding year.



6192 (3) In the event of an inordinately large number of  
6193 absentees in any school district or charter school as a result of  
6194 epidemic, natural disaster, or any concerted activity discouraging  
6195 school attendance, then in such event school attendance for the  
6196 purposes of determining average daily attendance under the  
6197 adequate education program shall be based upon the average daily  
6198 attendance for the preceding school year for such school district  
6199 or charter school.

6200 **SECTION 91.** Section 37-57-107, Mississippi Code of 1972, is  
6201 amended as follows:

6202 37-57-107. (1) Beginning with the tax levy for the 1997  
6203 fiscal year and for each fiscal year thereafter, the aggregate  
6204 receipts from taxes levied for school district purposes pursuant  
6205 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate  
6206 receipts from those sources during any one (1) of the immediately  
6207 preceding three (3) fiscal years, as determined by the school  
6208 board, plus an increase not to exceed seven percent (7%). For the  
6209 purpose of this limitation, the term "aggregate receipts" when  
6210 used in connection with the amount of funds generated in a  
6211 preceding fiscal year shall not include excess receipts required  
6212 by law to be deposited into a special account. However, the term  
6213 "aggregate receipts" includes any receipts required by law to be  
6214 paid to a charter school. The additional revenue from the ad  
6215 valorem tax on any newly constructed properties or any existing  
6216 properties added to the tax rolls or any properties previously



6217 exempt which were not assessed in the next preceding year may be  
6218 excluded from the seven percent (7%) increase limitation set forth  
6219 herein. Taxes levied for payment of principal of and interest on  
6220 general obligation school bonds issued heretofore or hereafter  
6221 shall be excluded from the seven percent (7%) increase limitation  
6222 set forth herein. Any additional millage levied to fund any new  
6223 program mandated by the Legislature shall be excluded from the  
6224 limitation for the first year of the levy and included within such  
6225 limitation in any year thereafter. For the purposes of this  
6226 section, the term "new program" shall include, but shall not be  
6227 limited to, (a) the Early Childhood Education Program required to  
6228 commence with the 1986-1987 school year as provided by Section  
6229 37-21-7 and any additional millage levied and the revenue  
6230 generated therefrom, which is excluded from the limitation for the  
6231 first year of the levy, to support the mandated Early Childhood  
6232 Education Program shall be specified on the minutes of the school  
6233 board and of the governing body making such tax levy; (b) any  
6234 additional millage levied and the revenue generated therefrom  
6235 which shall be excluded from the limitation for the first year of  
6236 the levy, for the purpose of generating additional local  
6237 contribution funds required for the adequate education program for  
6238 the 2003 fiscal year and for each fiscal year thereafter under  
6239 Section 37-151-7(2); and (c) any additional millage levied and the  
6240 revenue generated therefrom which shall be excluded from the  
6241 limitation for the first year of the levy, for the purpose of





6242 support and maintenance of any agricultural high school which has  
6243 been transferred to the control, operation and maintenance of the  
6244 school board by the board of trustees of the community college  
6245 district under provisions of Section 37-29-272.

6246       (2) The seven percent (7%) increase limitation prescribed in  
6247 this section may be increased an additional amount only when the  
6248 school board has determined the need for additional revenues and  
6249 has held an election on the question of raising the limitation  
6250 prescribed in this section. The limitation may be increased only  
6251 if three-fifths (3/5) of those voting in the election shall vote  
6252 for the proposed increase. The resolution, notice and manner of  
6253 holding the election shall be as prescribed by law for the holding  
6254 of elections for the issuance of bonds by the respective school  
6255 boards. Revenues collected for the fiscal year in excess of the  
6256 seven percent (7%) increase limitation pursuant to an election  
6257 shall be included in the tax base for the purpose of determining  
6258 aggregate receipts for which the seven percent (7%) increase  
6259 limitation applies for subsequent fiscal years.

6260       (3) Except as otherwise provided for excess revenues  
6261 generated pursuant to an election, if revenues collected as the  
6262 result of the taxes levied for the fiscal year pursuant to this  
6263 section and Section 37-57-1 exceed the increase limitation, then  
6264 it shall be the mandatory duty of the school board of the school  
6265 district to deposit such excess receipts over and above the  
6266 increase limitation into a special account and credit it to the



6267 fund for which the levy was made. It will be the further duty of  
6268 such board to hold said funds and invest the same as authorized by  
6269 law. Such excess funds shall be calculated in the budgets for the  
6270 school districts for the purpose for which such levies were made,  
6271 for the succeeding fiscal year. Taxes imposed for the succeeding  
6272 year shall be reduced by the amount of excess funds available.  
6273 Under no circumstances shall such excess funds be expended during  
6274 the fiscal year in which such excess funds are collected.

6275 (4) For the purposes of determining ad valorem tax receipts  
6276 for a preceding fiscal year under this section, the term "fiscal  
6277 year" means the fiscal year beginning October 1 and ending  
6278 September 30.

6279 (5) Beginning with the 2013-2014 school year, each school  
6280 district in which a charter school is located shall pay to the  
6281 charter school an amount for each student enrolled in the charter  
6282 school equal to the ad valorem taxes levied per pupil for the  
6283 support of the school district in which the charter school is  
6284 located. The pro rata ad valorem taxes to be transferred to the  
6285 charter school must include all levies for the support of the  
6286 school district under Sections 37-57-1 (local contribution to the  
6287 adequate education program) and 37-57-105 (school district  
6288 operational levy) but may not include any taxes levied for the  
6289 retirement of school district bonded indebtedness or short-term  
6290 notes or any taxes levied for the support of vocational-technical  
6291 education programs. Payments made pursuant to this subsection by



6292 a school district to a charter school must be made before the  
6293 expiration of three (3) business days after the funds are  
6294 distributed to the school district.

6295       **SECTION 92.** Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7,  
6296 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19,  
6297 37-165-21, 37-165-23, 37-165-25 and 37-165-27, Mississippi Code of  
6298 1972, which are the Conversion Charter School Act of 2010, are  
6299 repealed.

6300       **SECTION 93.** Section 37-167-1, Mississippi Code of 1972,  
6301 which establishes the New Start School Program, is repealed.

6302       **SECTION 94.** Sections 1 through 31 of this act shall stand  
6303 repealed from and after July 1, 2020.

6304       **SECTION 95.** This act shall take effect and be in force from  
6305 and after July 1, 2013.

