

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

To: Education

HOUSE BILL NO. 890
(As Passed the House)

1 AN ACT CREATING THE MISSISSIPPI EDUCATION WORKS PROGRAM TO
 2 ADDRESS STUDENT LITERACY IN READING AND MATH AND TEACHER
 3 PERFORMANCE; TO PROVIDE FOR LITERACY-BASED PROMOTION RELATING TO
 4 STUDENT READING DEFICIENCY AND PARENTAL NOTIFICATION; TO PROVIDE
 5 THAT ANY STUDENT WHO EXHIBITS A SUBSTANTIAL DEFICIENCY IN READING
 6 IN KINDERGARTEN, GRADE 1, GRADE 2 OR GRADE 3 SHALL RECEIVE
 7 INTENSIVE READING INSTRUCTION; TO PROVIDE THAT IF THE STUDENT'S
 8 READING DEFICIENCY IS NOT REMEDIED BY THE END OF GRADE 3, THE
 9 STUDENT MUST BE RETAINED AND NOT PROMOTED; TO PRESCRIBE REMEDIES
 10 FOR READING AND MATH DEFICIENCIES BY THE END OF GRADE 7; TO
 11 PROVIDE THAT ANY STUDENT WHO EXHIBITS SUBSTANTIAL READING OR MATH
 12 DEFICIENCY IN GRADE 7 SHALL BE RETAINED; TO PROVIDE FOR EXEMPTIONS
 13 FROM THIS PROHIBITION BASED UPON GOOD CAUSE FOR GRADES 3 AND 7; TO
 14 PRESCRIBE PROGRAMS OF INSTRUCTION FOR SUCCESSFUL PROGRESSION FOR
 15 RETAINED STUDENTS; TO PROVIDE REPORTING REQUIREMENTS; TO EMPOWER
 16 AND DIRECT THE STATE BOARD OF EDUCATION TO ENFORCE THIS SECTION;
 17 TO AMEND SECTION 37-16-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY
 18 THERETO; TO REPEAL SECTION 37-13-10, MISSISSIPPI CODE OF 1972,
 19 WHICH IS THE MISSISSIPPI READING SUFFICIENCY PROGRAM OF
 20 INSTRUCTION; TO CREATE THE TEACHER EDUCATION SCHOLARS PROGRAM AND
 21 ESTABLISH ELIGIBILITY CRITERIA AND FUNDING; TO ESTABLISH A PILOT
 22 SYSTEM IN CERTAIN SCHOOL DISTRICTS FOR EVALUATING THE PERFORMANCE
 23 OF TEACHERS AND ADMINISTRATION FOR THE PURPOSE OF AWARDED
 24 PERFORMANCE-BASED COMPENSATION; TO AMEND SECTIONS 37-3-53, 37-18-1
 25 AND 37-19-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
 26 FOR RELATED PURPOSES.

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

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



31 **SECTION 2.** **Intent.** It is the intent of the Legislature that
32 each student's progression from one grade to another be
33 determined, in part, upon proficiency in reading; that district
34 school board policies facilitate reading instruction and
35 intervention services to address student reading needs; and that
36 each student and his or her parent be informed of that student's
37 reading progress.

38 **SECTION 3.** **Reading instruction and intervention.** (1) It is
39 the ultimate goal of the Legislature that every student read at or
40 above grade level by the end of Grade 3. Districts shall offer
41 reading intervention that is research-based with evidence of
42 positive student outcomes to each K-3 student who exhibits a
43 reading deficiency to prevent the necessity of Grade 3 student
44 retention. The reading intervention program and training for
45 teachers shall be developed by the Department of Education and
46 shall:

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

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

52 (c) Provide highly effective core reading instruction
53 that is comprehensive and meets the majority of the general
54 education classroom needs;



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

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

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

61 (iii) Provides scientifically based reliable and
62 valid assessments that includes decoding and language;

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

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

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

70 (i) Select schools most in need for the leading
71 intervention program and create criteria for selection for
72 participation;

73 (ii) Select a national training model for summer
74 implementation beginning July 2013 for Kindergarten-3 principals,
75 teachers and university instructors required to attend this
76 training;

77 (iii) Design the assessment process and universal
78 screener;



79 (iv) Create the job description of reading coaches
80 and begin the hiring process; and

81 (v) Assign a supervisory position within each
82 school to be responsible for the faithful implementation of the
83 Reading Intervention Program.

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

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

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

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

92 (ii) Provides scientifically based reliable and
93 valid assessments;

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

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

98 (2) **Reading deficiency and reading improvement plan.** Any
99 student who exhibits a deficiency in reading at any time, based
100 upon state-approved local or statewide assessments conducted in
101 Grades K-3, shall receive an individual reading improvement plan
102 no later than thirty (30) days after the identification of the
103 reading deficiency. The reading improvement plan shall be created



104 by the teacher, principal and other pertinent school personnel,
105 and shall describe the reading intervention services the student
106 will receive to remedy the reading deficit. Each student
107 receiving reading intervention must be screened and progress
108 monitored, at a minimum of three (3) times per year, and provided
109 with intensive reading intervention until the student no longer
110 has a reading deficiency.

111 (3) **Parent notification for K-3 reading deficiency.** The
112 parent of any K-3 student who exhibits a deficiency in reading at
113 any time during the school year must be notified in writing no
114 later than thirty (30) days after the identification of the
115 reading deficiency, and the written notification must include the
116 following:

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

121 (b) A description of the current services that are
122 provided to the child.

123 (c) A description of the proposed reading intervention
124 and supplemental instructional services and supports that will be
125 provided to the child that are designed to ameliorate the
126 identified area(s) of reading deficiency.

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



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

132 (f) That while the statewide assessment is the initial
133 determinate, it is not the sole determiner of promotion at the end
134 of Grade 3 and that additional evaluations, including portfolio
135 reviews and alternative assessments, are available through good
136 cause exemptions.

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

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

147 (b) A description of the current services that are
148 provided to the child.

149 (c) A description of the proposed reading and math
150 intervention and supplemental instructional services and supports
151 that will be provided to the child that are designed to ameliorate
152 the identified area(s) of reading or math deficiency.



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

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

158 (f) That while the statewide assessment is the initial
159 determinate, it is not the sole determiner of promotion at the end
160 of Grade 7 and that additional evaluations, including portfolio
161 reviews and alternative assessments, are available through good
162 cause exemptions.

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

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

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



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

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

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

186 (d) Limited English proficient students who have had
187 less than two (2) years of instruction in an English language
188 learner program.

189 (e) Students with disabilities who participate in the
190 statewide assessment and who have an Individual Education Plan or
191 a Section 504 plan that reflects that the student has received
192 intensive reading intervention for more than two (2) years but
193 still demonstrates a deficiency in reading and was previously
194 retained in Kindergarten, Grade 1, Grade 2 or Grade 3 or Grades
195 4-7.

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



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

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

211 (b) The school principal shall review and discuss the
212 recommendation with the teacher and make the determination as to
213 whether the student should be promoted. If the school principal
214 determines that the student should be promoted based on the
215 documentation provided, the school principal shall make such
216 recommendation in writing to the district school superintendent.
217 The district school superintendent shall accept or reject the
218 school principal's recommendation in writing.

219 (8) **Students promoted with a good cause exemption.** A
220 student who is promoted to Grade 4 or Grade 8 with a good cause
221 exemption shall be provided intensive reading instruction and
222 intervention that includes specialized diagnostic information and
223 specific reading strategies to meet the needs of each student so
224 promoted. The school district shall assist schools and teachers
225 with the implementation of reading strategies for students



226 promoted with a good cause exemption that research has shown to be
227 successful in improving reading and math among students with
228 reading difficulties.

229 (9) **Parent notification of retention.** The school district
230 shall assist schools with providing written notification to the
231 parent of any student who is retained that his or her child has
232 not met the proficiency level required for promotion, the reasons
233 the child is not eligible for a good cause exemption, and that
234 his/her child will be retained in Grade 3 or Grade 7, as the case
235 may be. The notification must include a description of the
236 proposed interventions and supports that will be provided to the
237 child to ameliorate the identified area(s) of reading or math
238 deficiency. The State Board of Education shall determine the date
239 by which schools shall provide written notification to parents of
240 a child's retention.

241 (10) **Successful progression of retained readers.** Beginning
242 with the 2014-2015 school year, students retained under the
243 provisions of subsection (5) of this section must be provided
244 intensive reading intervention to remedy the student's specific
245 reading deficiency, as identified by a valid and reliable
246 diagnostic assessment. The reading intervention services must
247 include effective instructional strategies necessary to assist
248 those students in becoming successful readers, and ready for
249 promotion to the next grade. Each school district shall:



250 (a) Conduct a review of student reading improvement
251 plans for all students who scored below grade level on the reading
252 portion of the statewide assessment and who did not meet the
253 criteria for one of the good cause exemptions. The review shall
254 address additional supports and services, as described in this
255 paragraph (a), needed to correct the identified area(s) of reading
256 deficiency.

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

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

263 (i) More dedicated time than the previous school
264 year spent in scientifically research-based reading instruction
265 under proven results at accelerating student achievement and
266 intervention;

267 (ii) Daily targeted small group reading
268 intervention based on student needs determined by diagnostic
269 assessment data;

270 (iii) Explicit and systematic instruction with
271 more detailed explanations, more extensive opportunities for
272 guided practice, and more opportunities for error correction and
273 feedback;



274 (iv) Administration of ongoing progress monitoring
275 assessments to frequently monitor student progress; and

276 (v) Before and/or after school supplemental
277 research-based reading intervention under proven results at
278 accelerating student achievement delivered by a teacher or tutor
279 with specialized reading training.

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

284 The school district shall assist schools with providing
285 written notification to the parent of any student who is retained
286 that his or her child has not met the proficiency level required
287 for promotion, the reasons the child is not eligible for a good
288 cause exemption, and that his or her child will be retained in
289 Grade 7. The notification must include a description of the
290 proposed interventions and supports that will be provided to the
291 child to ameliorate the identified area(s) of reading and math
292 deficiency.

293 (11) **Intensive acceleration class.** Establish at each
294 school, where applicable, an intensive acceleration class for any
295 student retained in Grade 3 who was previously retained in
296 Kindergarten, Grade 1, Grade 2 or Grade 3. The focus of the
297 intensive acceleration class shall be to increase a child's



298 reading level at least two (2) grade levels in one (1) school
299 year.

300 (a) The intensive acceleration class shall:

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

302 (ii) Provide students with a highly effective
303 teacher of reading as determined by the state-adopted teacher
304 evaluation system;

305 (iii) Provide reading instruction and intervention
306 for the majority of student contact time each day and incorporate
307 opportunities to master the Grade 4 state standards in other core
308 academic areas;

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

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

314 (vi) Frequently administer ongoing progress
315 monitoring assessments to monitor student progress;

316 (vii) Provide a student the option of being placed
317 in a transitional instructional setting. Such setting shall
318 specifically be designed to produce learning gains sufficient to
319 meet Grade 4 performance standards while continuing to correct the
320 area(s) of reading deficiency;



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

324 (ix) Provide parents with an approved "Read at
325 Home" plan outlined in a parental contract, including
326 participation in parent training workshops and regular
327 parent-guided home reading.

328 (b) Each school district shall report to the Department
329 of Education, in the manner described by the department, the
330 progress of every student enrolled in the intensive acceleration
331 class at the end of the first semester.

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

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

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

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



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

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

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

354 (13) **Department responsibilities.** The Department of
355 Education shall establish a uniform format for school districts to
356 report the information required. The format shall be developed
357 with input from district school boards and shall be provided to
358 each school district no later than ninety (90) days prior to the
359 annual due date. The department shall annually compile the
360 information required along with state-level summary information,
361 and report such information to the State Board of Education, the
362 public, Governor, the Chairmen of the Education Committees of the
363 Senate and House of Representatives by October 1 of each year.
364 The department shall provide technical assistance as needed to aid
365 local district school boards in administering this section.

366 (14) **State board authority and responsibilities.** The State
367 Board of Education shall have authority to issue necessary
368 regulations to enforce this act.

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



371 37-16-7. (1) Each district school board shall establish
372 standards for graduation from its schools which shall include as a
373 minimum:

374 (a) Mastery of minimum academic skills as measured by
375 assessments developed and administered by the State Board of
376 Education.

377 (b) Completion of a minimum number of academic credits,
378 and all other applicable requirements prescribed by the district
379 school board.

380 (c) By school, information on high school graduation
381 rates. High schools with graduation rates lower than eighty
382 percent (80%) must submit a detailed plan to the Mississippi
383 Department of Education to restructure the high school experience
384 to improve graduation rates.

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

388 (3) The State Board of Education may establish student
389 proficiency standards for promotion to grade levels leading to
390 graduation, subject to the provisions of Section 1 of this act
391 relating to student reading deficiency and retention in Grade 3
392 and Grade 7.

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



396 SECTION 6. Findings and intent. (1) (a) In order to
397 increase the entry standards for teaching education programs,
398 there is created more rigorous standards for entry into teacher
399 education programs.

400 (b) The entry standards required for admittance to
401 teacher education programs would require a 21 ACT and a 3.0 GPA.
402 No student would be admitted without meeting these requirements.
403 There is created the teacher education scholars program
404 administered by the Board of Trustees of State Institutions of
405 Higher Learning. The program shall provide an annual scholarship
406 not to exceed Fifteen Thousand Dollars (\$15,000.00) for each
407 approved teacher education scholar who is enrolled in one of
408 Mississippi's public or private universities in the junior year
409 and is admitted into a teacher education program. Additionally,
410 the program shall provide an annual scholarship not to exceed
411 Fifteen Thousand Dollars (\$15,000.00) for each approved teacher
412 education scholar who is enrolled in one (1) of Mississippi's
413 public or private universities in the freshman year and intends to
414 enter into a teacher education program.

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

417 (3) A student may receive a scholarship from the program for
418 four (4) consecutive years if the student remains enrolled full
419 time in the program and makes satisfactory progress toward a
420 baccalaureate degree with a major in education.



421 (4) (a) If a teacher education scholar graduates and is
422 employed as a teacher by a Mississippi district school board, the
423 scholar is not required to repay the scholarship amount so long as
424 the scholar teaches in a Mississippi public school. The entire
425 scholarship amount shall be forgiven if the scholar remains
426 employed as a Mississippi public school teacher for five (5)
427 years.

428 (b) If a teacher education scholar graduates and is
429 employed as a teacher by a Mississippi public school board, in a
430 school district rated as a "D" or "F" district, in addition to
431 being exempt from the repayment of loan requirement while employed
432 as a Mississippi public school teacher, such teacher education
433 scholar shall also receive an annual salary supplement of Six
434 Thousand Dollars (\$6,000.00) for each year the scholar remains in
435 the "D" or "F" district, up to a maximum of five (5) years. Each
436 scholar employed in a Mississippi public school under the
437 provisions of this paragraph shall endeavor, within the five-year
438 period of initial employment, to fulfill the necessary
439 requirements to acquire a Master Teacher certificate from the
440 National Board of Professional Teaching Standards, at which time
441 the scholar shall be eligible to receive an annual salary
442 supplement for such national board certified teachers under the
443 provisions of Section 37-19-7(2)(a)(i).

444 (5) If a teacher education scholar does not graduate, or if
445 the scholar graduates but does not teach in a Mississippi public



446 school, the scholar must repay the total amount awarded, plus
447 annual interest at a rate to be determined by the Board of
448 Trustees of State Institutions of Higher Learning.

449 (a) Interest begins accruing the first day of the
450 thirteenth month after the month in which the recipient completes
451 an approved teacher education program or after the month in which
452 enrollment as a full-time student is terminated. Interest does
453 not accrue during any period of deferment or eligible teaching
454 service.

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

459 (c) The terms and conditions of the scholarship
460 repayment must be contained in a promissory note and a repayment
461 schedule. The loan must be paid within ten (10) years after the
462 date of graduation or termination of full-time enrollment,
463 including any periods of deferment. A shorter repayment period
464 maybe granted. The minimum monthly repayment is Fifty Dollars
465 (\$50.00) or the unpaid balance, unless otherwise approved, except
466 that the monthly payment may not be less than the accruing
467 interest. The recipient may prepay any part of the scholarship
468 without penalty.

469 (d) The holder of the promissory note may grant a
470 deferment of repayment for a recipient who is a full-time student,



471 who is unable to secure a teaching position that would qualify as
472 repayment, who becomes disabled, or who experiences other
473 hardships. Such a deferment may be granted for a total of
474 twenty-four (24) months.

475 (e) If a student defaults on the scholarship, the
476 entire unpaid balance, including interest accrued, becomes due and
477 payable at the option of the holder of the promissory note, or
478 when the recipient is no longer able to pay or no longer intends
479 to pay. The recipient is responsible for paying all reasonable
480 attorney's fees and other costs and charges necessary for
481 administration of the collection process.

482 (6) The Board of Trustees of State Institutions of Higher
483 Learning shall promulgate such rules as are necessary to
484 administer the teacher education scholars program and establish
485 necessary eligibility criteria not specifically set forth in this
486 section.

487 **SECTION 7. Performance-Based compensation systems.** (1)

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

490 (a) Beginning with the 2013-2014 school year, a pilot
491 study will be conducted in Lamar County, Clarksdale, Gulfport and
492 Rankin County School Districts as outlined in subsection (2) of
493 this section. Measures of effective instruction, instrumentation,
494 student learning growth and performance evaluation results will be



495 collected. Reporting data from the pilot study will be
496 disseminated to all school districts.

497 (b) The results of the pilot study in the four (4)
498 districts in combination with Teacher Improvement Fund (TIF),
499 School Improvement Grant (SIG), and Appalachian Regional
500 Commission (ARC) Districts will be collected and analyzed by the
501 Mississippi State University Research and Curriculum Unit and
502 reported to the Department of Education for policy
503 recommendations.

504 Effective with the 2014-2015 school year, the school
505 districts participating in the Pilot Performance-Based
506 Compensation System pursuant to this section may award additional
507 teacher and administrator pay based thereon.

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

512 (d) Recommended legislation will be reported to the
513 Chairs of the House and Senate Education Committees and the
514 Governor by November 30, 2015, for consideration during the 2016
515 Regular Session of the Legislature.

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



518 (a) Contain a qualitative measure of teacher
519 effectiveness, a quantitative measure of student performance and a
520 quantitative measure of student learning growth.

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

523 (c) Include individual, school and district achievement
524 goals and measures.

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

528 (e) Provide appropriate instruments, procedures and
529 criteria for continuous quality improvement of the professional
530 skills of instructional personnel and school administrators and
531 use performance evaluation results when identifying professional
532 development.

533 (f) Include a mechanism to examine performance data
534 from multiple sources, including opportunities for parents to
535 provide input into employee performance evaluations when
536 appropriate.

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

539 (h) Differentiate among four (4) levels of performance
540 as follows:

541 (i) Highly effective.

542 (ii) Effective.



543 (iii) Needs improvement or, for instructional
544 personnel in the first three (3) years of employment who need
545 improvement, developing.

546 (iv) Unsatisfactory.

547 (i) Provide for training programs that are based upon
548 guidelines provided by the department to ensure that all
549 individuals with evaluation responsibilities understand the proper
550 use of the evaluation criteria and procedures.

551 (j) Include a process for monitoring and evaluating the
552 effective and consistent use of the evaluation criteria by
553 employees with evaluation responsibilities.

554 (k) Include a process for monitoring and evaluating the
555 effectiveness of the system itself in improving instruction and
556 student learning. In addition, each district school board may
557 establish a peer assistance process. This process may be a part
558 of the regular evaluation system or used to assist employees
559 placed on performance probation, newly hired classroom teachers,
560 or employees who request assistance.

561 **SECTION 8.** Section 37-3-53, Mississippi Code of 1972, is
562 amended as follows:

563 37-3-53. (1) (a) Each school year, the State Board of
564 Education, acting through the Office of Educational
565 Accountability, shall develop a public school reporting system, or
566 "Mississippi Report Card," on the performance of students and
567 schools at the local, district and state level. In developing the



568 report card, the Office of Educational Accountability shall
569 collect school, district and state level student achievement data
570 in the appropriate grades as designated by the State Board of
571 Education in all core subjects, and compare the data with national
572 standards to identify students' strengths and weaknesses. The
573 Mississippi Report Card shall provide more than reports to parents
574 on the level at which their children are performing; the report
575 shall provide clear and comparable public information on the level
576 at which schools, school districts and the state public education
577 system are performing. The Office of Educational Accountability
578 shall encourage local school districts and the general public to
579 use Mississippi Report Card information along with local
580 individual student data to assess the quality of instructional
581 programs and the performance of schools and to plan and implement
582 programs of instructional improvement.

583 **(b)** Beginning with the 1998-1999 school year, the
584 Mississippi Report Card shall include information, as compiled by
585 the Office of Compulsory School Attendance Enforcement, which
586 demonstrates clearly the absenteeism and dropout rates in each
587 school district and the state and whether those rates reflect a
588 positive or negative change from the same information as reported
589 in the previous year's Mississippi Report Card.

590 **(c)** Each local school district shall be required to
591 develop and publish an annual report as prescribed by the State
592 Board of Education. By November 1 of each year, as prescribed by



593 the State Board of Education, the report shall be published in a
594 newspaper having general circulation in the county and posted on
595 the school district's website in a printable format. The public
596 notice shall include information on the report's availability on
597 the district's website, with the website address, and the
598 location(s) in the school district where a copy of the report can
599 be obtained.

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

603 **SECTION 9.** Section 37-18-1, Mississippi Code of 1972, is
604 amended as follows:

605 37-18-1. (1) The State Board of Education shall establish,
606 design and implement a Superior-Performing Schools Program and an
607 Exemplary Schools Program for identifying and rewarding public
608 schools that improve. The State Board of Education shall develop
609 rules and regulations for the program, establish criteria and
610 establish a process through which Superior-Performing and
611 Exemplary Schools will be identified and rewarded. Upon full
612 implementation of the statewide testing program,
613 Superior-Performing, Exemplary or School At-Risk designation shall
614 be made by the State Board of Education in accordance with the
615 following:

616 (a) A growth expectation will be established by testing
617 students annually and, using a psychometrically approved formula,



618 by tracking their progress. This growth expectation will result
619 in a composite score each year for each school.

620 (b) A determination will be made as to the percentage
621 of students proficient in each school. This measurement will
622 define what a student must know in order to be deemed proficient
623 at each grade level and will clearly show how well a student is
624 performing. The definition of proficiency shall be developed for
625 each grade, based on a demonstrated range of performance in
626 relation to content as reflected in the Mississippi Curriculum
627 Frameworks. This range of performance must be established through
628 a formal procedure including educators, parents, community leaders
629 and other stakeholders.

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

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

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

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

641 (2) Superior-Performing and Exemplary Schools may apply to
642 the State Board of Education for monetary incentives to be used



643 for selected school needs, as identified by a vote of all licensed
644 and instructional personnel employed at the school. These
645 incentive funds may be used for specific school needs, including,
646 but not limited to:

647 (a) Funding for professional development activities.
648 Staff participating in such activities will report to the school
649 and school district about the benefits and lessons learned from
650 such training;

651 (b) Technology needs;

652 (c) Sabbaticals for teachers or administrators, or
653 both, to pursue additional professional development or educational
654 enrichment;

655 (d) Paid professional leave;

656 (e) Training for parents, including, but not limited
657 to, the following:

658 (i) Curriculum;

659 (ii) Chapter 1;

660 (iii) Special need students;

661 (iv) Student rights and responsibility;

662 (v) School and community relations;

663 (vi) Effective parenting.

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

666 (3) The State Board of Education shall provide special
667 recognition to all schools receiving Superior-Performing or



668 Exemplary designation and their school districts. Examples of
669 such recognition include, but are not limited to: public
670 announcements and events; special recognition of student progress
671 and effort; certificates of recognition and plaques for teachers,
672 principals, superintendents, support and classified personnel and
673 parents; and media announcements utilizing the services of
674 Mississippi Educational Television.

675 (4) The State Department of Education may benefit from the
676 use of growth expectation measurements under this section in
677 making evaluations under Section 7 of this act.

678 **SECTION 10.** Section 37-19-7, Mississippi Code of 1972, is
679 amended as follows:

680 37-19-7. (1) This section shall be known and may be cited
681 as the Mississippi "Teacher Opportunity Program (TOP)." The
682 allowance in the Mississippi Adequate Education Program for
683 teachers' salaries in each county and separate school district
684 shall be determined and paid in accordance with the scale for
685 teachers' salaries as provided in this subsection. For teachers
686 holding the following types of licenses or the equivalent as
687 determined by the State Board of Education, and the following
688 number of years of teaching experience, the scale shall be as
689 follows:

690 **2013-2014 School Year and School Years Thereafter**

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

692 AAAA..... \$ 40,020.00



693	AAA.....	<u>38,990.00</u>
694	AA.....	<u>37,960.00</u>
695	A.....	<u>35,900.00</u>
696	25 or More Years of Teaching Experience	
697	AAAA.....	\$ <u>42,080.00</u>
698	AAA.....	<u>41,050.00</u>
699	AA.....	<u>40,020.00</u>
700	A.....	<u>37,960.00</u>

701 The State Board of Education shall revise the salary scale
702 prescribed above for the 2007-2008 school year to conform to any
703 adjustments made to the salary scale in prior fiscal years due to
704 revenue growth over and above five percent (5%). For each one
705 percent (1%) that the Sine Die General Fund Revenue Estimate
706 Growth exceeds five percent (5%) for fiscal year 2006, as
707 certified by the Legislative Budget Office to the State Board of
708 Education and subject to specific appropriation therefor by the
709 Legislature, the State Board of Education shall revise the salary
710 scale to provide an additional one percent (1%) across-the-board
711 increase in the base salaries for each type of license.

712 It is the intent of the Legislature that any state funds made
713 available for salaries of licensed personnel in excess of the
714 funds paid for such salaries for the 1986-1987 school year shall
715 be paid to licensed personnel pursuant to a personnel appraisal
716 and compensation system implemented by the State Board of
717 Education. The State Board of Education shall have the authority



718 to adopt and amend rules and regulations as are necessary to
719 establish, administer and maintain the system.

720 All teachers employed on a full-time basis shall be paid a
721 minimum salary in accordance with the above scale. However, no
722 school district shall receive any funds under this section for any
723 school year during which the local supplement paid to any
724 individual teacher shall have been reduced to a sum less than that
725 paid to that individual teacher for performing the same duties
726 from local supplement during the immediately preceding school
727 year. The amount actually spent for the purposes of group health
728 and/or life insurance shall be considered as a part of the
729 aggregate amount of local supplement but shall not be considered a
730 part of the amount of individual local supplement.

731 **2008-2009 School Year**

732 **Annual Increments**

733 For teachers holding a Class AAAA license, the minimum base
734 pay specified in this subsection shall be increased by the sum of
735 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
736 teaching experience possessed by the person holding such license
737 until such person shall have twenty-five (25) years of teaching
738 experience, and shall be increased by Three Hundred Ninety-seven
739 Dollars (\$397.00) for each year of teaching experience over
740 twenty-five (25) years up to thirty-five (35) years.

741 For teachers holding a Class AAA license, the minimum base
742 pay specified in this subsection shall be increased by the sum of



743 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of
744 teaching experience possessed by the person holding such license
745 until such person shall have twenty-five (25) years of teaching
746 experience, and shall be increased by Three Hundred Sixty-four
747 Dollars (\$364.00) for each year of teaching experience over
748 twenty-five (25) years up to thirty-five (35) years.

749 For teachers holding a Class AA license, the minimum base pay
750 specified in this subsection shall be increased by the sum of Six
751 Hundred Sixty Dollars (\$660.00) for each year of teaching
752 experience possessed by the person holding such license until such
753 person shall have twenty-five (25) years of teaching experience,
754 and shall be increased by Three Hundred Thirty Dollars (\$330.00)
755 for each year of teaching experience over twenty-five (25) years
756 up to thirty-five (35) years.

757 For teachers holding a Class A license, the minimum base pay
758 specified in this subsection shall be increased by the sum of Four
759 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
760 experience possessed by the person holding such license until such
761 person shall have twenty-four (24) years of teaching experience,
762 and shall be increased by Two Hundred Forty-eight Dollars
763 (\$248.00) for each year of teaching experience over twenty-four
764 (24) years up to thirty-five (35) years.

765 **2009-2010 School Year**

766 **Annual Increments**



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

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

779 For teachers holding a Class AA license, the minimum base pay
780 specified in this subsection shall be increased by the sum of Six
781 Hundred Sixty Dollars (\$660.00) for each year of teaching
782 experience possessed by the person holding such license until such
783 person shall have thirty-five (35) years of teaching experience.

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

789 The level of professional training of each teacher to be used
790 in establishing the salary allotment for the teachers for each
791 year shall be determined by the type of valid teacher's license



792 issued to those teachers on or before October 1 of the current
793 school year. Provided, however, that school districts are
794 authorized, in their discretion, to negotiate the salary levels
795 applicable to certificated employees who are receiving retirement
796 benefits from the retirement system of another state, and the
797 annual experience increment provided above in Section 37-19-7
798 shall not be applicable to any such retired certificated employee.

799 (2) (a) The following employees shall receive an annual
800 salary supplement in the amount of Six Thousand Dollars
801 (\$6,000.00), plus fringe benefits, in addition to any other
802 compensation to which the employee may be entitled:

803 (i) Any licensed teacher who has met the
804 requirements and acquired a Master Teacher certificate from the
805 National Board for Professional Teaching Standards and who is
806 employed by a local school board or the State Board of Education
807 as a teacher and not as an administrator. Such teacher shall
808 submit documentation to the State Department of Education that the
809 certificate was received prior to October 15 in order to be
810 eligible for the full salary supplement in the current school
811 year, or the teacher shall submit such documentation to the State
812 Department of Education prior to February 15 in order to be
813 eligible for a prorated salary supplement beginning with the
814 second term of the school year.

815 (ii) A licensed nurse who has met the requirements
816 and acquired a certificate from the National Board for



817 Certification of School Nurses, Inc., and who is employed by a
818 local school board or the State Board of Education as a school
819 nurse and not as an administrator. The licensed school nurse
820 shall submit documentation to the State Department of Education
821 that the certificate was received before October 15 in order to be
822 eligible for the full salary supplement in the current school
823 year, or the licensed school nurse shall submit the documentation
824 to the State Department of Education before February 15 in order
825 to be eligible for a prorated salary supplement beginning with the
826 second term of the school year. Provided, however, that the total
827 number of licensed school nurses eligible for a salary supplement
828 under this subparagraph (ii) shall not exceed thirty (30).

829 (iii) Any licensed school counselor who has met
830 the requirements and acquired a National Certified School
831 Counselor (NCSC) endorsement from the National Board of Certified
832 Counselors and who is employed by a local school board or the
833 State Board of Education as a counselor and not as an
834 administrator. Such licensed school counselor shall submit
835 documentation to the State Department of Education that the
836 endorsement was received prior to October 15 in order to be
837 eligible for the full salary supplement in the current school
838 year, or the licensed school counselor shall submit such
839 documentation to the State Department of Education prior to
840 February 15 in order to be eligible for a prorated salary
841 supplement beginning with the second term of the school year.



842 However, any school counselor who started the National Board for
843 Professional Teaching Standards process for school counselors
844 between June 1, 2003, and June 30, 2004, and completes the
845 requirements and acquires the Master Teacher certificate shall be
846 entitled to the master teacher supplement, and those counselors
847 who complete the process shall be entitled to a one-time
848 reimbursement for the actual cost of the process as outlined in
849 paragraph (b) of this subsection.

850 (iv) Any licensed speech-language pathologist and
851 audiologist who has met the requirements and acquired a
852 Certificate of Clinical Competence from the American
853 Speech-Language-Hearing Association and who is employed by a local
854 school board or is employed by a state agency under the State
855 Personnel Board. Such licensed speech-language pathologist and
856 audiologist shall submit documentation to the State Department of
857 Education that the certificate or endorsement was received prior
858 to October 15 in order to be eligible for the full salary
859 supplement in the current school year, or the licensed
860 speech-language pathologist and audiologist shall submit such
861 documentation to the State Department of Education prior to
862 February 15 in order to be eligible for a prorated salary
863 supplement beginning with the second term of the school year.

864 (b) An employee shall be reimbursed one (1) time for
865 the actual cost of completing the process of acquiring the
866 certificate or endorsement, excluding any costs incurred for



867 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
868 for a school counselor or speech-language pathologist and
869 audiologist, regardless of whether or not the process resulted in
870 the award of the certificate or endorsement. A local school
871 district or any private individual or entity may pay the cost of
872 completing the process of acquiring the certificate or endorsement
873 for any employee of the school district described under paragraph
874 (a), and the State Department of Education shall reimburse the
875 school district for such cost, regardless of whether or not the
876 process resulted in the award of the certificate or endorsement.
877 If a private individual or entity has paid the cost of completing
878 the process of acquiring the certificate or endorsement for an
879 employee, the local school district may agree to directly
880 reimburse the individual or entity for such cost on behalf of the
881 employee.

882 (c) All salary supplements, fringe benefits and process
883 reimbursement authorized under this subsection shall be paid
884 directly by the State Department of Education to the local school
885 district and shall be in addition to its minimum education program
886 allotments and not a part thereof in accordance with regulations
887 promulgated by the State Board of Education, and subject to
888 appropriation by the Legislature. Local school districts shall
889 not reduce the local supplement paid to any employee receiving
890 such salary supplement, and the employee shall receive any local



891 supplement to which employees with similar training and experience
892 otherwise are entitled.

893 (d) The State Department of Education may not pay any
894 process reimbursement to a school district for an employee who
895 does not complete the certification or endorsement process
896 required to be eligible for the certificate or endorsement. If an
897 employee for whom such cost has been paid, in full or in part, by
898 a local school district or private individual or entity fails to
899 complete the certification or endorsement process, the employee
900 shall be liable to the school district or individual or entity for
901 all amounts paid by the school district or individual or entity on
902 behalf of that employee toward his or her certificate or
903 endorsement.

904 (3) (a) Effective July 1, 2007, if funds are available for
905 that purpose, the Legislature may authorize state funds for
906 additional base compensation for teachers holding licenses in
907 critical subject areas or the equivalent and who teach at least a
908 majority of their courses in a critical subject area, as
909 determined by the State Board of Education.

910 (b) Effective July 1, 2007, if funds are available for
911 that purpose, the Legislature may authorize state funds for
912 additional base compensation for teachers employed in a public
913 school district located in a geographic area of the state
914 designated as a critical teacher shortage area by the State Board
915 of Education.



916 (4) (a) This section shall be known and may be cited as the
917 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to
918 the minimum base pay described in this section, only after full
919 funding of MAEP and if funds are available for that purpose, the
920 State of Mississippi may provide monies from state funds to school
921 districts for the purposes of rewarding certified teachers,
922 administrators and nonlicensed personnel at individual schools
923 showing improvement in student test scores. The MPBP plan shall
924 be developed by the State Department of Education based on the
925 following criteria:

926 (i) It is the express intent of this legislation
927 that the MPBP plan shall utilize only existing standards of
928 accreditation and assessment as established by the State Board of
929 Education.

930 (ii) To ensure that all of Mississippi's teachers,
931 administrators and nonlicensed personnel at all schools have equal
932 access to the monies set aside in this section, the MPBP program
933 shall be designed to calculate each school's performance as
934 determined by the school's increase in scores from the prior
935 school year. The MPBP program shall be based on a standardized
936 scores rating where all levels of schools can be judged in a
937 statistically fair and reasonable way upon implementation. At the
938 end of each year, after all student achievement scores have been
939 standardized, the State Department of Education shall implement
940 the MPBP plan.



941 (iii) To ensure all teachers cooperate in the
942 spirit of teamwork, individual schools shall submit a plan to the
943 local school district to be approved before the beginning of each
944 school year beginning July 1, 2008. The plan shall include, but
945 not be limited to, how all teachers, regardless of subject area,
946 and administrators will be responsible for improving student
947 achievement for their individual school.

948 (b) The State Board of Education shall develop the
949 processes and procedures for designating schools eligible to
950 participate in the MPBP. State assessment results, growth in
951 student achievement at individual schools and other measures
952 deemed appropriate in designating successful student achievement
953 shall be used in establishing MPBP criteria. The State Board of
954 Education shall develop the MPBP policies and procedures and
955 report to the Legislature and Governor by December 1, 2006.

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

959 (5) (a) Beginning in the 2008-2009 school year, if funds
960 are available for that purpose, each school in Mississippi shall
961 have mentor teachers, as defined by Sections 37-9-201 through
962 37-9-213, who shall receive additional base compensation provided
963 for by the State Legislature in the amount of One Thousand Dollars
964 (\$1,000.00) per each beginning teacher that is being mentored.
965 The additional state compensation shall be limited to those mentor



966 teachers that provide mentoring services to beginning teachers.
967 For the purposes of such funding, a beginning teacher shall be
968 defined as any teacher in any school in Mississippi that has less
969 than one (1) year of classroom experience teaching in a public
970 school. For the purposes of such funding, no full-time academic
971 teacher shall mentor more than two (2) beginning teachers.

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

975 (6) Effective with the 2014-2015 school year, the school
976 districts participating in the Pilot Performance-Based
977 Compensation System pursuant to Section 7 of this act may award
978 additional teacher and administrator pay based thereon.

979 **SECTION 11.** The provisions of Sections 1 through 10 of this
980 act shall be implemented subject to the availability of funds
981 specifically appropriated for that purpose by the Legislature.

982 **SECTION 12.** This act shall take effect and be in force from
983 and after July 1, 2013.

