

By: Representative Young

To: Education

HOUSE BILL NO. 138

1 AN ACT TO REQUIRE LOCAL SCHOOL DISTRICTS TO ADOPT POLICIES
2 ALLOWING INSTRUCTORS TO DETERMINE THE LEVEL OF INTENSIVE
3 INSTRUCTION AND INTERVENTION NEEDED BY STUDENTS USING A RAW
4 GRADING SCALE FOR EVALUATING STUDENT PERFORMANCE; TO REQUIRE EACH
5 INSTRUCTOR TO MAINTAIN HIGH STANDARDS OF INSTRUCTION AND USE HIS
6 OR HER EVALUATION OF EACH INDIVIDUAL STUDENT AS THE FINAL BASIS
7 FOR ASSIGNING GRADES IN REGULAR COURSE WORK AND DAILY OR WEEKLY
8 ASSESSMENT; TO PROTECT STUDENTS AGAINST PREJUDICED OR CAPRICIOUS
9 ACADEMIC EVALUATION; TO PROHIBIT THE RIGID APPLICATION OF
10 ARBITRARY PERCENTAGES IN THE ASSIGNMENT AND DISTRIBUTION OF GRADES
11 IN ANY INSTANCE; TO PROVIDE THAT GRADE ASSIGNMENT SHALL BE BASED
12 SOLELY ON ACHIEVEMENT OF COURSE AND GRADE LEVEL STANDARDS WITHOUT
13 REGARD TO CLASS SIZE OR THE QUALITY OF THE CLASS GROUP; TO AMEND
14 SECTION 37-9-69, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES
15 AND RESPONSIBILITIES OF TEACHERS TO REQUIRE TEACHERS TO DETERMINE
16 A STUDENT'S LEVEL OF COMPETENCE AND PROFICIENCY THROUGH THE
17 STUDENT'S PERFORMANCE ON REGULARLY ASSIGNED COURSEWORK AND
18 PERIODIC TESTING ASSESSMENTS BEFORE PROMOTING THE STUDENT TO THE
19 NEXT GRADE LEVEL; TO REQUIRE THE LOCAL SCHOOL BOARD TO ADOPT A RAW
20 GRADING SCALE FOR EVALUATING PERFORMANCE AND THE ADEQUACY OF
21 READING SKILL LEVELS TO BE USED ALSO AS A TOOL IN THE EVALUATION
22 OF TEACHERS' AND ADMINISTRATORS' ABILITY TO MEET STUDENT GROWTH;
23 TO REQUIRE TEACHERS TO ADMINISTER INCREMENTAL WEEKLY OR BIWEEKLY
24 TESTING ASSESSMENTS SUBJECT TO THE CURRICULUM ADOPTED AND THE
25 INSTRUCTIONAL MODULES APPROVED BY THE SCHOOL BOARD; TO REQUIRE
26 TEACHERS TO CONDUCT SCHEDULED SYSTEMATIC EVALUATIONS OF PUPILS AT
27 EACH GRADE LEVEL USING REGULARLY ASSIGNED COURSEWORK, HOMEWORK,
28 SPECIAL PROJECT ASSIGNMENTS, PERIODIC TESTING ASSESSMENTS AND ANY
29 STATE STANDARDIZED ASSESSMENTS ADMINISTERED BY THE STATE
30 DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-9-23, MISSISSIPPI
31 CODE OF 1972, TO REQUIRE THAT THE EMPLOYMENT CONTRACT FOR LICENSED
32 INSTRUCTIONAL STAFF PROVIDE FOR WEEKLY OR BI-WEEKLY EVALUATION
33 PERIODS BY THE SCHOOL ADMINISTRATOR TO DETERMINE THE TEACHER LEVEL
34 OF PERFORMANCE; TO PROVIDE THAT FAILURE OF A SCHOOL TO MEET GROWTH



35 SHALL RESULT IN ADMINISTRATIVE SANCTIONS IMPOSED UPON TEACHERS AND
36 ADMINISTRATORS; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972,
37 TO PRESCRIBE THE ADMINISTRATIVE SANCTION TO BE IMPOSED UPON
38 TEACHERS AND ADMINISTRATORS FOR FAILURE TO MEET GROWTH BASED ON
39 CERTAIN PERCENTAGE OF STUDENTS FAILING A SET OF PERIODIC AND
40 STANDARDIZED TESTING ASSESSMENTS WITHIN A PARTICULAR ACADEMIC
41 PERIOD; TO BRING FORWARD SECTIONS 37-177-1, 37-177-3, 37-177-5,
42 37-177-7, 37-177-9, 37-177-11, 37-177-13, 37-177-15, 37-177-17,
43 37-177-19 AND 37-177-21, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
44 POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

46 **SECTION 1.** (1) Each school district, with respect to the
47 instruction, daily or weekly assessments and standardized
48 assessments administered to students, shall adopt policies which
49 allow the instructor to determine the level of intensive
50 instruction and intervention needed by students under the
51 "Literacy-Based Promotion Act," based on a raw grading scale for
52 evaluating student performance. Each instructor shall be
53 responsible for maintaining high standards of instruction, and the
54 instructor's evaluation of each individual student shall be the
55 final basis for assigning grades in regular course work and daily
56 or weekly assessment.

57 (2) Students shall have the protection through orderly
58 procedures against prejudiced or capricious academic evaluation.
59 The method of grading by instructors must be made clear to
60 students and parents, and instructors are required to justify
61 disputed grades. Likewise, students are responsible for
62 maintaining reasonable standards of academic performance and
63 classroom conduct conducive to the learning process.



64 (3) The rigid application of arbitrary percentages in the
65 assignment and distribution of grades shall be prohibited in any
66 instance. Without regard to class size or the quality of the
67 class group, grade assignment shall be based solely on achievement
68 of course and grade level standards. The department and districts
69 shall provide fair, accurate, specific and timely information
70 regarding student progress toward common standards as well as
71 feedback for the plan of instruction and growth areas for
72 students.

73 (4) As used in this act, the following indicators shall have
74 the following meaning and application:

75 (a) "Fairness" shall depict that the same work, by the
76 same student, should receive the same grade, even if the
77 instructor is different;

78 (b) "Accuracy" shall depict that grades are based
79 solely on achievement, which means other factors, such as behavior
80 and attendance, are not used to calculate a grade;

81 (c) "Specificity" shall depict that grades are
82 specifically tied to clearly articulated learning goals; and

83 (d) "Timeliness" shall depict that feedback to students
84 is provided timely to afford students the opportunity to use that
85 feedback, immediately, to improve their performance on assessments
86 and assignments.

87 **SECTION 2.** Section 37-9-69, Mississippi Code of 1972, is
88 amended as follows:



89 37-9-69. (1) It shall be the duty of each superintendent,
90 principal and teacher in the public schools of this state to
91 enforce in the schools the courses of study prescribed by law or
92 by the State Board Of Education, to comply with the law in
93 distribution and use of free textbooks, and to observe and enforce
94 the statutes, rules and regulations prescribed for the operation
95 of schools. Such superintendents, principals and teachers shall
96 hold the pupils to strict account for disorderly conduct at
97 school, on the way to and from school, on the playgrounds, and
98 during recess.

99 (2) (a) Each teacher shall adhere to the requirements of
100 Section 1 of this act to determine a student's level of competence
101 and proficiency through the student's performance on regularly
102 assigned coursework and periodic testing assessments, which shall
103 be factors used by the teacher whether a student is promoted to
104 the next grade level. The local school board shall adopt a raw
105 grading scale for evaluating performance and the adequacy of
106 reading skill levels of students enrolled in attending schools in
107 the district, which shall also be used as a tool in the evaluation
108 of teachers' and administrators' ability to meet student growth.

109 (b) Each teacher shall administer incremental weekly
110 testing assessments, however, subject to the curriculum adopted
111 and the instructional modules approved by the school board for
112 instructional use, testing assessments may be administered on a
113 bi-weekly basis, as best determined by the teacher. Additionally,



114 the teacher shall conduct scheduled systematic evaluations of
115 pupils at each grade level throughout the scholastic period using
116 regularly assigned coursework, homework, special project
117 assignments, periodic testing assessments as authorized under this
118 paragraph and any state standardized assessments administered by
119 the State Department of Education.

120 **SECTION 3.** Section 37-9-23, Mississippi Code of 1972, is
121 amended as follows:

122 37-9-23. (1) The superintendent shall enter into a contract
123 with each assistant superintendent, principal, licensed employee
124 and person anticipating graduation from an approved teacher
125 education program or the issuance of a proper license before
126 October 15 or February 15, as the case may be, who is elected and
127 approved for employment by the school board. Such contracts shall
128 be in such form as shall be prescribed by the State Board of
129 Education and shall be executed in duplicate with one (1) copy to
130 be retained by the appropriate superintendent and one (1) copy to
131 be retained by the principal, licensed employee or person
132 recommended for a licensed position contracted with. The contract
133 shall show the name of the district, the length of the school
134 term, the position held (whether an assistant superintendent,
135 principal or licensed employee), the scholastic years which it
136 covers, the total amount of the annual salary and how same is
137 payable. The amount of salary to be shown in such contract shall
138 be the amount which shall have been fixed and determined by the



139 school board, but, as to the licensed employees paid, in whole or
140 in part, with adequate education program funds, such salary shall
141 not be less than that required under the provisions of Chapter 19
142 of this title. Beginning with the 2010-2011 school year, the
143 contract shall include a provision allowing the school district to
144 reduce the state minimum salary by a pro rata daily amount in
145 order to comply with the school district employee furlough
146 provisions of Section 37-7-308, and shall include a provision
147 which conditions the payment of such salary upon the availability
148 of adequate education funds provided for salaries. The contract
149 entered into with any person recommended for a licensed position
150 who is anticipating either graduation from an approved teacher
151 education program before September 1 or December 31, as the case
152 may be, or the issuance of a proper license before October 15 or
153 February 15, as the case may be, shall be a conditional contract
154 and shall include a provision stating that the contract will be
155 null and void if, as specified in the contract, the contingency
156 upon which the contract is conditioned has not occurred. If any
157 superintendent, other than those elected, principal, licensed
158 employee or person recommended for a licensed position who has
159 been elected and approved shall not execute and return the
160 contract within ten (10) days after same has been tendered to him
161 for execution, then, at the option of the school board, the
162 election of the licensed employee and the contract tendered to him
163 shall be void and of no effect.



164 (2) The annual contract for licensed instructional staff
165 shall provide for weekly or bi-weekly evaluation periods, during
166 which time the school administrator shall monitor the teacher's
167 efficiency and effectiveness, skills in instruction and classroom
168 management, and assess the teacher's grading ledger of students'
169 achievement to determine the teacher's level of performance.
170 Failure of a school to meet growth shall result in administrative
171 sanctions imposed on teachers and administrators, as prescribed in
172 Section 37-3-2.

173 **SECTION 4.** Section 37-3-2, Mississippi Code of 1972, is
174 amended as follows:

175 37-3-2. (1) There is established within the State
176 Department of Education the Commission on Teacher and
177 Administrator Education, Certification and Licensure and
178 Development. It shall be the purpose and duty of the commission
179 to make recommendations to the State Board of Education regarding
180 standards for the certification and licensure and continuing
181 professional development of those who teach or perform tasks of an
182 educational nature in the public schools of Mississippi.

183 (2) The commission shall be composed of fifteen (15)
184 qualified members. The membership of the commission shall be
185 composed of the following members to be appointed, three (3) from
186 each congressional district: four (4) classroom teachers; three
187 (3) school administrators; one (1) representative of schools of
188 education of institutions of higher learning located within the



189 state to be recommended by the Board of Trustees of State
190 Institutions of Higher Learning; one (1) representative from the
191 schools of education of independent institutions of higher
192 learning to be recommended by the Board of the Mississippi
193 Association of Independent Colleges; one (1) representative from
194 public community and junior colleges located within the state to
195 be recommended by the Mississippi Community College Board; one (1)
196 local school board member; and four (4) laypersons. All
197 appointments shall be made by the State Board of Education after
198 consultation with the State Superintendent of Public Education.
199 The first appointments by the State Board of Education shall be
200 made as follows: five (5) members shall be appointed for a term
201 of one (1) year; five (5) members shall be appointed for a term of
202 two (2) years; and five (5) members shall be appointed for a term
203 of three (3) years. Thereafter, all members shall be appointed
204 for a term of four (4) years.

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

211 (4) (a) An appropriate staff member of the State Department
212 of Education shall be designated and assigned by the State
213 Superintendent of Public Education to serve as executive secretary



214 and coordinator for the commission. No less than two (2) other
215 appropriate staff members of the State Department of Education
216 shall be designated and assigned by the State Superintendent of
217 Public Education to serve on the staff of the commission.

218 (b) An Office of Educator Misconduct Evaluations shall
219 be established within the State Department of Education to assist
220 the commission in responding to infractions and violations, and in
221 conducting hearings and enforcing the provisions of subsections
222 (11), (12), (13), (14) and (15) of this section, and violations of
223 the Mississippi Educator Code of Ethics.

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

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

228 (b) Recommend to the State Board of Education each year
229 approval or disapproval of each educator preparation program in
230 the state, subject to a process and schedule determined by the
231 State Board of Education;

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

235 (d) Establish, subject to the approval of the State
236 Board of Education, standards for the renewal of teacher licenses
237 in all fields;



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

241 (f) Review all existing requirements for certification
242 and licensure;

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

245 (h) Prepare reports from time to time on current
246 practices and issues in the general area of teacher education and
247 certification and licensure;

248 (i) Hold hearings concerning standards for teachers'
249 and administrators' education and certification and licensure with
250 approval of the State Board of Education;

251 (j) Hire expert consultants with approval of the State
252 Board of Education;

253 (k) Set up ad hoc committees to advise on specific
254 areas; and

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

258 (6) (a) **Standard License - Approved Program Route.** An
259 educator entering the school system of Mississippi for the first
260 time and meeting all requirements as established by the State
261 Board of Education shall be granted a standard five-year license.
262 Persons who possess two (2) years of classroom experience as an



263 assistant teacher or who have taught for one (1) year in an
264 accredited public or private school shall be allowed to fulfill
265 student teaching requirements under the supervision of a qualified
266 participating teacher approved by an accredited college of
267 education. The local school district in which the assistant
268 teacher is employed shall compensate such assistant teachers at
269 the required salary level during the period of time such
270 individual is completing student teaching requirements.

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

272 (i) An application on a department form;

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

276 Licensure to teach in Mississippi prekindergarten through
277 kindergarten classrooms shall require completion of a teacher
278 education program or a Bachelor of Science degree with child
279 development emphasis from a program accredited by the American
280 Association of Family and Consumer Sciences (AAFCS) or by the
281 National Association for Education of Young Children (NAEYC) or by
282 the National Council for Accreditation of Teacher Education
283 (NCATE). Licensure to teach in Mississippi kindergarten, for
284 those applicants who have completed a teacher education program,
285 and in Grade 1 through Grade 4 shall require the completion of an
286 interdisciplinary program of studies. Licenses for Grades 4
287 through 8 shall require the completion of an interdisciplinary



288 program of studies with two (2) or more areas of concentration.
289 Licensure to teach in Mississippi Grades 7 through 12 shall
290 require a major in an academic field other than education, or a
291 combination of disciplines other than education. Students
292 preparing to teach a subject shall complete a major in the
293 respective subject discipline. All applicants for standard
294 licensure shall demonstrate that such person's college preparation
295 in those fields was in accordance with the standards set forth by
296 the National Council for Accreditation of Teacher Education
297 (NCATE) or the National Association of State Directors of Teacher
298 Education and Certification (NASDTEC) or, for those applicants who
299 have a Bachelor of Science degree with child development emphasis,
300 the American Association of Family and Consumer Sciences (AAFCS).
301 Effective July 1, 2016, for initial elementary education
302 licensure, a teacher candidate must earn a passing score on a
303 rigorous test of scientifically research-based reading instruction
304 and intervention and data-based decision-making principles as
305 approved by the State Board of Education;

306 (iii) A copy of test scores evidencing
307 satisfactory completion of nationally administered examinations of
308 achievement, such as the Educational Testing Service's teacher
309 testing examinations;

310 (iv) Any other document required by the State
311 Board of Education; and



312 (v) From and after September 30, 2015, no teacher
313 candidate shall be licensed to teach in Mississippi who did not
314 meet the following criteria for entrance into an approved teacher
315 education program:

316 1. Twenty-one (21) ACT equivalent or achieve
317 the nationally recommended passing score on the Praxis Core
318 Academic Skills for Educators examination; and

319 2. No less than 2.75 GPA on pre-major
320 coursework of the institution's approved teacher education program
321 provided that the accepted cohort of candidates meets or exceeds a
322 3.0 GPA on pre-major coursework.

323 (b) (i) **Standard License - Nontraditional Teaching**
324 **Route.** From and after September 30, 2015, no teacher candidate
325 shall be licensed to teach in Mississippi under the alternate
326 route who did not meet the following criteria:

327 * * *1. Twenty-one (21) ACT equivalent or
328 achieve the nationally recommended passing score on the Praxis
329 Core Academic Skills for Educators examination; and

330 * * *2. No less than 2.75 GPA on content
331 coursework in the requested area of certification or passing
332 Praxis II scores at or above the national recommended score
333 provided that the accepted cohort of candidates of the
334 institution's teacher education program meets or exceeds a 3.0 GPA
335 on pre-major coursework.



336 (ii) Beginning January 1, 2004, an individual who
337 has a passing score on the Praxis I Basic Skills and Praxis II
338 Specialty Area Test in the requested area of endorsement may apply
339 for the Teach Mississippi Institute (TMI) program to teach
340 students in Grades 7 through 12 if the individual meets the
341 requirements of this paragraph (b). The State Board of Education
342 shall adopt rules requiring that teacher preparation institutions
343 which provide the Teach Mississippi Institute (TMI) program for
344 the preparation of nontraditional teachers shall meet the
345 standards and comply with the provisions of this paragraph.

346 * * *1. The Teach Mississippi Institute
347 (TMI) shall include an intensive eight-week, nine-semester-hour
348 summer program or a curriculum of study in which the student
349 matriculates in the fall or spring semester, which shall include,
350 but not be limited to, instruction in education, effective
351 teaching strategies, classroom management, state curriculum
352 requirements, planning and instruction, instructional methods and
353 pedagogy, using test results to improve instruction, and a one (1)
354 semester three-hour supervised internship to be completed while
355 the teacher is employed as a full-time teacher intern in a local
356 school district. The TMI shall be implemented on a pilot program
357 basis, with courses to be offered at up to four (4) locations in
358 the state, with one (1) TMI site to be located in each of the
359 three (3) Mississippi Supreme Court districts.



360 * * *2. The school sponsoring the teacher
361 intern shall enter into a written agreement with the institution
362 providing the Teach Mississippi Institute (TMI) program, under
363 terms and conditions as agreed upon by the contracting parties,
364 providing that the school district shall provide teacher interns
365 seeking a nontraditional provisional teaching license with a
366 one-year classroom teaching experience. The teacher intern shall
367 successfully complete the one (1) semester three-hour intensive
368 internship in the school district during the semester immediately
369 following successful completion of the TMI and prior to the end of
370 the one-year classroom teaching experience.

371 * * *3. Upon completion of the
372 nine-semester-hour TMI or the fall or spring semester option, the
373 individual shall submit his transcript to the commission for
374 provisional licensure of the intern teacher, and the intern
375 teacher shall be issued a provisional teaching license by the
376 commission, which will allow the individual to legally serve as a
377 teacher while the person completes a nontraditional teacher
378 preparation internship program.

379 * * *4. During the semester of internship in
380 the school district, the teacher preparation institution shall
381 monitor the performance of the intern teacher. The school
382 district that employs the provisional teacher shall supervise the
383 provisional teacher during the teacher's intern year of employment
384 under a nontraditional provisional license, and shall, in



385 consultation with the teacher intern's mentor at the school
386 district of employment, submit to the commission a comprehensive
387 evaluation of the teacher's performance sixty (60) days prior to
388 the expiration of the nontraditional provisional license. If the
389 comprehensive evaluation establishes that the provisional teacher
390 intern's performance fails to meet the standards of the approved
391 nontraditional teacher preparation internship program, the
392 individual shall not be approved for a standard license.

393 * * *5. An individual issued a provisional
394 teaching license under this nontraditional route shall
395 successfully complete, at a minimum, a one-year beginning teacher
396 mentoring and induction program administered by the employing
397 school district with the assistance of the State Department of
398 Education.

399 * * *6. Upon successful completion of the
400 TMI and the internship provisional license period, applicants for
401 a Standard License - Nontraditional Route shall submit to the
402 commission a transcript of successful completion of the twelve
403 (12) semester hours required in the internship program, and the
404 employing school district shall submit to the commission a
405 recommendation for standard licensure of the intern. If the
406 school district recommends licensure, the applicant shall be
407 issued a Standard License - Nontraditional Route which shall be
408 valid for a five-year period and be renewable.



409 * * *7. At the discretion of the teacher
410 preparation institution, the individual shall be allowed to credit
411 the twelve (12) semester hours earned in the nontraditional
412 teacher internship program toward the graduate hours required for
413 a Master of Arts in Teacher (MAT) Degree.

414 * * *8. The local school district in which
415 the nontraditional teacher intern or provisional licensee is
416 employed shall compensate such teacher interns at Step 1 of the
417 required salary level during the period of time such individual is
418 completing teacher internship requirements and shall compensate
419 such Standard License - Nontraditional Route teachers at Step 3 of
420 the required salary level when they complete license requirements.

421 (iii) Implementation of the TMI program provided
422 for under this paragraph (b) shall be contingent upon the
423 availability of funds appropriated specifically for such purpose
424 by the Legislature. Such implementation of the TMI program may
425 not be deemed to prohibit the State Board of Education from
426 developing and implementing additional alternative route teacher
427 licensure programs, as deemed appropriate by the board. The
428 emergency certification program in effect prior to July 1, 2002,
429 shall remain in effect.

430 (iv) A Standard License - Approved Program Route
431 shall be issued for a five-year period, and may be renewed.
432 Recognizing teaching as a profession, a hiring preference shall be
433 granted to persons holding a Standard License - Approved Program



434 Route or Standard License - Nontraditional Teaching Route over
435 persons holding any other license.

436 (c) **Special License - Expert Citizen.** In order to
437 allow a school district to offer specialized or technical courses,
438 the State Department of Education, in accordance with rules and
439 regulations established by the State Board of Education, may grant
440 a one-year expert citizen-teacher license to local business or
441 other professional personnel to teach in a public school or
442 nonpublic school accredited or approved by the state. Such person
443 may begin teaching upon his employment by the local school board
444 and licensure by the Mississippi Department of Education. The
445 board shall adopt rules and regulations to administer the expert
446 citizen-teacher license. A Special License - Expert Citizen may
447 be renewed in accordance with the established rules and
448 regulations of the State Department of Education.

449 (d) **Special License - Nonrenewable.** The State Board of
450 Education is authorized to establish rules and regulations to
451 allow those educators not meeting requirements in paragraph (a),
452 (b) or (c) of this subsection (6) to be licensed for a period of
453 not more than three (3) years, except by special approval of the
454 State Board of Education.

455 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
456 person may teach for a maximum of three (3) periods per teaching
457 day in a public school district or a nonpublic school
458 accredited/approved by the state. Such person shall submit to the



459 department a transcript or record of his education and experience
460 which substantiates his preparation for the subject to be taught
461 and shall meet other qualifications specified by the commission
462 and approved by the State Board of Education. In no case shall
463 any local school board hire nonlicensed personnel as authorized
464 under this paragraph in excess of five percent (5%) of the total
465 number of licensed personnel in any single school.

466 (f) **Special License - Transitional Bilingual Education.**
467 Beginning July 1, 2003, the commission shall grant special
468 licenses to teachers of transitional bilingual education who
469 possess such qualifications as are prescribed in this section.
470 Teachers of transitional bilingual education shall be compensated
471 by local school boards at not less than one (1) step on the
472 regular salary schedule applicable to permanent teachers licensed
473 under this section. The commission shall grant special licenses
474 to teachers of transitional bilingual education who present the
475 commission with satisfactory evidence that they (i) possess a
476 speaking and reading ability in a language, other than English, in
477 which bilingual education is offered and communicative skills in
478 English; (ii) are in good health and sound moral character; (iii)
479 possess a bachelor's degree or an associate's degree in teacher
480 education from an accredited institution of higher education; (iv)
481 meet such requirements as to courses of study, semester hours
482 therein, experience and training as may be required by the
483 commission; and (v) are legally present in the United States and



484 possess legal authorization for employment. A teacher of
485 transitional bilingual education serving under a special license
486 shall be under an exemption from standard licensure if he achieves
487 the requisite qualifications therefor. Two (2) years of service
488 by a teacher of transitional bilingual education under such an
489 exemption shall be credited to the teacher in acquiring a Standard
490 Educator License. Nothing in this paragraph shall be deemed to
491 prohibit a local school board from employing a teacher licensed in
492 an appropriate field as approved by the State Department of
493 Education to teach in a program in transitional bilingual
494 education.

495 (g) In the event any school district meets the highest
496 accreditation standards as defined by the State Board of Education
497 in the accountability system, the State Board of Education, in its
498 discretion, may exempt such school district from any restrictions
499 in paragraph (e) relating to the employment of nonlicensed
500 teaching personnel.

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

506 (7) **Administrator License.** The State Board of Education is
507 authorized to establish rules and regulations and to administer
508 the licensure process of the school administrators in the State of



509 Mississippi. There will be four (4) categories of administrator
510 licensure with exceptions only through special approval of the
511 State Board of Education.

512 (a) **Administrator License - Nonpracticing.** Those
513 educators holding administrative endorsement but having no
514 administrative experience or not serving in an administrative
515 position on January 15, 1997.

516 (b) **Administrator License - Entry Level.** Those
517 educators holding administrative endorsement and having met the
518 department's qualifications to be eligible for employment in a
519 Mississippi school district. Administrator License - Entry Level
520 shall be issued for a five-year period and shall be nonrenewable.

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

524 (d) **Administrator License - Nontraditional Route.** The
525 board may establish a nontraditional route for licensing
526 administrative personnel. Such nontraditional route for
527 administrative licensure shall be available for persons holding,
528 but not limited to, a master of business administration degree, a
529 master of public administration degree, a master of public
530 planning and policy degree or a doctor of jurisprudence degree
531 from an accredited college or university, with five (5) years of
532 administrative or supervisory experience. Successful completion
533 of the requirements of alternate route licensure for



534 administrators shall qualify the person for a standard
535 administrator license.

536 Individuals seeking school administrator licensure under
537 paragraph (b), (c) or (d) shall successfully complete a training
538 program and an assessment process prescribed by the State Board of
539 Education. All applicants for school administrator licensure
540 shall meet all requirements prescribed by the department under
541 paragraph (b), (c) or (d), and the cost of the assessment process
542 required shall be paid by the applicant.

543 (8) **Reciprocity.** (a) The department shall grant a standard
544 license to any individual who possesses a valid standard license
545 from another state and meets minimum Mississippi license
546 requirements or equivalent requirements as determined by the State
547 Board of Education. The issuance of a license by reciprocity to a
548 military-trained applicant or military spouse shall be subject to
549 the provisions of Section 73-50-1.

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



558 (9) **Renewal and Reinstatement of Licenses.** The State Board
559 of Education is authorized to establish rules and regulations for
560 the renewal and reinstatement of educator and administrator
561 licenses. Effective May 15, 1997, the valid standard license held
562 by an educator shall be extended five (5) years beyond the
563 expiration date of the license in order to afford the educator
564 adequate time to fulfill new renewal requirements established
565 pursuant to this subsection. An educator completing a master of
566 education, educational specialist or doctor of education degree in
567 May 1997 for the purpose of upgrading the educator's license to a
568 higher class shall be given this extension of five (5) years plus
569 five (5) additional years for completion of a higher degree.

570 (10) All controversies involving the issuance, revocation,
571 suspension or any change whatsoever in the licensure of an
572 educator required to hold a license shall be initially heard in a
573 hearing de novo, by the commission or by a subcommittee
574 established by the commission and composed of commission members
575 for the purpose of holding hearings. Any complaint seeking the
576 denial of issuance, revocation or suspension of a license shall be
577 by sworn affidavit filed with the Commission on Teacher and
578 Administrator Education, Certification and Licensure and
579 Development. The decision thereon by the commission or its
580 subcommittee shall be final, unless the aggrieved party shall
581 appeal to the State Board of Education, within ten (10) days, of
582 the decision of the committee or its subcommittee. An appeal to



583 the State Board of Education shall be on the record previously
584 made before the commission or its subcommittee unless otherwise
585 provided by rules and regulations adopted by the board. The State
586 Board of Education in its authority may reverse, or remand with
587 instructions, the decision of the committee or its subcommittee.
588 The decision of the State Board of Education shall be final.

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

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

594 (b) The applicant has a physical, emotional or mental
595 disability that renders the applicant unfit to perform the duties
596 authorized by the license, as certified by a licensed psychologist
597 or psychiatrist;

598 (c) The applicant is actively addicted to or actively
599 dependent on alcohol or other habit-forming drugs or is a habitual
600 user of narcotics, barbiturates, amphetamines, hallucinogens or
601 other drugs having similar effect, at the time of application for
602 a license;

603 (d) Revocation, suspension or surrender of an
604 applicant's certificate or license by another state shall result
605 in immediate denial of licensure until such time that the records
606 predicated the revocation, suspension or surrender in the prior
607 state have been cleared;



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

610 (f) Failing or refusing to furnish reasonable evidence
611 of identification;

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

615 (h) The applicant has been convicted, has pled guilty
616 or entered a plea of nolo contendere to a sex offense as defined
617 by federal or state law. For purposes of this paragraph (h) and
618 paragraph (g) of this subsection, a "guilty plea" includes a plea
619 of guilty, entry of a plea of nolo contendere, or entry of an
620 order granting pretrial or judicial diversion; or

621 (i) Probation or post-release supervision for a felony
622 or sex offense conviction, as defined by federal or state law,
623 shall result in the immediate denial of licensure application
624 until expiration of the probationary or post-release supervision
625 period.

626 (12) The State Board of Education, acting through the
627 commission, may revoke, suspend or refuse to renew any teacher or
628 administrator license for specified periods of time or may place
629 on probation, censure, reprimand a licensee, or take other
630 disciplinary action with regard to any license issued under this
631 chapter for one or more of the following:



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

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

638 (c) Suspension or revocation of a certificate or
639 license by another state shall result in immediate suspension or
640 revocation and shall continue until records in the prior state
641 have been cleared;

642 (d) The license holder has been convicted, has pled
643 guilty or entered a plea of nolo contendere to a felony, as
644 defined by federal or state law. For purposes of this paragraph,
645 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
646 contendere, or entry of an order granting pretrial or judicial
647 diversion;

648 (e) The license holder has been convicted, has pled
649 guilty or entered a plea of nolo contendere to a sex offense, as
650 defined by federal or state law, shall result in immediate
651 suspension or revocation;

652 (f) The license holder has received probation or
653 post-release supervision for a felony or sex offense conviction,
654 as defined by federal or state law, which shall result in
655 immediate suspension or revocation until expiration of the
656 probationary or post-release supervision period;



657 (g) The license holder knowingly and willfully
658 committing any of the acts affecting validity of mandatory uniform
659 test results as provided in Section 37-16-4(1);

660 (h) The license holder has engaged in unethical conduct
661 relating to an educator/student relationship as identified by the
662 State Board of Education in its rules;

663 (i) The license holder has fondled a student as
664 described in Section 97-5-23, or had any type of sexual
665 involvement with a student as described in Section 97-3-95;

666 (j) The license holder has failed to report sexual
667 involvement of a school employee with a student as required by
668 Section 97-5-24;

669 (k) The license holder served as superintendent or
670 principal in a school district during the time preceding and/or
671 that resulted in the Governor declaring a state of emergency and
672 the State Board of Education appointing a conservator;

673 (l) The license holder submitted a false certification
674 to the State Department of Education that a statewide test was
675 administered in strict accordance with the Requirements of the
676 Mississippi Statewide Assessment System; * * *

677 (m) The license holder has failed to comply with the
678 Procedures for Reporting Infractions as promulgated by the
679 commission and approved by the State Board of Education pursuant
680 to subsection (15) of this section * * *; or



681 (n) The license holder served as the direct
682 instructional personnel to fifteen percent (15%) or more of the
683 students assigned to his or her class, or in the case of
684 administrators, fifteen percent (15%) or more of the enrolled
685 student body failed a certain percentage of periodic and
686 standardized testing assessments for a certain academic period, to
687 be determined by the local school board. The duration of the
688 administrative sanction imposed upon any teacher or administrator
689 whose license is revoked or suspended under this paragraph, shall
690 not be less than three (3) years, nor more than five (5) years.

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

696 (b) Any offense committed or attempted in any other
697 state shall result in the same penalty as if committed or
698 attempted in this state.

699 (c) A person may voluntarily surrender a license. The
700 surrender of such license may result in the commission
701 recommending any of the above penalties without the necessity of a
702 hearing. However, any such license which has voluntarily been
703 surrendered by a licensed employee may only be reinstated by a
704 majority vote of all members of the commission present at the
705 meeting called for such purpose.



706 (14) (a) A person whose license has been revoked or
707 surrendered on any grounds except criminal grounds may petition
708 for reinstatement of the license after one (1) year from the date
709 of revocation or surrender, or after one-half (1/2) of the revoked
710 or surrendered time has lapsed, whichever is greater. A person
711 whose license has been suspended on any grounds or violations
712 under subsection (12) of this section may be reinstated
713 automatically or approved for a reinstatement hearing, upon
714 submission of a written request to the commission. A license
715 suspended, revoked or surrendered on criminal grounds may be
716 reinstated upon petition to the commission filed after expiration
717 of the sentence and parole or probationary period imposed upon
718 conviction. A revoked, suspended or surrendered license may be
719 reinstated upon satisfactory showing of evidence of
720 rehabilitation. The commission shall require all who petition for
721 reinstatement to furnish evidence satisfactory to the commission
722 of good character, good mental, emotional and physical health and
723 such other evidence as the commission may deem necessary to
724 establish the petitioner's rehabilitation and fitness to perform
725 the duties authorized by the license.

726 (b) A person whose license expires while under
727 investigation by the Office of Educator Misconduct for an alleged
728 violation may not be reinstated without a hearing before the
729 commission if required based on the results of the investigation.



730 (15) Reporting procedures and hearing procedures for dealing
731 with infractions under this section shall be promulgated by the
732 commission, subject to the approval of the State Board of
733 Education. The revocation or suspension of a license shall be
734 effected at the time indicated on the notice of suspension or
735 revocation. The commission shall immediately notify the
736 superintendent of the school district or school board where the
737 teacher or administrator is employed of any disciplinary action
738 and also notify the teacher or administrator of such revocation or
739 suspension and shall maintain records of action taken. The State
740 Board of Education may reverse or remand with instructions any
741 decision of the commission regarding a petition for reinstatement
742 of a license, and any such decision of the State Board of
743 Education shall be final.

744 (16) An appeal from the action of the State Board of
745 Education in denying an application, revoking or suspending a
746 license or otherwise disciplining any person under the provisions
747 of this section shall be filed in the Chancery Court of the First
748 Judicial District of Hinds County, Mississippi, on the record
749 made, including a verbatim transcript of the testimony at the
750 hearing. The appeal shall be filed within thirty (30) days after
751 notification of the action of the board is mailed or served and
752 the proceedings in chancery court shall be conducted as other
753 matters coming before the court. The appeal shall be perfected
754 upon filing notice of the appeal and by the prepayment of all



755 costs, including the cost of preparation of the record of the
756 proceedings by the State Board of Education, and the filing of a
757 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
758 if the action of the board be affirmed by the chancery court, the
759 applicant or license holder shall pay the costs of the appeal and
760 the action of the chancery court.

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

765 (18) The granting of a license shall not be deemed a
766 property right nor a guarantee of employment in any public school
767 district. A license is a privilege indicating minimal eligibility
768 for teaching in the public school districts of Mississippi. This
769 section shall in no way alter or abridge the authority of local
770 school districts to require greater qualifications or standards of
771 performance as a prerequisite of initial or continued employment
772 in such districts.

773 (19) In addition to the reasons specified in subsections
774 (12) and (13) of this section, the board shall be authorized to
775 suspend the license of any licensee for being out of compliance
776 with an order for support, as defined in Section 93-11-153. The
777 procedure for suspension of a license for being out of compliance
778 with an order for support, and the procedure for the reissuance or
779 reinstatement of a license suspended for that purpose, and the



780 payment of any fees for the reissuance or reinstatement of a
781 license suspended for that purpose, shall be governed by Section
782 93-11-157 or 93-11-163, as the case may be. Actions taken by the
783 board in suspending a license when required by Section 93-11-157
784 or 93-11-163 are not actions from which an appeal may be taken
785 under this section. Any appeal of a license suspension that is
786 required by Section 93-11-157 or 93-11-163 shall be taken in
787 accordance with the appeal procedure specified in Section
788 93-11-157 or 93-11-163, as the case may be, rather than the
789 procedure specified in this section. If there is any conflict
790 between any provision of Section 93-11-157 or 93-11-163 and any
791 provision of this chapter, the provisions of Section 93-11-157 or
792 93-11-163, as the case may be, shall control.

793 **SECTION 5.** Section 37-177-1, Mississippi Code of 1972, is
794 brought forward as follows:

795 37-177-1. (1) There is established an act prohibiting
796 social promotion to be known as the "Literacy-Based Promotion
797 Act," the purpose of which is to improve the reading skills of
798 Kindergarten and First- through Third-Grade students enrolled in
799 the public schools so that every student completing the Third
800 Grade is able to read at or above grade level. It is the intent
801 of the Legislature, in establishing this act, to ensure that:
802 each Kindergarten and First- through Third-Grade student's
803 progression is determined, in part, upon the student's proficiency
804 in reading; the policies of local school boards facilitate this



805 proficiency; and each student and the student's parent or legal
806 guardian is informed of the student's academic progress.

807 (2) Each public school student who exhibits a substantial
808 deficiency in reading at any time, as demonstrated through
809 performance on a reading screener approved or developed by the
810 State Department of Education or through locally determined
811 assessments and teacher observations conducted in Kindergarten and
812 Grades 1 through 3 or through statewide end-of-year assessments or
813 approved alternate yearly assessments in Grade 3, must be given
814 intensive reading instruction and intervention immediately
815 following the identification of the reading deficiency. The
816 intensive reading instruction and intervention must be documented
817 for each student in an individual reading plan, which includes, at
818 a minimum, the following:

819 (a) The student's specific, diagnosed reading skill
820 deficiencies as determined (or identified) by diagnostic
821 assessment data;

822 (b) The goals and benchmarks for growth;

823 (c) How progress will be monitored and evaluated;

824 (d) The type of additional instructional services and
825 interventions the student will receive;

826 (e) The research-based reading instructional
827 programming the teacher will use to provide reading instruction,
828 addressing the areas of phonemic awareness, phonics, fluency,
829 vocabulary and comprehension;



830 (f) The strategies the student's parent is encouraged
831 to use in assisting the student to achieve reading competency; and

832 (g) Any additional services the teacher deems available
833 and appropriate to accelerate the student's reading skill
834 development.

835 (3) The universal reading screener or locally determined
836 reading assessment may be given in the first thirty (30) days of
837 the school year and repeated if indicated at midyear and at the
838 end of the school year to determine student progression in reading
839 in Kindergarten through Third Grade. If it is determined that the
840 student continues to have a reading deficiency, the student must
841 be provided with continued intensive reading instruction and
842 intervention by the school district until the reading deficiency
843 is remedied. A student exhibiting continued reading deficiency
844 with continued intensive interventions should be considered for
845 exceptional criteria evaluation.

846 (4) A Kindergarten or First-, Second- or Third-Grade student
847 identified with a deficiency in reading must be provided intensive
848 interventions in reading to ameliorate the student's specific
849 reading deficiency, as identified by a valid and reliable
850 diagnostic assessment. The intensive intervention must include
851 effective instructional strategies, and appropriate teaching
852 methodologies necessary to assist the student in becoming a
853 successful reader, able to read at or above grade level, and ready
854 for promotion to the next grade. A Kindergarten, First-, Second-



855 or Third-Grade student identified with a reading deficiency or not
856 promoted may be placed in a transition class.

857 **SECTION 6.** Section 37-177-3, Mississippi Code of 1972, is
858 brought forward as follows:

859 37-177-3. Immediately upon the determination of a reading
860 deficiency, and subsequently with each quarterly progress report
861 until the deficiency is remediated, the parent or legal guardian
862 of a Kindergarten or First-, Second- or Third-Grade student who
863 exhibits a substantial deficiency in reading must be notified in
864 writing by the student's teacher of the following:

865 (a) That the student has been identified as having a
866 substantial deficiency in reading;

867 (b) A description of the services that the school
868 district currently is providing to the student;

869 (c) A description of the proposed supplemental
870 instructional services and supports that are designed to remediate
871 the identified area of reading deficiency which the school
872 district plans to provide the student, as outlined in the
873 student's individual reading plan;

874 (d) That if the student's reading deficiency is not
875 remediated before the end of the student's Third-Grade year, the
876 student will not be promoted to Fourth Grade unless a good cause
877 exemption specified under Section 37-177-11 is met;

878 (e) Strategies for parents and guardians to use in
879 helping the student to succeed in reading proficiency; and



880 (f) That while the state annual accountability
881 assessment for reading in Third Grade is the initial determinant,
882 it is not the sole determiner of promotion and that approved
883 alternative standardized assessments are available to assist the
884 school district in knowing when a child is reading at or above
885 grade level and ready for promotion to the next grade.

886 **SECTION 7.** Section 37-177-5, Mississippi Code of 1972, is
887 brought forward as follows:

888 37-177-5. The State Department of Education shall establish
889 a Mississippi Reading Panel to collaborate with the State
890 Department of Education in recommending appropriate equitable
891 alternative standardized assessments and cut scores to be used to
892 determine promotion to the Fourth Grade of those Third-Grade
893 students who did not score at the required achievement level on
894 the state annual accountability assessment, as outlined in Section
895 37-177-9, or who, for unforeseen circumstances, were unable to
896 take the assessment. The panel should have knowledge and input in
897 the adoption or development of a universal screener for required
898 use only in select schools most in need for the reading
899 intervention program to identify reading deficiencies and
900 determine progress. A suggestive list of no less than four (4)
901 screening assessments should be available to schools not selected
902 for the critical reading intervention program taking into
903 consideration those screening assessments already being used
904 satisfactorily in Mississippi elementary schools. An approved



905 alternative standardized reading assessment may be used in years
906 when the state is transitioning to a new state annual
907 accountability assessment. The panel shall consist of six (6)
908 members as follows: the State Superintendent of Education, or
909 his/her designee, who will chair the committee; the Chair of the
910 House Education Committee, or his designee; the Chairman of the
911 Senate Education Committee, or his designee; one (1) member
912 appointed by the Governor; and two (2) additional members
913 appointed by the State Superintendent of Education.

914 **SECTION 8.** Section 37-177-7, Mississippi Code of 1972, is
915 brought forward as follows:

916 37-177-7. The State Department of Education shall:

917 (a) Select schools most in need for the reading
918 intervention program and create criteria for selection for
919 participation based on number and percentages of students scoring
920 in the lowest two (2) achievement levels on state-adopted yearly
921 reading assessments, screening results, and other relevant data;

922 (b) Assign a supervisory position within each school to
923 be responsible for the faithful implementation of the Reading
924 Intervention Program; and

925 (c) Subject to legislative appropriation, the
926 Mississippi Department of Education shall conduct a program with
927 willing "C" level or low-performing districts and/or schools. The
928 program shall focus on the use of data coaches to improve reading
929 and literacy, to determine the effectiveness of intense



930 data-focused professional development, provide expert support in
931 literacy and early reading instruction but it shall not
932 necessarily be limited to literacy. Data coaches should be
933 experts in both pedagogy and data analysis who facilitate
934 professional learning community meetings, and provide observation
935 and feedback, to help teachers and district leaders build skills
936 in using data to inform instruction. Schools and districts
937 selected by the department to participate in the program shall
938 agree to involve the school and district leadership team as
939 directed by the department. The Mississippi Department of
940 Education is authorized to include pre-school programs it deems
941 appropriate. The department is authorized to contract with a
942 private sector provider to implement the program and work in
943 partnership with four-year institutions of higher learning to
944 develop and implement the program.

945 **SECTION 9.** Section 37-177-9, Mississippi Code of 1972, is
946 brought forward as follows:

947 37-177-9. A public school student may not be assigned a
948 grade level based solely on the student's age or any other factors
949 that constitute social promotion.

950 Beginning in the 2014-2015 school year, if a student's
951 reading deficiency is not remedied by the end of the student's
952 Third-Grade year, as demonstrated by the student scoring at the
953 lowest achievement level in reading on the state annual
954 accountability assessment or on an approved alternative



955 standardized assessment for Third Grade, the student shall not be
956 promoted to Fourth Grade.

957 Beginning in the 2018-2019 school year, if a student's
958 reading deficiency is not remedied by the end of the student's
959 Third-Grade year, as demonstrated by the student scoring above the
960 lowest two (2) achievement levels in reading on the state annual
961 accountability assessment or on an approved alternative
962 standardized assessment for Third Grade, the student shall not be
963 promoted to Fourth Grade.

964 **SECTION 10.** Section 37-177-11, Mississippi Code of 1972, is
965 brought forward as follows:

966 37-177-11. (1) A Third-Grade student who does not meet the
967 academic requirements for promotion to the Fourth Grade may be
968 promoted by the school district only for good cause. Good cause
969 exemptions for promotion are limited to the following students:

970 (a) Limited English proficient students who have had
971 less than two (2) years of instruction in an English Language
972 Learner program;

973 (b) Students with disabilities whose individual
974 education plan (IEP) indicates that participation in the statewide
975 accountability assessment program is not appropriate, as
976 authorized under state law;

977 (c) Students with a disability who participate in the
978 state annual accountability assessment and who have an IEP or a
979 Section 504 plan that reflects that the individual student has



980 received intensive remediation in reading for more than two (2)
981 years but still demonstrates a deficiency in reading or previously
982 was retained in Kindergarten or First, Second or Third Grade;

983 (d) Students who demonstrate an acceptable level of
984 reading proficiency on an alternative standardized assessment
985 approved by the State Board of Education; and

986 (e) Students who have received intensive intervention
987 in reading for two (2) or more years but still demonstrate a
988 deficiency in reading and who previously were retained in
989 Kindergarten or First, Second or Third Grade for a total of two
990 (2) years and have not met exceptional education criteria. A
991 student who is promoted to Fourth Grade with a good cause
992 exemption shall be provided an individual reading plan as
993 described in Section 37-177-1(2), which outlines intensive reading
994 instruction and intervention informed by specialized diagnostic
995 information and delivered through specific reading strategies to
996 meet the needs of each student so promoted. The school district
997 shall assist schools and teachers in implementing reading
998 strategies that research has shown to be successful in improving
999 reading among students with persistent reading difficulties.

1000 (2) A request for good cause exemptions for a Third-Grade
1001 student from the academic requirements established for promotion
1002 to Fourth Grade must be made consistent with the following:

1003 (a) Documentation must be submitted from the student's
1004 teacher to the school principal which indicates that the promotion



1005 of the student is appropriate and is based upon the student's
1006 record. The documentation must consist of the good cause
1007 exemption being requested and must clearly prove that the student
1008 is covered by one (1) of the good cause exemptions listed in
1009 subsection (1) (a) through (e) of this section.

1010 (b) The principal shall review and discuss the
1011 recommendations with the teacher and parents and make a
1012 determination as to whether or not the student should be promoted
1013 based on requirements set forth in this chapter. If the principal
1014 determines that the student should be promoted, based on the
1015 documentation provided, the principal must make the recommendation
1016 in writing to the school district superintendent, who, in writing,
1017 may accept or reject the principal's recommendation. The parents
1018 of any student promoted may choose that the student be retained
1019 for one (1) year, even if the principal and district
1020 superintendent determines otherwise.

1021 **SECTION 11.** Section 37-177-13, Mississippi Code of 1972, is
1022 brought forward as follows:

1023 37-177-13. Beginning in the 2014-2015 school year, each
1024 school district shall take the following actions for retained
1025 Third-Grade students:

1026 (a) Provide Third-Grade students who are not promoted
1027 with intensive instructional services, progress monitoring
1028 measures, and supports to remediate the identified areas of
1029 reading deficiency, as outlined in the student's individual



1030 reading plan, including a minimum of ninety (90) minutes during
1031 regular school hours of daily, scientifically research-based
1032 reading instruction that includes phonemic awareness, phonics,
1033 fluency, vocabulary and comprehension, and other strategies
1034 prescribed by the school district, which may include, but are not
1035 limited to:

- 1036 (i) Small group instruction;
- 1037 (ii) Reduced teacher-student ratios;
- 1038 (iii) Tutoring in scientifically research-based
1039 reading services in addition to the regular school day;
- 1040 (iv) The option of transition classes;
- 1041 (v) Extended school day, week or year; and
- 1042 (vi) Summer reading camps.

1043 (b) Provide written notification to the parent or legal
1044 guardian of any Third-Grade student who is retained that the
1045 student has not met the proficiency level required for promotion
1046 and the reasons the student is not eligible for a good cause
1047 exemption. The notification must include a description of
1048 proposed interventions and supports that will be provided to the
1049 child to remediate the identified areas of reading deficiency, as
1050 outlined in the student's individual reading plan. This
1051 notification must be provided to the parent or legal guardian in
1052 writing, in a format adopted by the State Board of Education in
1053 addition to report cards given by the teacher.



1054 (c) Provide Third-Grade students who are retained with
1055 a high-performing teacher, as determined by student performance
1056 data, particularly related to student growth in reading,
1057 above-satisfactory performance appraisals, and/or specific
1058 training relevant to implementation of this chapter.

1059 (d) Provide parents and legal guardians of Third-Grade
1060 students with a "Read at Home" plan outlined in a parental
1061 contract, including participation in regular parent-guided home
1062 reading.

1063 **SECTION 12.** Section 37-177-15, Mississippi Code of 1972, is
1064 brought forward as follows:

1065 37-177-15. Each district may provide, where applicable, an
1066 intensive acceleration class for any student retained in Grade 3
1067 who was previously retained in Kindergarten or Grades 1 through 3.
1068 The focus of the intensive acceleration class should be to
1069 increase a student's reading level at least two (2) grade levels
1070 in one (1) school year. The intensive acceleration class should
1071 provide reading instruction and intervention for the majority of
1072 student contact each day and incorporate opportunities to master
1073 the Grade 4 state standards in other core academic areas.

1074 **SECTION 13.** Section 37-177-17, Mississippi Code of 1972, is
1075 brought forward as follows:

1076 37-177-17. (1) Within thirty (30) days of final State Board
1077 of Education approval of state accountability results, the school
1078 board of each school district must publish, in a newspaper having



1079 a general circulation within the school district, and report to
1080 the State Board of Education and the Mississippi Reading Panel the
1081 following information relating to the preceding school year:

1082 (a) The provisions of this chapter relating to public
1083 school student progression and the school district's policies and
1084 procedures on student retention and promotion;

1085 (b) By grade, the number and percentage of all students
1086 performing at each level of competency on the reading and math
1087 portion of the annual state accountability system and the number
1088 and percentage of students given an approved alternative
1089 standardized reading assessment and the percentage of these
1090 students performing at each competency level on said alternative
1091 standardized assessment;

1092 (c) By grade, the number and percentage of all students
1093 retained in Kindergarten through Grade 8;

1094 (d) Information on the total number and percentage of
1095 students who were promoted for good cause, by each category of
1096 good cause described in Section 37-177-11; and

1097 (e) Any revisions to the school board's policy on
1098 student retention and promotion from the prior school year.

1099 (2) The State Department of Education shall establish a
1100 uniform format for school districts to report the information
1101 required in subsection (1) of this section. The format must be
1102 developed with input from school boards and must be provided no
1103 later than ninety (90) days before the annual due date of the



1104 information. The department shall compile annually the required
1105 district information, along with state-level summary information,
1106 and report the information to the Governor, Senate, House of
1107 Representatives and general public.

1108 **SECTION 14.** Section 37-177-19, Mississippi Code of 1972, is
1109 brought forward as follows:

1110 37-177-19. (1) The State Board of Education shall adopt
1111 such policies, rules and regulations as may be necessary for the
1112 implementation of this chapter.

1113 (2) The State Department of Education shall provide such
1114 technical assistance and training of teachers/administrators as
1115 may be needed to aid local school districts in administering the
1116 provisions of this chapter.

1117 (3) Each local school district must include provisions
1118 required by this chapter as an addition to the district's
1119 published handbook of policy for employees and students beginning
1120 in school year 2013-2014.

1121 **SECTION 15.** Section 37-177-21, Mississippi Code of 1972, is
1122 brought forward as follows:

1123 37-177-21. The provisions of this chapter which include
1124 components necessary to provide for teacher training,
1125 instructional materials, remedial education training and
1126 administration of an intensive literacy curriculum shall be
1127 subject to legislative appropriation.



1128 **SECTION 16.** This act shall take effect and be in force from
1129 and after July 1, 2019.

