

By: Representatives Moore, Arnold, Boyd,
Currie, Young, Dixon

To: Education

HOUSE BILL NO. 890

1 AN ACT CREATING THE MISSISSIPPI EDUCATION WORKS PROGRAM TO
2 ADDRESS STUDENT LITERACY IN READING AND MATH, TEACHER PERFORMANCE
3 AND SCHOOL ENROLLMENT CHOICE; TO PROVIDE FOR LITERACY-BASED
4 PROMOTION RELATING TO STUDENT READING DEFICIENCY AND PARENTAL
5 NOTIFICATION; TO PROVIDE THAT ANY STUDENT WHO EXHIBITS A
6 SUBSTANTIAL DEFICIENCY IN READING IN KINDERGARTEN, GRADE 1, GRADE
7 2 OR GRADE 3 SHALL RECEIVE INTENSIVE READING INSTRUCTION; TO
8 PROVIDE THAT IF THE STUDENT'S READING DEFICIENCY IS NOT REMEDIED
9 BY THE END OF GRADE 3, THE STUDENT MUST BE RETAINED AND NOT
10 PROMOTED; TO PRESCRIBE REMEDIES FOR READING AND MATH DEFICIENCIES
11 BY THE END OF GRADE 7; TO PROVIDE THAT ANY STUDENT WHO EXHIBITS
12 SUBSTANTIAL READING OR MATH DEFICIENCY IN GRADE 7 SHALL BE
13 RETAINED; TO PROVIDE FOR EXEMPTIONS FROM THIS PROHIBITION BASED
14 UPON GOOD CAUSE FOR GRADES 3 AND 7; TO PRESCRIBE PROGRAMS OF
15 INSTRUCTION FOR SUCCESSFUL PROGRESSION FOR RETAINED STUDENTS; TO
16 PROVIDE REPORTING REQUIREMENTS; TO EMPOWER AND DIRECT THE STATE
17 BOARD OF EDUCATION TO ENFORCE THIS SECTION; TO AMEND SECTION
18 37-16-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
19 REPEAL SECTION 37-13-10, MISSISSIPPI CODE OF 1972, WHICH IS THE
20 MISSISSIPPI READING SUFFICIENCY PROGRAM OF INSTRUCTION; TO AMEND
21 SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI CODE OF 1972, TO
22 PROVIDE FOR THE TRANSFER OF STUDENTS TO A SCHOOL OF CHOICE UPON
23 THE PETITION OF THE PARENT OR GUARDIAN OF SUCH STUDENT; TO PROVIDE
24 THAT TRANSPORTATION OF SUCH STUDENT TO THE TRANSFEREE SCHOOL SHALL
25 BE THE RESPONSIBILITY OF THE PARENT OR GUARDIAN UNLESS THE SCHOOL
26 DISTRICT AGREES TO PROVIDE TRANSPORTATION; TO AMEND SECTION
27 37-151-93, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE PAYMENT OF
28 MAEP FUNDS FOR TRANSFERRING STUDENTS, TO DISALLOW THE PAYMENT OF
29 LOCAL DISTRICT MAINTENANCE FUNDS BY THE TRANSFEROR DISTRICT AND TO
30 PROVIDE THAT NO SCHOOL DISTRICT ACCEPTING ANY TRANSFER STUDENT
31 SHALL CHARGE THE STUDENT ANY TUITION FEES; TO AMEND SECTIONS
32 37-15-13 AND 37-15-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY
33 THERETO; TO CREATE THE TEACHER EDUCATION SCHOLARS PROGRAM AND
34 ESTABLISH ELIGIBILITY CRITERIA AND FUNDING; TO ESTABLISH A PILOT



35 SYSTEM IN CERTAIN SCHOOL DISTRICTS FOR EVALUATING THE PERFORMANCE
36 OF TEACHERS AND ADMINISTRATION FOR THE PURPOSE OF AWARDING
37 PERFORMANCE-BASED COMPENSATION; TO AMEND SECTIONS 37-3-53, 37-18-1
38 AND 37-19-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
39 FOR RELATED PURPOSES.

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

41 **SECTION 1.** **Title.** Sections 1 through 5 of this act shall be
42 known and may be cited as "Education Works: The Mississippi
43 Literacy-Based Promotion Act."

44 **SECTION 2.** **Intent.** It is the intent of the Legislature that
45 each student's progression from one grade to another be
46 determined, in part, upon proficiency in reading; that district
47 school board policies facilitate reading instruction and
48 intervention services to address student reading needs; and that
49 each student and his or her parent be informed of that student's
50 reading progress.

51 **SECTION 3.** **Reading instruction and intervention.** (1) It is
52 the ultimate goal of the Legislature that every student read at or
53 above grade level by the end of Grade 3. Districts shall offer
54 reading intervention that is research-based with evidence of
55 positive student outcomes to each K-3 student who exhibits a
56 reading deficiency to prevent the necessity of Grade 3 student
57 retention. The reading intervention program and training for
58 teachers shall be developed by the Department of Education and
59 shall:

60 (a) Be provided to all K-3 students identified with a
61 reading deficiency by the state-approved universal screener;



62 (b) Screen and monitor the reading progress of each
63 student's foundational reading skills at a minimum of three (3)
64 times per year;

65 (c) Provide highly effective core reading instruction
66 that is comprehensive and meets the majority of the general
67 education classroom needs;

68 (d) Provide a reading intervention program that meets,
69 at a minimum, the following specifications:

70 (i) Assists students exhibiting a reading
71 deficiency in developing the ability to read at grade level;

72 (ii) Provides intensive development in phonemic
73 awareness, phonics, fluency, vocabulary and comprehension;

74 (iii) Provides scientifically based reliable and
75 valid assessments that includes decoding and language;

76 (iv) Provides initial and ongoing analysis of each
77 student's reading progress; and

78 (v) Is implemented during regular school hours in
79 addition to the regular reading instruction.

80 (e) Within thirty (30) days of the effective date of
81 this act, the department shall develop the Reading Intervention
82 Training Program as follows:

83 (i) Select schools most in need for the leading
84 intervention program and create criteria for selection for
85 participation;



86 (ii) Select a national training model for summer
87 implementation beginning July 2013 for Kindergarten-3 principals,
88 teachers and university instructors required to attend this
89 training;

90 (iii) Design the assessment process and universal
91 screener;

92 (iv) Create the job description of reading coaches
93 and begin the hiring process; and

94 (v) Create a supervisory position within each
95 school to be responsible for the faithful implementation of the
96 Reading Intervention Program.

97 (f) Screen and monitor reading and math progress in
98 Grades 4-7 a minimal of three (3) times per year;

99 (g) Provide reading and math instruction that meets the
100 needs of Grades 4-7 students; and

101 (h) Provide a math intervention program that meets, at
102 a minimum, the following specifications:

103 (i) Assists students exhibiting a math deficiency
104 in developing the ability to comprehend math at grade level;

105 (ii) Provides scientifically based reliable and
106 valid assessments;

107 (iii) Provides initial and ongoing analysis of
108 each student's math progress; and

109 (iv) Is implemented during regular school hours in
110 addition to the regular math instruction.



111 (2) **Reading deficiency and reading improvement plan.** Any
112 student who exhibits a deficiency in reading at any time, based
113 upon state-approved local or statewide assessments conducted in
114 Grades K-3, shall receive an individual reading improvement plan
115 no later than thirty (30) days after the identification of the
116 reading deficiency. The reading improvement plan shall be created
117 by the teacher, principal and other pertinent school personnel,
118 and shall describe the reading intervention services the student
119 will receive to remedy the reading deficit. Each student
120 receiving reading intervention must be screened and progress
121 monitored, at a minimum of three (3) times per year, and provided
122 with intensive reading intervention until the student no longer
123 has a reading deficiency.

124 (3) **Parent notification for K-3 reading deficiency.** The
125 parent of any K-3 student who exhibits a deficiency in reading at
126 any time during the school year must be notified in writing no
127 later than thirty (30) days after the identification of the
128 reading deficiency, and the written notification must include the
129 following:

130 (a) That his or her child has been identified as having
131 a deficiency in reading, and a reading improvement plan will be
132 established by the teacher, principal, other pertinent school
133 personnel and the parent(s).

134 (b) A description of the current services that are
135 provided to the child.



136 (c) A description of the proposed reading intervention
137 and supplemental instructional services and supports that will be
138 provided to the child that are designed to ameliorate the
139 identified area(s) of reading deficiency.

140 (d) Strategies for parents to use at home in helping
141 their child succeed in reading.

142 (e) That if the child's reading deficiency is not
143 corrected by the end of Grade 3, the child will not be promoted to
144 Grade 4 unless a good cause exemption is met.

145 (f) That while the statewide assessment is the initial
146 determinate, it is not the sole determiner of promotion at the end
147 of Grade 3 and that additional evaluations, including portfolio
148 reviews and alternative assessments, are available through good
149 cause exemptions.

150 (4) **Parent notification for Grades 4-7 reading or math**
151 **deficiency.** The parent of any Grade 4-7 student who exhibits a
152 deficiency in reading or math at any time during the school year
153 must be notified in writing no later than thirty (30) days after
154 the identification of the reading or math deficiency, and the
155 written notification must include the following:

156 (a) That his or her child has been identified as having
157 a deficiency in reading or math, and a reading and math
158 improvement plan will be established by the teacher, principal,
159 other pertinent school personnel and the parent(s).



160 (b) A description of the current services that are
161 provided to the child.

162 (c) A description of the proposed reading and math
163 intervention and supplemental instructional services and supports
164 that will be provided to the child that are designed to ameliorate
165 the identified area(s) of reading or math deficiency.

166 (d) Strategies for parents to use at home in helping
167 their child succeed in reading and math.

168 (e) That if the child's reading or math deficiency is
169 not corrected by the end of Grade 7, the child will not be
170 promoted to Grade 8 unless a good cause exemption is met.

171 (f) That while the statewide assessment is the initial
172 determinate, it is not the sole determiner of promotion at the end
173 of Grade 7 and that additional evaluations, including portfolio
174 reviews and alternative assessments, are available through good
175 cause exemptions.

176 (5) **Elimination of social promotion.** (a) Beginning with
177 the 2014-2015 school year, if the student's reading deficiency, as
178 identified in subsection (2) of this section, is not remedied by
179 the end of Grade 3, as demonstrated by scoring minimal as measured
180 by the state-adopted assessment, the student must be retained.

181 (b) Beginning with the 2014-2015 school year, if the
182 student's reading and math deficiency is not remedied by the end
183 of Grade 7, as demonstrated by scoring below minimal as measured
184 by the state-adopted assessment, the student must be retained.



185 (6) **Good cause exemptions.** The district school board may
186 only exempt students from mandatory retention, as provided in
187 subsection (5) of this section, for good cause. Good cause
188 exemptions shall be limited to the following:

189 (a) Students who demonstrate minimal performance on an
190 alternative standardized reading or math assessment approved by
191 the State Board of Education.

192 (b) Students who demonstrate, through a student
193 portfolio, minimal performance as evidenced by demonstrating
194 mastery of all Grade 3 state reading standards or Grade 7 math
195 standards and through multiple work samples.

196 (c) Students with disabilities whose Individual
197 Education Plan indicates that participation in the statewide
198 assessment program is not appropriate, consistent with state law.

199 (d) Limited English proficient students who have had
200 less than two (2) years of instruction in an English language
201 learner program.

202 (e) Students with disabilities who participate in the
203 statewide assessment and who have an Individual Education Plan or
204 a Section 504 plan that reflects that the student has received
205 intensive reading intervention for more than two (2) years but
206 still demonstrates a deficiency in reading and was previously
207 retained in Kindergarten, Grade 1, Grade 2 or Grade 3 or Grades
208 4-7.



209 (f) Students who have received intensive reading
210 intervention for two (2) or more years but still demonstrate a
211 deficiency in reading and who were previously retained in
212 Kindergarten, Grade 1, Grade 2 or Grade 3 for a total of two (2)
213 years or Grades 4-7 for 7th grade promotion.

214 (7) **Requests for good cause exemptions.** Requests to exempt
215 students from the mandatory retention requirement using one (1) of
216 the good cause exemptions as described in this subsection (7)
217 shall be made consistent with the following:

218 (a) Documentation shall be submitted from the student's
219 teacher to the school principal that indicates that the promotion
220 of the student is appropriate. Such documentation shall consist
221 only of the good cause exemption being requested, the existing
222 reading improvement plan or Individual Education Plan, and the
223 alternative assessment or student portfolio results as applicable.

224 (b) The school principal shall review and discuss the
225 recommendation with the teacher and make the determination as to
226 whether the student should be promoted. If the school principal
227 determines that the student should be promoted based on the
228 documentation provided, the school principal shall make such
229 recommendation in writing to the district school superintendent.
230 The district school superintendent shall accept or reject the
231 school principal's recommendation in writing.

232 (8) **Students promoted with a good cause exemption.** A
233 student who is promoted to Grade 4 or Grade 8 with a good cause



234 exemption shall be provided intensive reading instruction and
235 intervention that includes specialized diagnostic information and
236 specific reading strategies to meet the needs of each student so
237 promoted. The school district shall assist schools and teachers
238 with the implementation of reading strategies for students
239 promoted with a good cause exemption that research has shown to be
240 successful in improving reading and math among students with
241 reading difficulties.

242 (9) **Parent notification of retention.** The school district
243 shall assist schools with providing written notification to the
244 parent of any student who is retained that his or her child has
245 not met the proficiency level required for promotion, the reasons
246 the child is not eligible for a good cause exemption, and that
247 his/her child will be retained in Grade 3 or Grade 7, as the case
248 may be. The notification must include a description of the
249 proposed interventions and supports that will be provided to the
250 child to ameliorate the identified area(s) of reading or math
251 deficiency.

252 (10) **Successful progression of retained readers.** Beginning
253 with the 2014-2015 school year, students retained under the
254 provisions of subsection (5) of this section must be provided
255 intensive reading intervention to remedy the student's specific
256 reading deficiency, as identified by a valid and reliable
257 diagnostic assessment. The reading intervention services must
258 include effective instructional strategies necessary to assist



259 those students in becoming successful readers, and ready for
260 promotion to the next grade. Each school district shall:

261 (a) Conduct a review of student reading improvement
262 plans for all students who scored below grade level on the reading
263 portion of the statewide assessment and who did not meet the
264 criteria for one of the good cause exemptions. The review shall
265 address additional supports and services, as described in this
266 paragraph (a), needed to correct the identified area(s) of reading
267 deficiency.

268 (b) Provide students who are retained with a highly
269 effective teacher of reading as measured by the state-adopted
270 teacher assessment instrument.

271 (c) Provide students who are retained with reading
272 intervention services and supports to correct the identified
273 area(s) of reading deficiency, including, but not limited to:

274 (i) More dedicated time than the previous school
275 year spent in scientifically research-based reading instruction
276 under proven results at accelerating student achievement and
277 intervention;

278 (ii) Daily targeted small group reading
279 intervention based on student needs determined by diagnostic
280 assessment data;

281 (iii) Explicit and systematic instruction with
282 more detailed explanations, more extensive opportunities for



283 guided practice, and more opportunities for error correction and
284 feedback;

285 (iv) Administration of ongoing progress monitoring
286 assessments to frequently monitor student progress; and

287 (v) Before and/or after school supplemental
288 research-based reading intervention under proven results at
289 accelerating student achievement delivered by a teacher or tutor
290 with specialized reading training.

291 (d) Provide parents of retained students with an
292 approved "Read at Home" plan outlined in a parental contract,
293 including participation in parent-training workshops and regular
294 parent-guided home reading.

295 The school district shall assist schools with providing
296 written notification to the parent of any student who is retained
297 that his or her child has not met the proficiency level required
298 for promotion, the reasons the child is not eligible for a good
299 cause exemption, and that his or her child will be retained in
300 Grade 7. The notification must include a description of the
301 proposed interventions and supports that will be provided to the
302 child to ameliorate the identified area(s) of reading and math
303 deficiency.

304 (11) **Intensive acceleration class.** Establish at each
305 school, where applicable, an intensive acceleration class for any
306 student retained in Grade 3 who was previously retained in
307 Kindergarten, Grade 1, Grade 2 or Grade 3. The focus of the



308 intensive acceleration class shall be to increase a child's
309 reading level at least two (2) grade levels in one (1) school
310 year.

311 (a) The intensive acceleration class shall:

312 (i) Have a reduced teacher-student ratio;

313 (ii) Provide students with a highly effective
314 teacher of reading as determined by the state-adopted teacher
315 evaluation system;

316 (iii) Provide reading instruction and intervention
317 for the majority of student contact time each day and incorporate
318 opportunities to master the Grade 4 state standards in other core
319 academic areas;

320 (iv) Use reading programs that are scientifically
321 research-based and have proven results in accelerating student
322 reading achievement within the same school year;

323 (v) Provide intensive language and vocabulary
324 instruction, including use of a speech-language therapist;

325 (vi) Frequently administer ongoing progress
326 monitoring assessments to monitor student progress;

327 (vii) Provide a student the option of being placed
328 in a transitional instructional setting. Such setting shall
329 specifically be designed to produce learning gains sufficient to
330 meet Grade 4 performance standards while continuing to correct the
331 area(s) of reading deficiency;



332 (viii) Provide before and/or after school
333 supplemental research-based reading instruction delivered by a
334 teacher or tutor with specialized reading training; and

335 (ix) Provide parents with an approved "Read at
336 Home" plan outlined in a parental contract, including
337 participation in parent training workshops and regular
338 parent-guided home reading.

339 (b) Each school district shall report to the Department
340 of Education, in the manner described by the department, the
341 progress of every student enrolled in the intensive acceleration
342 class at the end of the first semester.

343 (12) **District annual reporting.** Each district school board
344 must annually report in writing to the Department of Education by
345 September 1 of each year, the following information on the prior
346 school year:

347 (a) The district school board's policies and procedures
348 on student retention and promotion.

349 (b) By grade, the number and percentage of all students
350 in Grade K-7 who were identified with a reading deficiency at the
351 beginning of the school year, and met grade-level standards at the
352 end of the school year, as demonstrated on the state-approved
353 local assessment or statewide assessment.

354 (c) By grade, the number and percentage of all students
355 in Grades K-7 performing minimal on the state-approved local
356 assessment or statewide assessment.



357 (d) By grade, the number and percentage of all students
358 retained in Grades K-7.

359 (e) Information on the total number and percentage of
360 students in Grade 3 who were promoted for good cause, by each
361 category of good cause as specified in subsection (6) of this
362 section.

363 (f) Any revisions to the district school board's policy
364 on student retention and promotion from the prior year.

365 (13) **Department responsibilities.** The Department of
366 Education shall establish a uniform format for school districts to
367 report the information required. The format shall be developed
368 with input from district school boards and shall be provided to
369 each school district no later than ninety (90) days prior to the
370 annual due date. The department shall annually compile the
371 information required along with state-level summary information,
372 and report such information to the State Board of Education, the
373 public, Governor, the Chairmen of the Education Committees of the
374 Senate and House of Representatives by October 1 of each year.
375 The department shall provide technical assistance as needed to aid
376 local district school boards in administering this section.

377 (14) **State board authority and responsibilities.** The State
378 Board of Education shall have authority to issue necessary
379 regulations to enforce this act.

380 **SECTION 4.** Section 37-16-7, Mississippi Code of 1972, is
381 amended as follows:



382 37-16-7. (1) Each district school board shall establish
383 standards for graduation from its schools which shall include as a
384 minimum:

385 (a) Mastery of minimum academic skills as measured by
386 assessments developed and administered by the State Board of
387 Education.

388 (b) Completion of a minimum number of academic credits,
389 and all other applicable requirements prescribed by the district
390 school board.

391 (c) By school, information on high school graduation
392 rates. High schools with graduation rates lower than eighty
393 percent (80%) must submit a detailed plan to the Mississippi
394 Department of Education to restructure the high school experience
395 to improve graduation rates.

396 (2) A student who meets all requirements prescribed in
397 subsection (1) of this section shall be awarded a standard diploma
398 in a form prescribed by the State Board of Education.

399 (3) The State Board of Education may establish student
400 proficiency standards for promotion to grade levels leading to
401 graduation, subject to the provisions of Section 1 of this act
402 relating to student reading deficiency and retention in Grade 3
403 and Grade 7.

404 **SECTION 5.** Section 37-13-10, Mississippi Code of 1972, which
405 provides for a Reading Sufficiency Program of Instruction and
406 components thereof, is hereby repealed.



407 **SECTION 6.** Section 37-15-29, Mississippi Code of 1972, is
408 amended as follows:

409 37-15-29. (1) Except as provided in subsections (2),
410 (3), *** (4) and (5) of this section, no minor child may enroll
411 in or attend any school except in the school district of his
412 residence, unless such child be lawfully transferred from the
413 school district of his residence to a school in another school
414 district in accord with the statutes of this state now in effect
415 or which may be hereafter enacted.

416 (2) Those children whose parent(s) or legal guardian(s) are
417 instructional personnel or certificated employees of a school
418 district may at such employee's discretion enroll and attend the
419 school or schools of their parent's or legal guardian's employment
420 regardless of the residence of the child.

421 (3) No child shall be required to be transported in excess
422 of thirty (30) miles on a school bus from his or her home to
423 school, or in excess of thirty (30) miles from school to his or
424 her home, if there is another school in an adjacent school
425 district located on a shorter school bus transportation route by
426 the nearest traveled road. Those children residing in such
427 geographical situations may, at the discretion of their parent(s)
428 or legal guardian(s), enroll and attend the nearer school,
429 regardless of the residence of the child. In the event the parent
430 or legal guardian of such child and the school board are unable to
431 agree on the school bus mileage required to transport the child



432 from his or her home to school, an appeal shall lie to the State
433 Board of Education, or its designee, whose decision shall be
434 final. The school districts involved in the appeal shall provide
435 the Mississippi Department of Education with any school bus route
436 information requested, including riding the buses as necessary, in
437 order to measure the bus routes in question, as needed by the
438 State Board of Education in considering the appeal.

439 (4) Those children lawfully transferred from the school
440 district of his residence to a school in another school district
441 prior to July 1, 1992, may, at the discretion of their parent(s)
442 or legal guardian(s), continue to enroll and attend school in the
443 transferee school district. Provided further, that the brother(s)
444 and sister(s) of said children lawfully transferred prior to July
445 1, 1992, may also, at the discretion of their parent(s) or legal
446 guardian(s), enroll and attend school in the transferee school
447 district.

448 (5) Those children who are attending a school in a school
449 district in this state may transfer to the school of the parent's
450 choice, provided that the transferee school district accepts
451 enrollment based on available capacity in the manner provided in
452 Section 37-15-31(6).

453 **SECTION 7.** Section 37-15-31, Mississippi Code of 1972, is
454 amended as follows:

455 37-15-31. (1) (a) Except as provided in subsections (2)
456 through (* * *6) of this section, upon the petition in writing of



457 a parent or guardian resident of the school district of an
458 individual student filed or lodged with the president or secretary
459 of the school board of a school district in which the pupil has
460 been enrolled or is qualified to be enrolled as a student under
461 Section 37-15-9, or upon the aforesaid petition or the initiative
462 of the school board of a school district as to the transfer of a
463 grade or grades, individual students living in one school district
464 or a grade or grades of a school within the districts may be
465 legally transferred to another school district, by the mutual
466 consent of the school boards of all school districts concerned,
467 which consent must be given in writing and spread upon the minutes
468 of such boards.

469 (b) The school board of the transferring school
470 district to which such petition may be addressed shall act thereon
471 not later than its next regular meeting subsequent to the filing
472 or lodging of the petition, and a failure to act within that time
473 shall constitute a rejection of such request. The school board of
474 the other school district involved (the transferee board) shall
475 act on such request for transfer as soon as possible after the
476 transferor board shall have approved or rejected such transfer and
477 no later than the next regular meeting of the transferee board,
478 and a failure of such transferee board to act within such time
479 shall constitute a rejection of such request. If such a transfer
480 is approved by the transferee board, then such decision shall be



481 final. If such a transfer should be refused by the school board
482 of either school district, then such decision shall be final.

483 (c) Any legal guardianship formed for the purpose of
484 establishing residency for school district attendance purposes
485 shall not be recognized by the affected school board.

486 (2) (a) Upon the petition in writing of any parent or
487 guardian who is a resident of Mississippi and is an instructional
488 or licensed employee of a school district, but not a resident of
489 such district, the school board of the employer school district
490 shall consent to the transfer of such employee's dependent
491 school-age children to its district and shall spread the same upon
492 the minutes of the board. Upon the petition in writing of any
493 parent or guardian who is not a resident of Mississippi and who is
494 an instructional or licensed employee of a school district in
495 Mississippi, the school board of the employer school district
496 shall consent to the transfer of such employee's dependent
497 school-age children to its district and shall spread the same upon
498 the minutes of the board.

499 (b) The school board of any school district, in its
500 discretion, may adopt a uniform policy to allow the enrollment and
501 attendance of the dependent children of noninstructional and
502 nonlicensed employees, who are residents of Mississippi but are
503 not residents of their district. Such policy shall be based upon
504 the employment needs of the district, implemented according to job
505 classification groups and renewed each school year.



506 (c) The employer transferee school district shall
507 notify in writing the school district from which the pupil or
508 pupils are transferring, and the school board of the transferor
509 school district shall spread the same upon its minutes.

510 (d) Any such agreement by school boards for the legal
511 transfer of a student shall include a provision providing for the
512 transportation of the student. In the absence of such a provision
513 the responsibility for transporting the student to the transferee
514 school district shall be that of the parent or guardian.

515 (e) Any school district which accepts a student under
516 the provisions of this subsection shall not assess any tuition
517 fees upon such transferring student in accordance with the
518 provisions of Section 37-19-27.

519 (3) Upon the petition in writing of any parent or legal
520 guardian of a school-age child who is a resident of an adjacent
521 school district residing in the geographical situation described
522 in Section 37-15-29(3), the school board of the school district
523 operating the school located in closer proximity to the residence
524 of the child shall consent to the transfer of the child to its
525 district, and shall spread the same upon the minutes of the board.
526 Any such agreement by school boards for the legal transfer of a
527 student under this subsection shall include a provision for the
528 transportation of the student by either the transferor or the
529 transferee school district. In the event that either the school
530 board of the transferee or the transferor school district shall



531 object to the transfer, it shall have the right to appeal to the
532 State Board of Education whose decision shall be final. However,
533 if the school boards agreeing on the legal transfer of any student
534 shall fail to agree on which district shall provide
535 transportation, the responsibility for transporting the student to
536 the transferee school district shall be that of the parent or
537 guardian.

538 (4) Upon the petition in writing of any parent or legal
539 guardian of a school-age child who was lawfully transferred to
540 another school district prior to July 1, 1992, as described in
541 Section 37-15-29(4), the school board of the transferee school
542 district shall consent to the transfer of such child and the
543 transfer of any school-age brother and sister of such child to its
544 district, and shall spread the same upon the minutes of the board.

545 (5) (a) If the board of trustees of a municipal separate
546 school district with added territory does not have a member who is
547 a resident of the added territory outside the corporate limits,
548 upon the petition in writing of any parent or legal guardian of a
549 school-age child who is a resident of the added territory outside
550 the corporate limits, the board of trustees of the municipal
551 separate school district and the school board of the school
552 district adjacent to the added territory shall consent to the
553 transfer of the child from the municipal separate school district
554 to the adjacent school district. The agreement must be spread
555 upon the minutes of the board of trustees of the municipal



556 separate school district and the school board of the adjacent
557 school district. The agreement must provide for the
558 transportation of the student. In the absence of such a
559 provision, the parent or legal guardian shall be responsible for
560 transporting the student to the adjacent school district. Any
561 school district that accepts a student under this subsection may
562 not assess any tuition fees against the transferring student.

563 (b) Before September 1 of each year, the board of
564 trustees of the municipal separate school district shall certify
565 to the State Department of Education the number of students in the
566 added territory of the municipal separate school district who are
567 transferred to the adjacent school district under this subsection.
568 The municipal separate school district also shall certify the
569 total number of students in the school district residing in the
570 added territory plus the number of those students who are
571 transferred to the adjacent school district. Based upon these
572 figures, the department shall calculate the percentage of the
573 total number of students in the added territory who are
574 transferred to the adjacent school district and shall certify this
575 percentage to the levying authority for the municipal separate
576 school district. The levying authority shall remit to the school
577 board of the adjacent school district, from the proceeds of the ad
578 valorem taxes collected for the support of the municipal separate
579 school district from the added territory of the municipal separate
580 school district, an amount equal to the percentage of the total



581 number of students in the added territory who are transferred to
582 the adjacent school district.

583 (6) (a) In addition to the provisions of subsections (1)
584 through (5) of this section, those children who are attending a
585 school in a school district in this state may transfer to the
586 school of the parent's or legal guardian's choice as provided in
587 this subsection. Upon the petition in writing of any parent or
588 legal guardian of a school-age child who is attending a school in
589 a school district in this state, the school board of the
590 transferee school district may, in its discretion, provided that
591 there is available capacity, approve the transfer of the child and
592 shall spread the consent upon the minutes of the board and provide
593 a copy of the pertinent part of the minutes to the transferring
594 school district for its records. If the transferee school is in
595 the same school district, the superintendent of schools may, in
596 his discretion, approve the transfer of the child, which consent
597 shall be subject to the ratification of the local school board and
598 spread upon the minutes of the board. The selection of students
599 desiring to transfer shall be done following an MDE approved
600 uniform policy for random selection. If such a transfer is
601 approved or rejected by the transferee school board, then such
602 decision shall be final. The responsibility for transporting the
603 student to the transferee school district or transferee school
604 shall be that of the parent or guardian, unless the school
605 district agrees to provide transportation.



606 (b) Unless otherwise provided in this subsection, state
607 and local funds for public schools shall be determined and
608 allocated to transferor and transferee school districts in the
609 manner provided by law.

610 **SECTION 8.** Section 37-151-93, Mississippi Code of 1972, is
611 amended as follows:

612 37-151-93. (1) Legally transferred students going from one
613 school district to another shall be counted for adequate education
614 program allotments by the school district wherein the pupils
615 attend school, but shall be counted for transportation allotment
616 purposes in the school district which furnishes or provides the
617 transportation. The school boards of the school districts which
618 approve the transfer of a student under the provisions of Section
619 37-15-31 shall enter into an agreement and contract for the
620 payment or nonpayment of any portion of their local maintenance
621 funds which they deem fair and equitable in support of any
622 transferred student. Except as provided in subsection (2) of this
623 section, local maintenance funds shall be transferred only to the
624 extent specified in the agreement and contract entered into by the
625 affected school districts. The terms of any local maintenance
626 fund payment transfer contract shall be spread upon the minutes of
627 both of the affected school district school boards. The school
628 district accepting any transfer students shall be authorized to
629 accept tuition from such students under the provisions of Section
630 37-15-31(1) * * *. No school district accepting any transfer



631 students under the provisions of Section 37-15-31(2), which
632 provides for the transfer of certain school district employee
633 dependents, shall be authorized to charge such transfer students
634 any tuition fees. No school district accepting any transfer
635 students under the provisions of Section 37-15-31(6) shall be
636 authorized to charge such transfer students any tuition fees.

637 (2) Local maintenance funds shall be paid by the home school
638 district to the transferee school district for students granted
639 transfers under the provisions of Sections 37-15-29(3) and
640 37-15-31(3), Mississippi Code of 1972, not to exceed the "base
641 student cost" as defined in Section 37-151-5, Mississippi Code of
642 1972, multiplied by the number of such legally transferred
643 students. Under the open-enrollment policy, local dollars do not
644 transfer from one district to another.

645 **SECTION 9.** Section 37-15-13, Mississippi Code of 1972, is
646 amended as follows:

647 37-15-13. When any child qualified under the requirements of
648 Section 37-15-9 shall apply or present himself for enrollment in
649 or admission to the public schools of any school district of this
650 state, the school board of such school district shall have the
651 power and authority to designate the particular school or
652 attendance center of the district in which such child shall be
653 enrolled and which he shall attend; no enrollment of a child in a
654 school shall be final or permanent until such designation shall be
655 made by said school board. No child shall be entitled to attend



656 any school or attendance center except that to which he has been
657 assigned by the school board; however, the principal of a school
658 or superintendent of the district may, in proper cases, permit a
659 child to attend a school temporarily until a permanent assignment
660 is made by the school board. Beginning with the 2013-2014 school
661 year, a child who is attending a school in a school district in
662 this state may attend a school of parental choice in the manner
663 prescribed in Section 37-15-31(6).

664 **SECTION 10.** Section 37-15-15, Mississippi Code of 1972, is
665 amended as follows:

666 37-15-15. In making assignments of children to schools or
667 attendance centers, the school board shall take into consideration
668 the educational needs and welfare of the child involved, the
669 welfare and best interest of all the pupils attending the school
670 or schools involved, the availability of school facilities,
671 sanitary conditions and facilities at the school or schools
672 involved, health and moral factors at the school or schools, and
673 in the community involved, the accreditation rating of the school
674 involved, and all other factors which the school board may
675 consider pertinent, relevant or material in their effect on the
676 welfare and best interest of the school district and the
677 particular school or schools involved. All such assignments shall
678 be on an individual basis as to the particular child involved and,
679 in making such assignment, the school board shall not be limited



680 or circumscribed by the boundaries of any attendance areas which
681 may have been established by such board.

682 **SECTION 11. Findings and intent.** (1) (a) In order to
683 increase the entry standards for teaching education programs,
684 there is created more rigorous standards for entry into teacher
685 education programs.

686 (b) The entry standards required for admittance to
687 teacher education programs would require a 21 ACT and a 3.0 GPA.
688 No student would be admitted without meeting these requirements.
689 There is created the teacher education scholars program
690 administered by the Board of Trustees of State Institutions of
691 Higher Learning. The program shall provide an annual scholarship
692 not to exceed Fifteen Thousand Dollars (\$15,000.00) for each
693 approved teacher education scholar who is enrolled in one of
694 Mississippi's public or private universities in the junior year
695 and is admitted into a teacher education program. Additionally,
696 the program shall provide an annual scholarship not to exceed
697 Fifteen Thousand Dollars (\$15,000.00) for each approved teacher
698 education scholar who is enrolled in one (1) of Mississippi's
699 public or private universities in the freshman year and intends to
700 enter into a teacher education program.

701 (2) Qualifying teacher education scholars must hold a
702 minimum 28 ACT score and a 3.5 GPA.

703 (3) A student may receive a scholarship from the program for
704 four (4) consecutive years if the student remains enrolled full



705 time in the program and makes satisfactory progress toward a
706 baccalaureate degree with a major in education.

707 (4) If a teacher education scholar graduates and is employed
708 as a teacher by a Mississippi district school board, the scholar
709 is not required to repay the scholarship amount so long as the
710 scholar teaches in a Mississippi public school. The entire
711 scholarship amount shall be forgiven if the scholar remains
712 employed as a Mississippi public school teacher for five (5)
713 years.

714 (5) If a teacher education scholar does not graduate, or if
715 the scholar graduates but does not teach in a Mississippi public
716 school, the scholar must repay the total amount awarded, plus
717 annual interest at a rate to be determined by the Board of
718 Trustees of State Institutions of Higher Learning.

719 (a) Interest begins accruing the first day of the
720 thirteenth month after the month in which the recipient completes
721 an approved teacher education program or after the month in which
722 enrollment as a full-time student is terminated. Interest does
723 not accrue during any period of deferment or eligible teaching
724 service.

725 (b) The repayment period begins the first day of the
726 thirteenth month after the month in which the recipient completes
727 an approved teacher education program or after the month in which
728 enrollment as a full-time student is terminated.



729 (c) The terms and conditions of the scholarship
730 repayment must be contained in a promissory note and a repayment
731 schedule. The loan must be paid within ten (10) years after the
732 date of graduation or termination of full-time enrollment,
733 including any periods of deferment. A shorter repayment period
734 maybe granted. The minimum monthly repayment is Fifty Dollars
735 (\$50.00) or the unpaid balance, unless otherwise approved, except
736 that the monthly payment may not be less than the accruing
737 interest. The recipient may prepay any part of the scholarship
738 without penalty.

739 (d) The holder of the promissory note may grant a
740 deferment of repayment for a recipient who is a full-time student,
741 who is unable to secure a teaching position that would qualify as
742 repayment, who becomes disabled, or who experiences other
743 hardships. Such a deferment may be granted for a total of
744 twenty-four (24) months.

745 (e) If a student defaults on the scholarship, the
746 entire unpaid balance, including interest accrued, becomes due and
747 payable at the option of the holder of the promissory note, or
748 when the recipient is no longer able to pay or no longer intends
749 to pay. The recipient is responsible for paying all reasonable
750 attorney's fees and other costs and charges necessary for
751 administration of the collection process.

752 (6) The Board of Trustees of State Institutions of Higher
753 Learning shall promulgate such rules as are necessary to



754 administer the teacher education scholars program and establish
755 necessary eligibility criteria not specifically set forth in this
756 section.

757 **SECTION 12. Performance-Based compensation systems.** (1)

758 There is established a Pilot-Performance-Based Compensation System
759 for school years 2013-2015.

760 (a) Beginning with the 2013-2014 school year, a pilot
761 study will be conducted in Lamar County, Clarksdale, Gulfport and
762 Rankin County School Districts as outlined in subsection (2) of
763 this section. Measures of effective instruction, instrumentation,
764 student learning growth and performance evaluation results will be
765 collected. Reporting data from the pilot study will be
766 disseminated to all school districts.

767 (b) The results of the pilot study in the four (4)
768 districts in combination with Teacher Improvement Fund (TIF),
769 School Improvement Grant (SIG), and Appalachian Regional
770 Commission (ARC) Districts will be collected and analyzed by the
771 Mississippi State University Research and Curriculum Unit and
772 reported to the Department of Education for policy
773 recommendations.

774 Effective with the 2014-2015 school year, the school
775 districts participating in the Pilot Performance-Based
776 Compensation System pursuant to this section may award additional
777 teacher and administrator pay based thereon.



778 (c) Beginning with the 2015-2016 school year, the
779 Department of Education will develop proposed legislation based on
780 pilot results for statewide implementation of a Performance-Based
781 Compensation System.

782 (d) Recommended legislation will be reported to the
783 Chairs of the House and Senate Education Committees and the
784 Governor by November 30, 2015, for consideration during the 2016
785 Regular Session of the Legislature.

786 (2) The statewide performance compensation system for
787 instructional personnel and school administrators must:

788 (a) Contain a qualitative measure of teacher
789 effectiveness and a quantitative measure of student performance.

790 (b) Be designed by districts to support achievement of
791 district goals in line with realization of the district's vision.

792 (c) Include individual, school and district achievement
793 goals and measures.

794 (d) Be designed to support effective instruction and
795 student learning growth and use performance evaluation results
796 when developing district and school level improvement plans.

797 (e) Provide appropriate instruments, procedures and
798 criteria for continuous quality improvement of the professional
799 skills of instructional personnel and school administrators and
800 use performance evaluation results when identifying professional
801 development.



802 (f) Include a mechanism to examine performance data
803 from multiple sources, including opportunities for parents to
804 provide input into employee performance evaluations when
805 appropriate.

806 (g) Identify those teaching fields for which special
807 evaluation procedures and criteria are necessary.

808 (h) Differentiate among four (4) levels of performance
809 as follows:

810 (i) Highly effective.

811 (ii) Effective.

812 (iii) Needs improvement or, for instructional
813 personnel in the first three (3) years of employment who need
814 improvement, developing.

815 (iv) Unsatisfactory.

816 (i) Provide for training programs that are based upon
817 guidelines provided by the department to ensure that all
818 individuals with evaluation responsibilities understand the proper
819 use of the evaluation criteria and procedures.

820 (j) Include a process for monitoring and evaluating the
821 effective and consistent use of the evaluation criteria by
822 employees with evaluation responsibilities.

823 (k) Include a process for monitoring and evaluating the
824 effectiveness of the system itself in improving instruction and
825 student learning. In addition, each district school board may
826 establish a peer assistance process. This process may be a part



827 of the regular evaluation system or used to assist employees
828 placed on performance probation, newly hired classroom teachers,
829 or employees who request assistance.

830 **SECTION 13.** Section 37-3-53, Mississippi Code of 1972, is
831 amended as follows:

832 37-3-53. (1) (a) Each school year, the State Board of
833 Education, acting through the Office of Educational
834 Accountability, shall develop a public school reporting system, or
835 "Mississippi Report Card," on the performance of students and
836 schools at the local, district and state level. In developing the
837 report card, the Office of Educational Accountability shall
838 collect school, district and state level student achievement data
839 in the appropriate grades as designated by the State Board of
840 Education in all core subjects, and compare the data with national
841 standards to identify students' strengths and weaknesses. The
842 Mississippi Report Card shall provide more than reports to parents
843 on the level at which their children are performing; the report
844 shall provide clear and comparable public information on the level
845 at which schools, school districts and the state public education
846 system are performing. The Office of Educational Accountability
847 shall encourage local school districts and the general public to
848 use Mississippi Report Card information along with local
849 individual student data to assess the quality of instructional
850 programs and the performance of schools and to plan and implement
851 programs of instructional improvement.



852 (b) Beginning with the 1998-1999 school year, the
853 Mississippi Report Card shall include information, as compiled by
854 the Office of Compulsory School Attendance Enforcement, which
855 demonstrates clearly the absenteeism and dropout rates in each
856 school district and the state and whether those rates reflect a
857 positive or negative change from the same information as reported
858 in the previous year's Mississippi Report Card.

859 (c) Each local school district shall be required to
860 develop and publish an annual report as prescribed by the State
861 Board of Education. By November 1 of each year, as prescribed by
862 the State Board of Education, the report shall be published in a
863 newspaper having general circulation in the county and posted on
864 the school district's website in a printable format. The public
865 notice shall include information on the report's availability on
866 the district's website, with the website address, and the
867 location(s) in the school district where a copy of the report can
868 be obtained.

869 (2) The State Department of Education may benefit from the
870 use of performance data from the Mississippi Report Card in making
871 evaluations under Section 12 of this act.

872 **SECTION 14.** Section 37-18-1, Mississippi Code of 1972, is
873 amended as follows:

874 37-18-1. (1) The State Board of Education shall establish,
875 design and implement a Superior-Performing Schools Program and an
876 Exemplary Schools Program for identifying and rewarding public



877 schools that improve. The State Board of Education shall develop
878 rules and regulations for the program, establish criteria and
879 establish a process through which Superior-Performing and
880 Exemplary Schools will be identified and rewarded. Upon full
881 implementation of the statewide testing program,
882 Superior-Performing, Exemplary or School At-Risk designation shall
883 be made by the State Board of Education in accordance with the
884 following:

885 (a) A growth expectation will be established by testing
886 students annually and, using a psychometrically approved formula,
887 by tracking their progress. This growth expectation will result
888 in a composite score each year for each school.

889 (b) A determination will be made as to the percentage
890 of students proficient in each school. This measurement will
891 define what a student must know in order to be deemed proficient
892 at each grade level and will clearly show how well a student is
893 performing. The definition of proficiency shall be developed for
894 each grade, based on a demonstrated range of performance in
895 relation to content as reflected in the Mississippi Curriculum
896 Frameworks. This range of performance must be established through
897 a formal procedure including educators, parents, community leaders
898 and other stakeholders.

899 (c) A school has the following two (2) methods for
900 designation as either a Superior-Performing or an Exemplary
901 School, to be determined on an annual basis:



902 (i) A school exceeds its growth expectation by a
903 percentage established by the State Board of Education; or

904 (ii) A school achieves the grade level proficiency
905 standard established by the State Board of Education.

906 Any school designated as a School At-Risk which exceeds its
907 growth expectation by a percentage established by the State Board
908 of Education shall no longer be considered a School At-Risk and
909 shall be eligible for monetary awards under this section.

910 (2) Superior-Performing and Exemplary Schools may apply to
911 the State Board of Education for monetary incentives to be used
912 for selected school needs, as identified by a vote of all licensed
913 and instructional personnel employed at the school. These
914 incentive funds may be used for specific school needs, including,
915 but not limited to:

916 (a) Funding for professional development activities.
917 Staff participating in such activities will report to the school
918 and school district about the benefits and lessons learned from
919 such training;

920 (b) Technology needs;

921 (c) Sabbaticals for teachers or administrators, or
922 both, to pursue additional professional development or educational
923 enrichment;

924 (d) Paid professional leave;

925 (e) Training for parents, including, but not limited
926 to, the following:



- 927 (i) Curriculum;
928 (ii) Chapter 1;
929 (iii) Special need students;
930 (iv) Student rights and responsibility;
931 (v) School and community relations;
932 (vi) Effective parenting.

933 All funds awarded under this subsection shall be subject to
934 specific appropriation therefor by the Legislature.

935 (3) The State Board of Education shall provide special
936 recognition to all schools receiving Superior-Performing or
937 Exemplary designation and their school districts. Examples of
938 such recognition include, but are not limited to: public
939 announcements and events; special recognition of student progress
940 and effort; certificates of recognition and plaques for teachers,
941 principals, superintendents, support and classified personnel and
942 parents; and media announcements utilizing the services of
943 Mississippi Educational Television.

944 (4) The State Department of Education may benefit from the
945 use of growth expectation measurements under this section in
946 making evaluations under Section 12 of this act.

947 **SECTION 15.** Section 37-19-7, Mississippi Code of 1972, is
948 amended as follows:

949 37-19-7. (1) This section shall be known and may be cited
950 as the Mississippi "Teacher Opportunity Program (TOP)." The
951 allowance in the Mississippi Adequate Education Program for



952 teachers' salaries in each county and separate school district
 953 shall be determined and paid in accordance with the scale for
 954 teachers' salaries as provided in this subsection. For teachers
 955 holding the following types of licenses or the equivalent as
 956 determined by the State Board of Education, and the following
 957 number of years of teaching experience, the scale shall be as
 958 follows:

959 **2007-2008 School Year and School Years Thereafter**

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

961	AAAA.....	\$ 35,020.00
962	AAA.....	33,990.00
963	AA.....	32,960.00
964	A.....	30,900.00

965 **25 or More Years of Teaching Experience**

966	AAAA.....	\$ 37,080.00
967	AAA.....	36,050.00
968	AA.....	35,020.00
969	A.....	32,960.00

970 The State Board of Education shall revise the salary scale
 971 prescribed above for the 2007-2008 school year to conform to any
 972 adjustments made to the salary scale in prior fiscal years due to
 973 revenue growth over and above five percent (5%). For each one
 974 percent (1%) that the Sine Die General Fund Revenue Estimate
 975 Growth exceeds five percent (5%) for fiscal year 2006, as
 976 certified by the Legislative Budget Office to the State Board of



977 Education and subject to specific appropriation therefor by the
978 Legislature, the State Board of Education shall revise the salary
979 scale to provide an additional one percent (1%) across-the-board
980 increase in the base salaries for each type of license.

981 It is the intent of the Legislature that any state funds made
982 available for salaries of licensed personnel in excess of the
983 funds paid for such salaries for the 1986-1987 school year shall
984 be paid to licensed personnel pursuant to a personnel appraisal
985 and compensation system implemented by the State Board of
986 Education. The State Board of Education shall have the authority
987 to adopt and amend rules and regulations as are necessary to
988 establish, administer and maintain the system.

989 All teachers employed on a full-time basis shall be paid a
990 minimum salary in accordance with the above scale. However, no
991 school district shall receive any funds under this section for any
992 school year during which the local supplement paid to any
993 individual teacher shall have been reduced to a sum less than that
994 paid to that individual teacher for performing the same duties
995 from local supplement during the immediately preceding school
996 year. The amount actually spent for the purposes of group health
997 and/or life insurance shall be considered as a part of the
998 aggregate amount of local supplement but shall not be considered a
999 part of the amount of individual local supplement.

1000 **2008-2009 School Year**

1001 **Annual Increments**



1002 For teachers holding a Class AAAA license, the minimum base
1003 pay specified in this subsection shall be increased by the sum of
1004 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
1005 teaching experience possessed by the person holding such license
1006 until such person shall have twenty-five (25) years of teaching
1007 experience, and shall be increased by Three Hundred Ninety-seven
1008 Dollars (\$397.00) for each year of teaching experience over
1009 twenty-five (25) years up to thirty-five (35) years.

1010 For teachers holding a Class AAA license, the minimum base
1011 pay specified in this subsection shall be increased by the sum of
1012 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of
1013 teaching experience possessed by the person holding such license
1014 until such person shall have twenty-five (25) years of teaching
1015 experience, and shall be increased by Three Hundred Sixty-four
1016 Dollars (\$364.00) for each year of teaching experience over
1017 twenty-five (25) years up to thirty-five (35) years.

1018 For teachers holding a Class AA license, the minimum base pay
1019 specified in this subsection shall be increased by the sum of Six
1020 Hundred Sixty Dollars (\$660.00) for each year of teaching
1021 experience possessed by the person holding such license until such
1022 person shall have twenty-five (25) years of teaching experience,
1023 and shall be increased by Three Hundred Thirty Dollars (\$330.00)
1024 for each year of teaching experience over twenty-five (25) years
1025 up to thirty-five (35) years.



1026 For teachers holding a Class A license, the minimum base pay
1027 specified in this subsection shall be increased by the sum of Four
1028 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
1029 experience possessed by the person holding such license until such
1030 person shall have twenty-four (24) years of teaching experience,
1031 and shall be increased by Two Hundred Forty-eight Dollars
1032 (\$248.00) for each year of teaching experience over twenty-four
1033 (24) years up to thirty-five (35) years.

1034 **2009-2010 School Year**

1035 **Annual Increments**

1036 For teachers holding a Class AAAA license, the minimum base
1037 pay specified in this subsection shall be increased by the sum of
1038 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
1039 teaching experience possessed by the person holding such license
1040 until such person shall have thirty-five (35) years of teaching
1041 experience.

1042 For teachers holding a Class AAA license, the minimum base
1043 pay specified in this subsection shall be increased by the sum of
1044 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of
1045 teaching experience possessed by the person holding such license
1046 until such person shall have thirty-five (35) years of teaching
1047 experience.

1048 For teachers holding a Class AA license, the minimum base pay
1049 specified in this subsection shall be increased by the sum of Six
1050 Hundred Sixty Dollars (\$660.00) for each year of teaching



1051 experience possessed by the person holding such license until such
1052 person shall have thirty-five (35) years of teaching experience.

1053 For teachers holding a Class A license, the minimum base pay
1054 specified in this subsection shall be increased by the sum of Four
1055 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
1056 experience possessed by the person holding such license until such
1057 person shall have thirty-five (35) years of teaching experience.

1058 The level of professional training of each teacher to be used
1059 in establishing the salary allotment for the teachers for each
1060 year shall be determined by the type of valid teacher's license
1061 issued to those teachers on or before October 1 of the current
1062 school year. Provided, however, that school districts are
1063 authorized, in their discretion, to negotiate the salary levels
1064 applicable to certificated employees who are receiving retirement
1065 benefits from the retirement system of another state, and the
1066 annual experience increment provided above in Section 37-19-7
1067 shall not be applicable to any such retired certificated employee.

1068 (2) (a) The following employees shall receive an annual
1069 salary supplement in the amount of Six Thousand Dollars
1070 (\$6,000.00), plus fringe benefits, in addition to any other
1071 compensation to which the employee may be entitled:

1072 (i) Any licensed teacher who has met the
1073 requirements and acquired a Master Teacher certificate from the
1074 National Board for Professional Teaching Standards and who is
1075 employed by a local school board or the State Board of Education



1076 as a teacher and not as an administrator. Such teacher shall
1077 submit documentation to the State Department of Education that the
1078 certificate was received prior to October 15 in order to be
1079 eligible for the full salary supplement in the current school
1080 year, or the teacher shall submit such documentation to the State
1081 Department of Education prior to February 15 in order to be
1082 eligible for a prorated salary supplement beginning with the
1083 second term of the school year.

1084 (ii) A licensed nurse who has met the requirements
1085 and acquired a certificate from the National Board for
1086 Certification of School Nurses, Inc., and who is employed by a
1087 local school board or the State Board of Education as a school
1088 nurse and not as an administrator. The licensed school nurse
1089 shall submit documentation to the State Department of Education
1090 that the certificate was received before October 15 in order to be
1091 eligible for the full salary supplement in the current school
1092 year, or the licensed school nurse shall submit the documentation
1093 to the State Department of Education before February 15 in order
1094 to be eligible for a prorated salary supplement beginning with the
1095 second term of the school year. Provided, however, that the total
1096 number of licensed school nurses eligible for a salary supplement
1097 under this subparagraph (ii) shall not exceed thirty (30).

1098 (iii) Any licensed school counselor who has met
1099 the requirements and acquired a National Certified School
1100 Counselor (NCSC) endorsement from the National Board of Certified



1101 Counselors and who is employed by a local school board or the
1102 State Board of Education as a counselor and not as an
1103 administrator. Such licensed school counselor shall submit
1104 documentation to the State Department of Education that the
1105 endorsement was received prior to October 15 in order to be
1106 eligible for the full salary supplement in the current school
1107 year, or the licensed school counselor shall submit such
1108 documentation to the State Department of Education prior to
1109 February 15 in order to be eligible for a prorated salary
1110 supplement beginning with the second term of the school year.
1111 However, any school counselor who started the National Board for
1112 Professional Teaching Standards process for school counselors
1113 between June 1, 2003, and June 30, 2004, and completes the
1114 requirements and acquires the Master Teacher certificate shall be
1115 entitled to the master teacher supplement, and those counselors
1116 who complete the process shall be entitled to a one-time
1117 reimbursement for the actual cost of the process as outlined in
1118 paragraph (b) of this subsection.

1119 (iv) Any licensed speech-language pathologist and
1120 audiologist who has met the requirements and acquired a
1121 Certificate of Clinical Competence from the American
1122 Speech-Language-Hearing Association and who is employed by a local
1123 school board or is employed by a state agency under the State
1124 Personnel Board. Such licensed speech-language pathologist and
1125 audiologist shall submit documentation to the State Department of



1126 Education that the certificate or endorsement was received prior
1127 to October 15 in order to be eligible for the full salary
1128 supplement in the current school year, or the licensed
1129 speech-language pathologist and audiologist shall submit such
1130 documentation to the State Department of Education prior to
1131 February 15 in order to be eligible for a prorated salary
1132 supplement beginning with the second term of the school year.

1133 (b) An employee shall be reimbursed one (1) time for
1134 the actual cost of completing the process of acquiring the
1135 certificate or endorsement, excluding any costs incurred for
1136 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
1137 for a school counselor or speech-language pathologist and
1138 audiologist, regardless of whether or not the process resulted in
1139 the award of the certificate or endorsement. A local school
1140 district or any private individual or entity may pay the cost of
1141 completing the process of acquiring the certificate or endorsement
1142 for any employee of the school district described under paragraph
1143 (a), and the State Department of Education shall reimburse the
1144 school district for such cost, regardless of whether or not the
1145 process resulted in the award of the certificate or endorsement.
1146 If a private individual or entity has paid the cost of completing
1147 the process of acquiring the certificate or endorsement for an
1148 employee, the local school district may agree to directly
1149 reimburse the individual or entity for such cost on behalf of the
1150 employee.



1151 (c) All salary supplements, fringe benefits and process
1152 reimbursement authorized under this subsection shall be paid
1153 directly by the State Department of Education to the local school
1154 district and shall be in addition to its minimum education program
1155 allotments and not a part thereof in accordance with regulations
1156 promulgated by the State Board of Education, and subject to
1157 appropriation by the Legislature. Local school districts shall
1158 not reduce the local supplement paid to any employee receiving
1159 such salary supplement, and the employee shall receive any local
1160 supplement to which employees with similar training and experience
1161 otherwise are entitled.

1162 (d) The State Department of Education may not pay any
1163 process reimbursement to a school district for an employee who
1164 does not complete the certification or endorsement process
1165 required to be eligible for the certificate or endorsement. If an
1166 employee for whom such cost has been paid, in full or in part, by
1167 a local school district or private individual or entity fails to
1168 complete the certification or endorsement process, the employee
1169 shall be liable to the school district or individual or entity for
1170 all amounts paid by the school district or individual or entity on
1171 behalf of that employee toward his or her certificate or
1172 endorsement.

1173 (3) (a) Effective July 1, 2007, if funds are available for
1174 that purpose, the Legislature may authorize state funds for
1175 additional base compensation for teachers holding licenses in



1176 critical subject areas or the equivalent and who teach at least a
1177 majority of their courses in a critical subject area, as
1178 determined by the State Board of Education.

1179 (b) Effective July 1, 2007, if funds are available for
1180 that purpose, the Legislature may authorize state funds for
1181 additional base compensation for teachers employed in a public
1182 school district located in a geographic area of the state
1183 designated as a critical teacher shortage area by the State Board
1184 of Education.

1185 (4) (a) This section shall be known and may be cited as the
1186 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to
1187 the minimum base pay described in this section, only after full
1188 funding of MAEP and if funds are available for that purpose, the
1189 State of Mississippi may provide monies from state funds to school
1190 districts for the purposes of rewarding certified teachers,
1191 administrators and nonlicensed personnel at individual schools
1192 showing improvement in student test scores. The MPBP plan shall
1193 be developed by the State Department of Education based on the
1194 following criteria:

1195 (i) It is the express intent of this legislation
1196 that the MPBP plan shall utilize only existing standards of
1197 accreditation and assessment as established by the State Board of
1198 Education.

1199 (ii) To ensure that all of Mississippi's teachers,
1200 administrators and nonlicensed personnel at all schools have equal



1201 access to the monies set aside in this section, the MPBP program
1202 shall be designed to calculate each school's performance as
1203 determined by the school's increase in scores from the prior
1204 school year. The MPBP program shall be based on a standardized
1205 scores rating where all levels of schools can be judged in a
1206 statistically fair and reasonable way upon implementation. At the
1207 end of each year, after all student achievement scores have been
1208 standardized, the State Department of Education shall implement
1209 the MPBP plan.

1210 (iii) To ensure all teachers cooperate in the
1211 spirit of teamwork, individual schools shall submit a plan to the
1212 local school district to be approved before the beginning of each
1213 school year beginning July 1, 2008. The plan shall include, but
1214 not be limited to, how all teachers, regardless of subject area,
1215 and administrators will be responsible for improving student
1216 achievement for their individual school.

1217 (b) The State Board of Education shall develop the
1218 processes and procedures for designating schools eligible to
1219 participate in the MPBP. State assessment results, growth in
1220 student achievement at individual schools and other measures
1221 deemed appropriate in designating successful student achievement
1222 shall be used in establishing MPBP criteria. The State Board of
1223 Education shall develop the MPBP policies and procedures and
1224 report to the Legislature and Governor by December 1, 2006.



1225 (c) Beginning with the 2015-2016 school year, the MPBP
1226 may be utilized in any school district regardless of whether the
1227 MAEP is fully funded.

1228 (5) (a) Beginning in the 2008-2009 school year, if funds
1229 are available for that purpose, each school in Mississippi shall
1230 have mentor teachers, as defined by Sections 37-9-201 through
1231 37-9-213, who shall receive additional base compensation provided
1232 for by the State Legislature in the amount of One Thousand Dollars
1233 (\$1,000.00) per each beginning teacher that is being mentored.
1234 The additional state compensation shall be limited to those mentor
1235 teachers that provide mentoring services to beginning teachers.
1236 For the purposes of such funding, a beginning teacher shall be
1237 defined as any teacher in any school in Mississippi that has less
1238 than one (1) year of classroom experience teaching in a public
1239 school. For the purposes of such funding, no full-time academic
1240 teacher shall mentor more than two (2) beginning teachers.

1241 (b) To be eligible for this state funding, the
1242 individual school must have a classroom management program
1243 approved by the local school board.

1244 (6) Effective with the 2014-2015 school year, the school
1245 districts participating in the Pilot Performance-Based
1246 Compensation System pursuant to Section 12 of this act may award
1247 additional teacher and administrator pay based thereon.

1248 **SECTION 16.** This act shall take effect and be in force from
1249 and after July 1, 2013.

