MISSISSIPPI LEGISLATURE

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

To: Education

HOUSE BILL NO. 890
(As Passed the House)

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

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

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

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

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

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

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

(c) Provide highly effective core reading instruction that is comprehensive and meets the majority of the general education classroom needs;
(d) Provide a reading intervention program that meets, at a minimum, the following specifications:

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

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

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

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

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

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

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

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

(iii) Design the assessment process and universal screener;
(iv) Create the job description of reading coaches and begin the hiring process; and

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

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

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

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

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

   (ii) Provides scientifically based reliable and valid assessments;

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

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

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

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

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

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

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

(d) Strategies for parents to use at home in helping their child succeed in reading.
(e) That if the child's reading deficiency is not corrected by the end of Grade 3, the child will not be promoted to Grade 4 unless a good cause exemption is met.

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

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

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

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

(c) A description of the proposed reading and math intervention and supplemental instructional services and supports that will be provided to the child that are designed to ameliorate the identified area(s) of reading or math deficiency.
(d) Strategies for parents to use at home in helping their child succeed in reading and math.

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

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

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

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

(6) Good cause exemptions. The district school board may only exempt students from mandatory retention, as provided in subsection (5) of this section, for good cause. Good cause 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
180 (b) Students who demonstrate, through a student
181 portfolio, minimal performance as evidenced by demonstrating
182 mastery of all Grade 3 state reading standards or Grade 7 math and
183 reading standards and through multiple work samples.
184
185 (c) Students with disabilities whose Individual
186 Education Plan indicates that participation in the statewide
187 assessment program is not appropriate, consistent with state law.
188
189 (d) Limited English proficient students who have had
190 less than two (2) years of instruction in an English language
191 learner program.
192
193 (e) Students with disabilities who participate in the
194 statewide assessment and who have an Individual Education Plan or
195 a Section 504 plan that reflects that the student has received
196 intensive reading intervention for more than two (2) years but
197 still demonstrates a deficiency in reading and was previously
198 retained in Kindergarten, Grade 1, Grade 2 or Grade 3 or Grades
199 4-7.
200
201 (f) Students who have received intensive reading
202 intervention for two (2) or more years but still demonstrate a
203 deficiency in reading and who were previously retained in
204 Kindergarten, Grade 1, Grade 2 or Grade 3 for a total of two (2)
205 years or Grades 4-7 for 7th grade promotion.
Requests for good cause exemptions. Requests to exempt students from the mandatory retention requirement using one (1) of the good cause exemptions as described in this subsection (7) shall be made consistent with the following:

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

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

Students promoted with a good cause exemption. A student who is promoted to Grade 4 or Grade 8 with a good cause exemption shall be provided intensive reading instruction and intervention that includes specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of reading strategies for students
promoted with a good cause exemption that research has shown to be successful in improving reading and math among students with reading difficulties.

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

(10) **Successful progression of retained readers.** Beginning with the 2014-2015 school year, students retained under the provisions of subsection (5) of this section must be provided intensive reading intervention to remedy the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. The reading intervention services must include effective instructional strategies necessary to assist those students in becoming successful readers, and ready for promotion to the next grade. Each school district shall:
(a) Conduct a review of student reading improvement plans for all students who scored below grade level on the reading portion of the statewide assessment and who did not meet the criteria for one of the good cause exemptions. The review shall address additional supports and services, as described in this paragraph (a), needed to correct the identified area(s) of reading deficiency.

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

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

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

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

(iii) Explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback;
(iv) Administration of ongoing progress monitoring assessments to frequently monitor student progress; and
(v) Before and/or after school supplemental research-based reading intervention under proven results at accelerating student achievement delivered by a teacher or tutor with specialized reading training.

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

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

(11) **Intensive acceleration class.** Establish at each school, where applicable, an intensive acceleration class for any student retained in Grade 3 who was previously retained in Kindergarten, Grade 1, Grade 2 or Grade 3. The focus of the intensive acceleration class shall be to increase a child's
reading level at least two (2) grade levels in one (1) school year.

(a) The intensive acceleration class shall:
   (i) Have a reduced teacher-student ratio;
   (ii) Provide students with a highly effective teacher of reading as determined by the state-adopted teacher evaluation system;
   (iii) Provide reading instruction and intervention for the majority of student contact time each day and incorporate opportunities to master the Grade 4 state standards in other core academic areas;
   (iv) Use reading programs that are scientifically research-based and have proven results in accelerating student reading achievement within the same school year;
   (v) Provide intensive language and vocabulary instruction, including use of a speech-language therapist;
   (vi) Frequently administer ongoing progress monitoring assessments to monitor student progress;
   (vii) Provide a student the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet Grade 4 performance standards while continuing to correct the area(s) of reading deficiency;
(viii) Provide before and/or after school supplemental research-based reading instruction delivered by a teacher or tutor with specialized reading training; and

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

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

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

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

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

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

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

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

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

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

**SECTION 4.** Section 37-16-7, Mississippi Code of 1972, is 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
394 SECTION 5. Section 37-13-10, Mississippi Code of 1972, which
395 provides for a Reading Sufficiency Program of Instruction and
396 components thereof, is hereby repealed.
SECTION 6. Findings and intent. (1) (a) In order to increase the entry standards for teaching education programs, there is created more rigorous standards for entry into teacher education programs.

(b) The entry standards required for admittance to teacher education programs would require a 21 ACT and a 3.0 GPA. No student would be admitted without meeting these requirements.

There is created the teacher education scholars program administered by the Board of Trustees of State Institutions of Higher Learning. The program shall provide an annual scholarship not to exceed Fifteen Thousand Dollars ($15,000.00) for each approved teacher education scholar who is enrolled in one of Mississippi's public or private universities in the junior year and is admitted into a teacher education program. Additionally, the program shall provide an annual scholarship not to exceed Fifteen Thousand Dollars ($15,000.00) for each approved teacher education scholar who is enrolled in one (1) of Mississippi's public or private universities in the freshman year and intends to enter into a teacher education program.

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

(3) A student may receive a scholarship from the program for four (4) consecutive years if the student remains enrolled full time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.
(4) (a) If a teacher education scholar graduates and is employed as a teacher by a Mississippi district school board, the scholar is not required to repay the scholarship amount so long as the scholar teaches in a Mississippi public school. The entire scholarship amount shall be forgiven if the scholar remains employed as a Mississippi public school teacher for five (5) years.

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

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

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

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

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

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

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

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

SECTION 7. Performance-Based compensation systems. (1) 
There is established a Pilot Performance-Based Compensation System 
for school years 2013-2015.

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

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

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

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

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

(2) The statewide performance compensation system for
instructional personnel and school administrators must:
(a) Contain a qualitative measure of teacher effectiveness, a quantitative measure of student performance and a quantitative measure of student learning growth.

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

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

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

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

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

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

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

(i) Highly effective.

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

(iv) Unsatisfactory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Technology needs;

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

(d) Paid professional leave;

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

   (i) Curriculum;
   (ii) Chapter 1;
   (iii) Special need students;
   (iv) Student rights and responsibility;
   (v) School and community relations;
   (vi) Effective parenting.

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

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

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

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

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

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

**Less Than 25 Years of Teaching Experience**

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<tr>
<td>AAA</td>
<td>25 or More Years of Teaching Experience</td>
<td>$42,080.00</td>
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<td>25 or More Years of Teaching Experience</td>
<td>$37,960.00</td>
</tr>
</tbody>
</table>

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

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

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

2008-2009 School Year

Annual Increments

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

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

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

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

**2009-2010 School Year**

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

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

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

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

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

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

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

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

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.
However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

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

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

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

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

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

(b) Effective July 1, 2007, if funds are available for that purpose, the Legislature may authorize state funds for additional base compensation for teachers employed in a public school district located in a geographic area of the state designated as a critical teacher shortage area by the State Board of Education.
This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding certified teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

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

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.
(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

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

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

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

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

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

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

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