LEGISLATIVE UPDATE – HOUSE EDUCATION BILLS
ACTION AS OF MARCH 3, 2011

**HOUSE BILL 1494 – MAEP** - provided level funding at $232 million below full funding. This bill fully funds National Board Certification Program and Chickasaw Cession and provides $16.3 million to cover PERS increase.

**HOUSE BILL 608:** Provides for the development of a State Longitudinal Data System (SLDS). The SLDS shall provide access to data on state residents from birth to the workforce to drive accountability and investment decisions. The system shall provide decision makers a tool to enhance:

- Security and retention of employment and compensation after training or postsecondary degrees.
- The state’s ability to meet education and job skill demands.
- Early intervention in the education process.
- Teaching methods and tools to improve student outcomes.
- Sharing of data across the business and education communities.

The bill specifies all of the key agencies that will be required to share data to develop the system. The governing board can add other agencies or entities required to share such data. The system shall be modeled after the National Strategic Planning and Analysis Research Center at Mississippi State University.

**Action:** Passed Senate as amended to insert the language of companion Senate Bill 2371 Effective July 1, 2011

**HOUSE BILL 636:** Amends Section 37-15-33 to include home school students seeking to enroll in a public school, under the school districts’ authority to be tested to determine the appropriate grade and class to which the student shall be assigned.

**Action:** Passed Senate as amended to insert language of companion Senate Bill 2389 Effective July 1, 2011

**HOUSE BILL 637:** Reenacts 37-11-1 which provides a process for parents to request that twins, or ‘higher order multiples,’ meaning triplets and higher, be placed in the same class or in separate classrooms if the children are in the same grade level at the same school.

Also deletes the repealer on 37-43-1 that provides for a plan for the adoption, purchase, distribution, care and use of free textbooks to be loaned to the pupils in all elementary and high schools in MS.
**Action:** Passed the Senate  
Effective July 1, 2011  
Companion to Senate Bill 2536  

**HOUSE BILL 638:** Amends Section 43-21-321 to authorize the SDE to issue policies regarding financial reimbursements to sponsoring school districts for students placed in Youth Detention Centers (YDC).  

- Clarifies the requirement for detention center staff to notify school officials if a student’s detention will cause one or more missed days of school “during the academic school year.”  
- Provides that detention center detainees’ services be provided “during the academic school year” after 48 hours of detention and services be provided in compliance with the sponsoring school district calendar.  
- Provides that the extended detention education program begin no later than the 10th day of the detention “during the academic school year.”  
- MDE has authority to establish policies and procedures regarding financial reimbursements to sponsoring school districts from school districts that have students of record or compulsory school age students placed in the detention center.  

**Action:** Passed Senate, held on Motion to Reconsider  
Effective July 1, 2011  
Companion to Senate Bill 2388  

**HOUSE BILL 639:** Amends 37-35-3 to provide that students participating in a GED program offered by a community or junior college, or other local entity, must have an approved contractual agreement with the local school district, or otherwise the student shall be considered a dropout. The intent of the amendment is to comply with federal regulations.  

**Action:** Passed Senate as amended to insert language of companion Senate Bill 2383  
Effective July 1, 2011  

**HOUSE BILL 641:** Establishes specific grounds for revocation or suspension of educator license for sexual misconduct, clarifies reciprocity for issuing a standard license, amends the legal duty for the superintendent to report sexual misconduct of an employee involving students and provides criminal penalties for failure to report such incidences.  

**Section 1**  

- Amends 37-3-2 (8) (a) to clarify that educator license reciprocity from another state is based on the individual possessing a valid license from
another state that meets the minimum MS license requirements or the equivalent required as determined by the SBE.

- Amends 37-3-2 (11) (d) to include ‘suspension’ of an applicant’s license from another state in the SBE’s authority to deny a teacher or administrator a MS educator license.

- Amends 37-3-2 to add subsections (12) (g), (h) and (i) providing additional authority for the SBE, acting through the licensure commission, to revoke or suspend a teacher or administrator license for the following: (g) engaging in unethical conduct relating to an educator/student relationship as identified by SBE regulations; (h) fondling a student as described in Section 97-5-23 or having any type of sexual involvement with a student as described in Section 97-3-95; (i) license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

Section 2

- Amends 97-5-24 that addresses the school districts’ responsibility for reporting sexual misconduct with any child under 18 years of age.

- Along with the requirement of the principal of a school and the superintendent to timely notify the district attorney of sexual involvement with any child under age 18 enrolled in the school, this bill also requires the same notification be provided to the MDE and the Department of Human Services.

- Language is added that specifies that any superintendent or his designee who fails to make the reports required in this section shall be subject to the penalties provided in Section 37-11-35. Further, any superintendent, principal, teacher or other personnel participating in making the required report regarding this section, or participating in any resulting judicial proceeding shall be presumed to be acting in good faith.

Section 3

- Amends Section 37-11-35 by adding subsection (2) providing that any person failing to make the reports as required by 97-5-24 shall be guilty of a misdemeanor and if convicted shall be fined not more than $1,000 or imprisoned not more than 6 months.

Action: Passed Senate as amended to insert language of companion Senate Bill 2392 Effective July 1, 2011
HOUSE BILL 642: Repeals Section 37-13-10 that established the MDE Reading Sufficiency Program of Instruction. The components of this section are incorporated into the curricula and policies of MDE and are no longer applicable.

**Action:** Passed Senate

**Effective July 1, 2011**

Companion to Senate Bill 2531

HOUSE BILL 643: Amends Section 37-43-25 that currently provides that textbook contracts have to be signed in triplicate. The law is amended to provide for signature of the original contract and that copies may be made for filing with other required entities.

**Action:** Passed Senate as amended to insert language of companion Senate Bill 2390

**Effective July 1, 2011**

HOUSE BILL 644: This bill amends certain procedures and sanctions imposed under the school district conservatorship law.

**Section 1**

- Corrects the spelling of the word ‘millage’ in 37-17-6 (3) (f).

- Amends 37-17-6 (11) (b) to expand the SBE authority to request the Governor declare a state of emergency to include those districts where ‘more than fifty percent (50%) of the schools within a school district are designated as Schools At-Risk in any one year.’

- Amends 37-17-6 (11) (f) to modify how the second sentence states ‘Chapter 17 and 18, Title 37’ and makes no change in application of the law.

**Section 2**

- Amends 37-18-3 (3) to provide that the SBE’s requirement to assign an evaluation team within 15 days after notification of a ‘School At-Risk’ is subject to availability of funding. Also amends 37-18-3 (4) (b) to require the School-At-Risk evaluation report be submitted to the State Superintendent within 90 days.

**Section 3**

- Amends 37-18-5 (1) to delete the requirement for the MDE evaluation team to establish a parent/citizens advisory council.
• Amends 37-18-5 (3) to change the language identifying a ‘local parent/citizens advisory council’ to language specifying a ‘community-based’ advisory council. This provision is to conform to the prior amendment.
• Amends 37-18-5 (4) requiring a School At-Risk to establish a P-16 Council.

Section 4

• Deletes duplicated language from 37-18-7(2) that is included in 37-17-6 (16) (a) (b) which provides procedures for the removal of the local superintendent and school board under the conservatorship provisions.

Action: Passed Senate as amended to insert language of companion Senate Bill 2529 Effective July 1, 2011

HOUSE BILL 868: Directs the State Department of Health to apply for federal grants to provide for an influenza vaccination school program for school-aged children five through 18 years of age.

Action: Amended in Senate committee with early repealer to send to conference Effective July 1, 2011

HOUSE BILL 962: Establishes a Motivating Parents and Children (MPAC) pilot program within the MDE for the purpose of making grants to school districts that provide parental involvement services to families of compulsory school age children; sets forth the purposes of the MPAC pilot program, authorizes the MDE to develop and implement the MPAC pilot program, prescribes the basic components of services to be offered by school districts under the MPAC pilot program, provides an application and selection procedure for school districts participating in the program, amends 37-11-53 to require parents to attend conferences and other functions of school districts participating in the program, amends 63-1-10 to provide that children under 18 residing in school districts participating in the program who withdraw from school may have their driver's license suspended, amends 63-1-46 to exempt such minors from license reinstatement fees, and amends 63-1-53 in conformity to the provisions of this bill. Implementation of this bill is subject to appropriation specifically for this purpose. To date, no funds have been appropriated.

Action: Amended in Senate committee with early repealer to send to conference
HOUSE 999

Section 1

- Amends 37-13-171 to require each school board to adopt a sex-related education policy to implement abstinence-only or abstinence-plus education into its curriculum by June 30, 2012, or, the local school board has the option to adopt the program developed by the Mississippi Department of Human Services and the Department of Health. The State Department shall approve each district’s curriculum for sex-related education and establish a protocol to be used by districts to provide continuity in teaching the approved curriculum that is age, grade and developmentally appropriate. School districts implementing abstinence-plus education into the curriculum may be expanded beyond the instruction for abstinence-only education within the parameters approved by the MDE. The bill establishes parameters for abstinence-plus education, and is in addition to the instruction in abstinence-only curricula.

Section 2

- Directs the MS Department of Human Services and the State Department of Health to develop programs aimed at teen pregnancy, health issues related to sexually transmitted diseases, and other issues to support the reduction of pregnancy and to promote better health outcomes for teens that are pregnant.

Section 3

- Amends Section 37-13-173 and provides the process whereby the local school board would make available to parents the contents and intent of the sex-related education program.

Section 4

- Amends the Teen Pregnancy Monitoring Task Force requirements to study and make recommendations to the Legislature on implementation of sex-related education.

Section 5

- Requires the Department of Mental Health and the SDE, subject to the availability of funding, to establish a pilot program in each health care district, located in a school district in a county having the highest number of teen pregnancies.
Action: Amended in Senate committee with early repealer to send to conference

HOUSE BILL 1125: Creates the Mississippi Autism Advisory Committee to make recommendations and develop a strategic plan on how best to educate and train students with autism or attention-deficit syndrome.

Action: Passed Senate; Effective upon passage

HOUSE BILL 1126: Authorizes school boards to purchase easements for access to sixteenth section lands or lieu lands. If the purchase price for such easement is greater than $50,000, the school board may not purchase the property for an amount exceeding the fair market value as determined by the average of at least two independent appraisals.

Amended on the floor to include this provision: In no event shall eminent domain be used against any private landowner by any local school board or local governing authority to acquire easement access to sixteenth section lands or lieu lands. If a landowner objects or refuses to sell an easement right in his or her property to the local school board, the board shall seek another means to gain access to those lands that does not interfere with the landowner’s quiet use and enjoyment of his or her property.

Action: Passed Senate; Effective July 1, 2011

HOUSE BILL 1144: Amends 37-23-63 to clarify that exceptional children requiring inpatient care in a private intermediate care facility for the mentally retarded or a psychiatric residential treatment facility are eligible for both state and federal financial assistance if the facility operates as an approved private school.

Action: Amended in Senate committee with early repealer to send to conference

HOUSE BILL 1156: Addresses additional exemptions from the requirement that schools be in session for a minimum of 180 days.

In the event weather conditions are cause for the closure of operations of schools in any local school district in any instance in which a state of emergency has not been declared pursuant to the Section 37-151-7(3)(c), the State Board of Education may consider, on a case by case basis, requests submitted by local school districts to alter the school calendar consistent with the provision of that section.”

Action: Approved by the Governor 2/24/11

HOUSE BILL 1163: Directs the State Superintendent, the Commission of IHL and the Executive Director of the State Board for Community and Junior Colleges to
develop a comprehensive report and recommendations on the implementation and operations of “Early College High Schools.” The report shall be submitted to the 2012 legislature with specific recommendations on the establishment of an Early College High School Pilot Program. The State Department of Education in conjunction with IHL and the Community College Board shall also study and develop recommendations to the legislature on the establishment of an Adult High School Diploma. In addition, Section 37-15-37 which contains conflicting language regarding dual enrollment is repealed.

**Action:** Amended by Senate committee to add additional authority regarding early enrollment programs; Effective upon passage

**HOUSE BILL 1177:** Creates the joint education and mental health study committee to study and make annual recommendations to the Governor and the regular session of the legislature regarding the need for assistance in shaping public policy to improve student outcomes and educational opportunities for students with serious emotional, behavioral disorders and provides for the membership and duties of the task force.

Also creates taskforce to study teacher salaries and retention and a legislative study committee on reforming educational programs for students with mental health needs.

**Action:** Passed Senate amended to expand makeup of taskforce membership Effective July 1, 2011

**HOUSE BILL 1178:** Amends 37-13-92 (1) (d) to expand the category and placement of students that may be enrolled in an Alternative School.

**Action:** Passed Senate amended to delete portions of the additional placement criteria; Effective July 1, 2011

**HOUSE BILL 1227:** Authorizes local school boards to disburse certain funds, if the prescribed conditions are met, to a nonprofit foundation that exists to enhance the public educational experience and quality of instruction for students in the school district.

**Action:** Passed Senate; Effective July 1, 2011
LEGISLATIVE UPDATE – SENATE EDUCATION BILLS
ACTION AS OF MARCH 3, 2011

SENATE BILL 2371: Provides for the development of a State Longitudinal Data System (SLDS).

The SLDS shall provide access to data on state residents from birth to the workforce to drive accountability and investment decisions. The system shall provide decision makers a tool to enhance:

- Security and retention of employment and compensation after training or postsecondary degrees.
- The state’s ability to meet education and job skill demands.
- Early intervention in the education process.
- Teaching methods and tools to improve student outcomes.
- Sharing of data across the business and education communities.

The bill specifies all of the key agencies that will be required to share data to develop the system. The governing board can add other agencies or entities required to share such data. The system shall be modeled after the National Strategic Planning and Analysis Research Center at Mississippi State University.

Action: Passed House; Effective July 1, 2011; Companion to House Bill 608

SENATE BILL 2372: Amends 37-41-27 to allow local school boards, subject to regulations of the SBE, to permit the use of their school buses for the transportation of citizens attending an air show held on a military base located in the school district subject to an agreement with the military base that it will indemnify and hold the school district harmless in any action regarding such use.

Action: Passed House; Effective upon passage

SENATE BILL 2383: Amends 37-35-3 to provide that students participating in a GED program offered by a community or junior college, or other local entity, must have an approved contractual agreement with the local school district, or otherwise the student shall be considered a dropout. The intent of the amendment is to comply with federal regulations.

Action: Passed House; Effective July 1, 2011; Companion to House Bill 639
SENATE BILL 2388: Amends Section 43-21-321 to authorize the SDE to issue policies regarding financial reimbursements to sponsoring school districts for students placed in Youth Detention Centers (YDC).

- Clarifies the requirement for detention center staff to notify school officials if a student's detention will cause one or more missed days of school “during the academic school year.”

- Provides that detention center detainees’ services be provided “during the academic school year” after 48 hours of detention and services be provided in compliance with the sponsoring school district calendar.

- Provides that the extended detention education program begin no later than the 10th day of the detention “during the academic school year.”

- MDE has authority to establish policies and procedures regarding financial reimbursements to sponsoring school districts from school districts that have students of record or compulsory school age students placed in the detention center.

Action: Passed House Education Committee; Effective July 1, 2011; Companion to House Bill 638

SENATE BILL 2389: Amends Section 37-15-33 to include home school students seeking to enroll in a public school, under the school districts’ authority to be tested to determine the appropriate grade and class to which the student shall be assigned.

Action: Passed House Education Committee amended to insert language of companion House Bill 636; Effective July 1, 2011

SENATE BILL 2390: Amends Section 37-43-25 that currently provides that textbook contracts have to be signed in triplicate. The law is amended to provide for signature of the original contract and that copies may be made for filing with other required entities.

Action: Passed House; Effective July 1, 2011; Companion to House Bill 643

SENATE BILL 2392: Establishes specific grounds for revocation or suspension of educator license for sexual misconduct, clarifies reciprocity for issuing a standard license, amends the legal duty for the superintendent to report sexual misconduct of an employee involving students and provides criminal penalties for failure to report such incidences.

Section 1
• Amends 37-3-2 (8) (a) to clarify that educator license reciprocity from another state is based on the individual possessing a valid license from another state that meets the minimum MS license requirements or equivalent required as determined by the SBE.

• Amends 37-3-2 (11) (d) to include ‘suspension’ of an applicant’s license from another state in the SBE’s authority to deny a teacher or administrator a MS educator license.

• Amends 37-3-2 to add subsections (12) (g), (h) and (i) providing additional authority for the SBE, acting through the licensure commission, to revoke or suspend a teacher or administrator license for the following: (g) engaging in unethical conduct relating to an educator/student relationship as identified by SBE regulations; (h) fondling a student as described in Section 97-5-23 or having any type of sexual involvement with a student as described in Section 97-3-95; (i) license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

Section 2

• Amends 97-5-24 that addresses the school districts’ responsibility for reporting sexual misconduct with any child under 18 years of age.

• Along with the requirement of the principal of a school and the superintendent to timely notify the district attorney of sexual involvement with any child under age 18 enrolled in the school, this bill also requires the same notification be provided to the MDE and the Department of Human Services.

• Language is added that specifies that any superintendent or his designee who fails to make the reports required in this section shall be subject to the penalties provided in Section 37-11-35. Further, any superintendent, principal, teacher or other personnel participating in making the required report regarding this section, or participating in any resulting judicial proceeding shall be presumed to be acting in good faith and shall be immune from any civil liability.

Section 3

• Amends Section 37-11-35 by adding subsection (2) providing that any person failing to make the reports as required by 97-5-24 shall be guilty of a misdemeanor and if convicted shall be fined not more than $1,000 or imprisoned not more than 6 months.
**Action:** Passed House Education Committee amended to insert language of companion House Bill 641; Effective July 1, 2011

**SENATE BILL 2433:** Amends Section 37-23-137 to require that the procedural safeguard documents related to students with disabilities is given to the parents at the child’s initial IEP meeting. It deletes the requirement for distribution for (1) each notification of an IEP meeting, and (2) reevaluations.

**Action:** Passed as amended in House Education Committee to increase the number of times a district distributes IDEA procedural safeguards Effective July 1, 2011

**SENATE BILL 2504:** Provides that candidates for the school board in the Vicksburg-Warren School District shall file a petition of nomination with the county election commissioners not less than 60 days prior to the date of the election.

**Action:** Passed House Education Committee: Effective after approval under the Voting Rights Act of 1965

**SENATE BILL 2511:** Amends Section 29-3-41 to provide that the local school board is authorized to reject bids for hunting and fishing rights on sixteenth section land and hold an auction among those who submitted bids.

**Action:** Passed House Education Committee amended to provide for three or more persons submitting bids as criteria for auction: Effective July 1, 2011

**SENATE BILL 2529:** This bill amends certain procedures and sanctions imposed under the school district conservatorship law.

**Section 1**

- Corrects the spelling of the word ‘millage’ in 37-17-6 (3) (f).
  
a.
- Amends 37-17-6 (11) (b) to expand the SBE authority to request the Governor declare a state of emergency to include those districts where ‘more than fifty percent (50%) of the schools within a school district are designated as Schools At-Risk in any one year.’

- Amends 37-17-6 (11) (f) to modify how the second sentence states ‘Chapter 17 and 18, Title 37’ and makes no change in application of the law.

**Section 2**
Amends 37-18-3 (3) to provide that the SBE’s requirement to assign an evaluation team within 15 days after notification of a ‘School At-Risk’ is subject to availability of funding. Also amends 37-18-3 (4) (b) to require the School-At-Risk evaluation report be submitted to the State Superintendent within 90 days.

Section 3

Amends 37-18-5 (1) to delete the requirement for the MDE evaluation team to establish a parent/citizens advisory council.

Amends 37-18-5 (3) to change the language identifying a ‘local parent/citizens advisory council’ to language specifying a ‘community-based’ advisory council. This provision is to conform to the prior amendment.

Amends 37-18-5 (4) requiring a School At-Risk to establish a P-16 Council.

Action: Passed House Education Committee amended to insert language of companion House Bill 644: Effective July 1, 2011

SENATE BILL 2531: Repeals 37-13-10 that provides components of the Reading Sufficiency Program. These functions are addressed by curricula standards and SBE policy.

Action: Passed House, Effective July 1, 2011, Companion to House Bill 642

SENATE BILL 2536

Section 1

Reenacts 37-11-1 which provides a process for parents to request that twins, or ‘higher order multiples,’ meaning triplets and higher, be placed in the same class or in separate classrooms if the children are in the same grade level at the same school.

Action: Passed House, Effective July 1, 2011, Companion to House Bill 637

SENATE BILL 254: Amends Section 27-39-207 to state that if the school district estimates no change in the ad valorem tax millage rate or a decrease in the ad valorem tax millage rate, no advertisement is required. The required advertisement is amended to conform to this change.

Action: Passed House Education Committee; Effective July 1, 2011
SENATE BILL 2557: Amends the high school career option program curricula to include at a minimum 21 course units, and U.S. History and U.S. Government. 
**Action:** Passed House Education Committee; Effective July 1, 2011

SENATE BILL 2655: In its original form provided for establishment of a comprehensive ‘Shared Services’ program that focused on school district payroll and school district procurement services. The bill has been significantly amended and now provides the following:

- Amends 37-151-103 to change the date of transfer payments of MAEP funds to school districts from ‘the 25th day of each month,’ to ‘by the last working day each month’ and deletes ‘on the last business date after that date’ to conform to the amendment. New language is also added to state that December MAEP payments shall be made ‘on the same date the State Department of Education transfers other federal dollars, but not before December 15.’

- Amends this same code section to state: Payments from the Adequate Education Program Fund earlier than provided in this section, must have the approval of the State Fiscal Officer.

- The bill also establishes a Commission on School Payroll and Business and Procurement Efficiency. The Commission members are as follows: the State Fiscal Officer or his designee, the State Superintendent or his designee, representative of the MS Superintendents Assn., representative of the MS School Business Officials Assn., representative of the MS School Boards Assn., and an appointee by the Governor, and appointees by the Lt. Governor and State Treasurer of qualified state or school district employees proficient in the areas of fiscal management, procurement, data processing or other fields of school business. The Department of Finance and Administration and State Department of Education shall jointly provide administrative and clerical support for the function of the commission.

**Action:** Amended in House Education Committee to require only the Commission on School Payroll and Business and Procurement Efficiency; Effective July 1, 2011

SENATE BILL 2659: Provides that the governing authorities of any municipality or county shall not substitute any holiday in lieu of Veteran’s Day. In addition, school districts shall provide for the appearance of uniformed military personnel, uniformed veterans or the families of fallen military personnel/veterans at a public school exercise in honor of Veteran’s Day. The school district shall also authorize the school band and its director(s) at any public school in the district to perform at Veteran’s Day exercises in the school district upon the request of public officials or
veterans associations without loss of any program credit by participating students and without loss of leave by participating school personnel.

**Action:** Amended in House Education Committee to authorize, not ‘require’ school districts participation; Effective July 1, 2011

**SENATE BILL 2684:** Provides that the State Board of Education shall set the salary of the State Superintendent. The bill further provides that the current State Superintendent shall continue to receive his current salary as long as he holds that office.

**Action:** Passed House Education Committee; Effective July 1, 2011

**SENATE BILL 2710:** Repeals the code sections that established the Council For Education Technology and the Education Technology Fund.

**Action:** Passed House; Effective July 1, 2011

**SENATE BILL 2798:** Directs the SBE to develop and promulgate regulations to improve reporting mandates for school districts and the MDE. The bill also amends and/or deletes numerous code sections to streamline required reports from the MDE and school districts.

**Action:** Passed House Education and Appropriation Committees; Effective July 1, 2011

**SENATE BILL 2869:** Revises and clarifies the provisions relating to dual enrolled and dual credit students. The bill clarifies and provides more detailed definitions regarding dual enrollment.

**Action:** Passed the House and amended on the House floor as follows: “Any school district which mandates or allows a minimum grade or any form of grade inflation without a written policy adopted by the local school board shall be prohibited immediately from receiving state funds or resources for a period of one year. Any principal, superintendent or district administrator who allows for such process shall be suspended immediately without remuneration for a period of one year. These provisions shall not prohibit a teacher from offering extra credit or extra work to students to enhance or improve a student’s grade.” Effective July 1, 2011

**EDUCATION RELATED LEGISLATION – MARCH 3, 2011**
Each session numerous bills that impact education are filed in committees other than education. This summary provides the legislative action to date on selected topics.

**Open Meetings Law**

Passed the House
Died in Senate

Signed by the Governor

**Legal Holidays**

Passed the House
Died in Senate

**Smoking**

Passed Senate
Died in House

**Public Employees Retirement System**

Several bills were introduced that impact PERS compensation and other issues. None of the legislation impacts benefits for existing retirees or those currently employed and participating in the system.