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To: Workforce Development

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1556

1 AN ACT TO CREATE THE "COMPREHENSIVE CAREER AND TECHNICAL
2 EDUCATION REFORM (CCATER) ACT"; TO AMEND SECTION 37-15-38,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DUAL CREDIT CAREER AND
4 TECHNICAL EDUCATION INSTRUCTORS SHALL NOT BE REQUIRED TO HOLD AN
5 ASSOCIATE OR BACHELOR'S DEGREE; TO AMEND SECTION 37-16-17,
6 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION
7 TO PROVIDE NOTICE TO ALL INCOMING MIDDLE SCHOOL AND JUNIOR HIGH
8 STUDENTS OF THE CAREER TRACK PROGRAMS OFFERED BY LOCAL SCHOOL
9 BOARDS; TO REQUIRE ALL STUDENTS IN THE CAREER AND TECHNICAL
10 EDUCATION TRACK TO TAKE THE ACT WORKKEYS ASSESSMENT; TO REVISE THE
11 CURRICULUM IN THE CAREER TRACK PROGRAM; TO AMEND SECTION 37-3-2,
12 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LOCAL BUSINESS OR OTHER
13 PROFESSIONAL PERSONNEL SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE
14 OR BACHELOR'S DEGREE IN ORDER TO BE GRANTED A ONE-YEAR EXPERT
15 CITIZEN-TEACHER LICENSE; TO AMEND SECTION 37-16-3, MISSISSIPPI
16 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND
17 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
18 ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE
19 ADMINISTRATION OF THE ACT WORKKEYS ASSESSMENT, WHICH SHALL BE
20 WEIGHTED IN THE SAME PERCENTAGE AS THE STANDARD ACT ASSESSMENT;
21 AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** The provisions of this act shall be known as the
24 "Comprehensive Career and Technical Education Reform" or "CCATER"
25 Act.

26 **SECTION 2.** Section 37-15-38, Mississippi Code of 1972, is
27 amended as follows:



28 37-15-38. (1) The following phrases have the meanings
29 ascribed in this section unless the context clearly requires
30 otherwise:

31 (a) A dual enrolled student is a student who is
32 enrolled in a community or junior college or state institution of
33 higher learning while enrolled in high school.

34 (b) A dual credit student is a student who is enrolled
35 in a community or junior college or state institution of higher
36 learning while enrolled in high school and who is receiving high
37 school and college credit for postsecondary coursework.

38 (2) A local school board, the Board of Trustees of State
39 Institutions of Higher Learning and the Mississippi Community
40 College Board shall establish a dual enrollment system under which
41 students in the school district who meet the prescribed criteria
42 of this section may be enrolled in a postsecondary institution in
43 Mississippi while they are still in school.

44 (3) **Dual credit eligibility.** Before credits earned by a
45 qualified high school student from a community or junior college
46 or state institution of higher learning may be transferred to the
47 student's home school district, the student must be properly
48 enrolled in a dual enrollment program.

49 (4) **Admission criteria for dual enrollment in community and**
50 **junior college or university programs.** The Mississippi Community
51 College Board and the Board of Trustees of State Institutions of
52 Higher Learning may recommend to the State Board of Education



53 admission criteria for dual enrollment programs under which high
54 school students may enroll at a community or junior college or
55 university while they are still attending high school and enrolled
56 in high school courses. Students may be admitted to enroll in
57 community or junior college courses under the dual enrollment
58 programs if they meet that individual institution's stated dual
59 enrollment admission requirements.

60 (5) **Tuition and cost responsibility.** Tuition and costs for
61 university-level courses and community and junior college courses
62 offered under a dual enrollment program may be paid for by the
63 postsecondary institution, the local school district, the parents
64 or legal guardians of the student, or by grants, foundations or
65 other private or public sources. Payment for tuition and any
66 other costs must be made directly to the credit-granting
67 institution.

68 (6) **Transportation responsibility.** Any transportation
69 required by a student to participate in the dual enrollment
70 program is the responsibility of the parent, custodian or legal
71 guardian of the student. Transportation costs may be paid from
72 any available public or private sources, including the local
73 school district.

74 (7) **School district average daily attendance credit.** When
75 dually enrolled, the student may be counted, for adequate
76 education program funding purposes, in the average daily



77 attendance of the public school district in which the student
78 attends high school.

79 (8) **High school student transcript transfer requirements.**

80 Grades and college credits earned by a student admitted to a dual
81 credit program must be recorded on the high school student record
82 and on the college transcript at the university or community or
83 junior college where the student attends classes. The transcript
84 of the university or community or junior college coursework may be
85 released to another institution or applied toward college
86 graduation requirements.

87 (9) **Determining factor of prerequisites for dual enrollment**

88 **courses.** Each university and community or junior college
89 participating in a dual enrollment program shall determine course
90 prerequisites. Course prerequisites shall be the same for dual
91 enrolled students as for regularly enrolled students at that
92 university or community or junior college.

93 (10) **Process for determining articulation of curriculum**
94 **between high school, university, and community and junior college**

95 **courses.** All dual credit courses must meet the standards
96 established at the postsecondary level. Postsecondary level
97 developmental courses may not be considered as meeting the
98 requirements of the dual credit program. Dual credit memorandum
99 of understandings must be established between each postsecondary
100 institution and the school district implementing a dual credit
101 program.



102 (11) [Deleted]

103 (12) **Eligible courses for dual credit programs.** Courses
104 eligible for dual credit include, but are not necessarily limited
105 to, foreign languages, advanced math courses, advanced science
106 courses, performing arts, advanced business and technology, and
107 career and technical courses. Distance Learning Collaborative
108 Program courses approved under Section 37-67-1 shall be fully
109 eligible for dual credit. All courses being considered for dual
110 credit must receive unconditional approval from the superintendent
111 of the local school district and the chief instructional officer
112 at the participating community or junior college or university in
113 order for college credit to be awarded. A university or community
114 or junior college shall make the final decision on what courses
115 are eligible for semester hour credits.

116 (13) **High school Carnegie unit equivalency.** One (1)
117 three-hour university or community or junior college course is
118 equal to one (1) high school Carnegie unit.

119 (14) **Course alignment.** The universities, community and
120 junior colleges and the State Department of Education shall
121 periodically review their respective policies and assess the place
122 of dual credit courses within the context of their traditional
123 offerings.

124 (15) **Maximum dual credits allowed.** It is the intent of the
125 dual enrollment program to make it possible for every eligible
126 student who desires to earn a semester's worth of college credit



127 in high school to do so. A qualified dually enrolled high school
128 student must be allowed to earn an unlimited number of college or
129 university credits for dual credit.

130 (16) **Dual credit program allowances.** A student may be
131 granted credit delivered through the following means:

132 (a) Examination preparation taught at a high school by
133 a qualified teacher. A student may receive credit at the
134 secondary level after completion of an approved course and passing
135 the standard examination, such as an Advanced Placement or
136 International Baccalaureate course through which a high school
137 student is allowed CLEP credit by making a three (3) or higher on
138 the end-of-course examination.

139 (b) College or university courses taught at a high
140 school or designated postsecondary site by a qualified teacher who
141 is an employee of the school district and approved as an
142 instructor by the collaborating college or university.

143 (c) College or university courses taught at a college,
144 university or high school by an instructor employed by the college
145 or university and approved by the collaborating school district.

146 (d) Online courses of any public university, community
147 or junior college in Mississippi.

148 (17) **Qualifications of dual credit instructors.** A dual
149 credit academic instructor must meet the requirements set forth by
150 the regional accrediting association (Southern Association of
151 College and Schools). University and community and junior college



152 personnel have the sole authority in the selection of dual credit
153 instructors.

154 A dual credit career and technical education instructor must
155 meet the requirements set forth by the Mississippi Community
156 College Board in the qualifications manual for postsecondary
157 career and technical personnel. Such instructor shall not be
158 required to hold an associate or bachelor's degree if he or she is
159 providing instruction in a nondegree certificate or associate
160 degree career and technical education program provided that he or
161 she satisfies all other alternative minimum requirements for such
162 positions.

163 (18) **Guidance on local agreements.** The Chief Academic
164 Officer of the State Board of Trustees of State Institutions of
165 Higher Learning and the Chief Instructional Officers of the
166 Mississippi Community College Board and the State Department of
167 Education, working collaboratively, shall develop a template to be
168 used by the individual community and junior colleges and
169 institutions of higher learning for consistent implementation of
170 the dual enrollment program throughout the State of Mississippi.

171 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
172 A local school board and the local community colleges board shall
173 establish a Mississippi Works Dual Enrollment-Dual Credit Option
174 Program under which potential or recent student dropouts may
175 dually enroll in their home school and a local community college
176 in a dual credit program consisting of high school completion



177 coursework and a community college credential, certificate or
178 degree program. Students completing the dual enrollment-credit
179 option may obtain their high school diploma while obtaining a
180 community college credential, certificate or degree. The
181 Mississippi Department of Employment Security shall assist
182 students who have successfully completed the Mississippi Works
183 Dual Enrollment-Dual Credit Option in securing a job upon the
184 application of the student or the participating school or
185 community college. The Mississippi Works Dual Enrollment-Dual
186 Credit Option Program will be implemented statewide in the
187 2012-2013 school year and thereafter. The State Board of
188 Education, local school board and the local community college
189 board shall establish criteria for the Dual Enrollment-Dual Credit
190 Program. Students enrolled in the program will not be eligible to
191 participate in interscholastic sports or other extracurricular
192 activities at the home school district. Tuition and costs for
193 community college courses offered under the Dual Enrollment-Dual
194 Credit Program shall not be charged to the student, parents or
195 legal guardians. When dually enrolled, the student shall be
196 counted for adequate education program funding purposes, in the
197 average daily attendance of the public school district in which
198 the student attends high school, as provided in Section
199 37-151-7(1)(a). Any transportation required by the student to
200 participate in the Dual Enrollment-Dual Credit Program is the
201 responsibility of the parent or legal guardian of the student, and



202 transportation costs may be paid from any available public or
203 private sources, including the local school district. Grades and
204 college credits earned by a student admitted to this Dual
205 Enrollment-Dual Credit Program shall be recorded on the high
206 school student record and on the college transcript at the
207 community college and high school where the student attends
208 classes. The transcript of the community college coursework may
209 be released to another institution or applied toward college
210 graduation requirements. Any course that is required for subject
211 area testing as a requirement for graduation from a public school
212 in Mississippi is eligible for dual credit, and courses eligible
213 for dual credit shall also include career, technical and degree
214 program courses. All courses eligible for dual credit shall be
215 approved by the superintendent of the local school district and
216 the chief instructional officer at the participating community
217 college in order for college credit to be awarded. A community
218 college shall make the final decision on what courses are eligible
219 for semester hour credits and the local school superintendent,
220 subject to approval by the Mississippi Department of Education,
221 shall make the final decision on the transfer of college courses
222 credited to the student's high school transcript.

223 **SECTION 3.** Section 37-16-17, Mississippi Code of 1972, is
224 amended as follows:

225 37-16-17. (1) Purpose. (a) The purpose of this section is
226 to create a quality option in Mississippi's high schools for



227 students not wishing to pursue a baccalaureate degree, which shall
228 consist of challenging academic courses and modern
229 career-technical studies. The goal for students pursuing the
230 career track is to graduate from high school with a standard
231 diploma and credit toward a community college certification in a
232 career-technical field. These students also shall be encouraged
233 to take the national assessment in the career-technical field in
234 which they become certified.

235 (b) The State Board of Education shall develop and
236 adopt course and curriculum requirements for career track programs
237 offered by local public school boards in accordance with this
238 section. The Mississippi Community College Board and the State
239 Board of Education jointly shall determine course and curriculum
240 requirements for the career track program. The State Board of
241 Education shall provide notice to all incoming middle school
242 students and junior high students of the career track programs
243 offered by local school boards. Such notice shall include the
244 career track programs available, the course requirements of each
245 program, how to enroll in the program and any other necessary
246 information as determined by the State Board of Education.

247 (2) Alternative career track; description; curriculum. (a)
248 A career track shall provide a student with greater technical
249 skill and a strong academic core and shall be offered to each high
250 school student enrolled in a public school district. The career
251 track program shall be linked to postsecondary options and shall



252 prepare students to pursue either a degree or certification from a
253 postsecondary institution, an industry-based training or
254 certification, an apprenticeship, the military, or immediate
255 entrance into a career field. The career track shall be designed
256 primarily for those students who are not college bound and shall
257 provide them with alternatives to entrance into a four-year
258 university or college after high school graduation. All students
259 in the career and technical education track shall be required to
260 take the ACT WorkKeys Assessment.

261 (b) Students pursuing a career track shall be afforded
262 the opportunity to dually enroll in a community or technical
263 college or to participate in a business internship or work-study
264 program, when such opportunities are available and appropriate.

265 (c) Each public school district shall offer a career
266 track program approved by the State Board of Education.

267 (d) Students in a career track program shall complete
268 an academic core of courses and a career and technical sequence of
269 courses.

270 (e) The twenty-one (21) course unit requirements for
271 the career track shall consist of the following:

272 (i) At least four (4) English credits, including
273 English I * * *, English II, technical writing and computer
274 programming.



275 (ii) At least three (3) mathematics credits,
276 including one (1) unit of Algebra I, personal finance,
277 business/construction mathematics and computer science.

278 (iii) At least three (3) science credits,
279 including one (1) unit of biology and earth/environmental science.

280 (iv) At least three (3) social studies credits,
281 including one (1) unit of U.S. History and one (1) unit of
282 Mississippi Studies/U.S. Government.

283 (v) At least one-half (1/2) credit in
284 health * * *, physical education or soft skills, which include,
285 but are not limited to, social graces, communication abilities,
286 language skills, personal habits, cognitive or emotional empathy,
287 time management, teamwork and leadership traits.

288 (vi) At least four (4) credits in career and
289 technical education courses in the dual enrollment-dual credit
290 programs authorized under Section 37-15-38.

291 (vii) At least one (1) credit in integrated
292 technology with optional end of course testing.

293 (viii) At least two and one-half (2-1/2) credits
294 in additional electives or career and technical education courses
295 required by the local school board, as approved by the State Board
296 of Education. Academic courses within the career track of the
297 standard diploma shall provide the knowledge and skill necessary
298 for proficiency on the state subject area tests.



299 (f) The courses provided in paragraph (e) of this
300 subsection may be tailored to the individual needs of the school
301 district as long as the amendments align with the basic course
302 requirements of paragraph (e).

303 (3) Nothing in this section shall disallow the development
304 of a dual enrollment program with a technical college so long as
305 an individual school district, with approval from the State
306 Department of Education, agrees to implement such a program in
307 connection with a technical college and the agreement is also
308 approved by the proprietary school's commission.

309 (4) The career track program for students not pursuing a
310 Baccalaureate Degree shall not be available to any student
311 entering the Ninth Grade in the 2017-2018 school year or
312 thereafter.

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

315 37-3-2. (1) There is established within the State
316 Department of Education the Commission on Teacher and
317 Administrator Education, Certification and Licensure and
318 Development. It shall be the purpose and duty of the commission
319 to make recommendations to the State Board of Education regarding
320 standards for the certification and licensure and continuing
321 professional development of those who teach or perform tasks of an
322 educational nature in the public schools of Mississippi.



323 (2) (a) The commission shall be composed of fifteen (15)
324 qualified members. The membership of the commission shall be
325 composed of the following members to be appointed, three (3) from
326 each of the four (4) congressional districts, as such districts
327 existed on January 1, 2011, in accordance with the population
328 calculations determined by the 2010 federal decennial census,
329 including: four (4) classroom teachers; three (3) school
330 administrators; one (1) representative of schools of education of
331 public institutions of higher learning located within the state to
332 be recommended by the Board of Trustees of State Institutions of
333 Higher Learning; one (1) representative from the schools of
334 education of independent institutions of higher learning to be
335 recommended by the Board of the Mississippi Association of
336 Independent Colleges; one (1) representative from public community
337 and junior colleges located within the state to be recommended by
338 the Mississippi Community College Board; one (1) local school
339 board member; and four (4) laypersons. Three (3) members of the
340 commission, at the sole discretion of the State Board of
341 Education, shall be appointed from the state at large.

342 (b) All appointments shall be made by the State Board
343 of Education after consultation with the State Superintendent of
344 Public Education. The first appointments by the State Board of
345 Education shall be made as follows: five (5) members shall be
346 appointed for a term of one (1) year; five (5) members shall be
347 appointed for a term of two (2) years; and five (5) members shall



348 be appointed for a term of three (3) years. Thereafter, all
349 members shall be appointed for a term of four (4) years.

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

356 (4) (a) An appropriate staff member of the State Department
357 of Education shall be designated and assigned by the State
358 Superintendent of Public Education to serve as executive secretary
359 and coordinator for the commission. No less than two (2) other
360 appropriate staff members of the State Department of Education
361 shall be designated and assigned by the State Superintendent of
362 Public Education to serve on the staff of the commission.

363 (b) An Office of Educator Misconduct Evaluations shall
364 be established within the State Department of Education to assist
365 the commission in responding to infractions and violations, and in
366 conducting hearings and enforcing the provisions of subsections
367 (11), (12), (13), (14) and (15) of this section, and violations of
368 the Mississippi Educator Code of Ethics.

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

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



373 (b) Recommend to the State Board of Education each year
374 approval or disapproval of each educator preparation program in
375 the state, subject to a process and schedule determined by the
376 State Board of Education;

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

380 (d) Establish, subject to the approval of the State
381 Board of Education, standards for the renewal of teacher licenses
382 in all fields;

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

386 (f) Review all existing requirements for certification
387 and licensure;

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

390 (h) Prepare reports from time to time on current
391 practices and issues in the general area of teacher education and
392 certification and licensure;

393 (i) Hold hearings concerning standards for teachers'
394 and administrators' education and certification and licensure with
395 approval of the State Board of Education;

396 (j) Hire expert consultants with approval of the State
397 Board of Education;



398 (k) Set up ad hoc committees to advise on specific
399 areas; and

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

403 (6) (a) **Standard License - Approved Program Route.** An
404 educator entering the school system of Mississippi for the first
405 time and meeting all requirements as established by the State
406 Board of Education shall be granted a standard five-year license.
407 Persons who possess two (2) years of classroom experience as an
408 assistant teacher or who have taught for one (1) year in an
409 accredited public or private school shall be allowed to fulfill
410 student teaching requirements under the supervision of a qualified
411 participating teacher approved by an accredited college of
412 education. The local school district in which the assistant
413 teacher is employed shall compensate such assistant teachers at
414 the required salary level during the period of time such
415 individual is completing student teaching requirements.
416 Applicants for a standard license shall submit to the department:

- 417 (i) An application on a department form;
- 418 (ii) An official transcript of completion of a
419 teacher education program approved by the department or a
420 nationally accredited program, subject to the following:
421 Licensure to teach in Mississippi prekindergarten through
422 kindergarten classrooms shall require completion of a teacher



423 education program or a Bachelor of Science degree with child
424 development emphasis from a program accredited by the American
425 Association of Family and Consumer Sciences (AAFCS) or by the
426 National Association for Education of Young Children (NAEYC) or by
427 the National Council for Accreditation of Teacher Education
428 (NCATE). Licensure to teach in Mississippi kindergarten, for
429 those applicants who have completed a teacher education program,
430 and in Grade 1 through Grade 4 shall require the completion of an
431 interdisciplinary program of studies. Licenses for Grades 4
432 through 8 shall require the completion of an interdisciplinary
433 program of studies with two (2) or more areas of concentration.
434 Licensure to teach in Mississippi Grades 7 through 12 shall
435 require a major in an academic field other than education, or a
436 combination of disciplines other than education. Students
437 preparing to teach a subject shall complete a major in the
438 respective subject discipline. All applicants for standard
439 licensure shall demonstrate that such person's college preparation
440 in those fields was in accordance with the standards set forth by
441 the National Council for Accreditation of Teacher Education
442 (NCATE) or the National Association of State Directors of Teacher
443 Education and Certification (NASDTEC) or, for those applicants who
444 have a Bachelor of Science degree with child development emphasis,
445 the American Association of Family and Consumer Sciences (AAFCS).
446 Effective July 1, 2016, for initial elementary education
447 licensure, a teacher candidate must earn a passing score on a



448 rigorous test of scientifically research-based reading instruction
449 and intervention and data-based decision-making principles as
450 approved by the State Board of Education;

451 (iii) A copy of test scores evidencing
452 satisfactory completion of nationally administered examinations of
453 achievement, such as the Educational Testing Service's teacher
454 testing examinations;

455 (iv) Any other document required by the State
456 Board of Education; and

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

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

464 2. No less than 2.75 GPA on pre-major
465 coursework of the institution's approved teacher education program
466 provided that the accepted cohort of candidates meets or exceeds a
467 3.0 GPA on pre-major coursework.

468 (b) **Standard License - Nontraditional Teaching Route.**

469 From and after September 30, 2015, no teacher candidate shall be
470 licensed to teach in Mississippi under the alternate route who did
471 not meet the following criteria:



472 (i) Twenty-one (21) ACT equivalent or achieve the
473 nationally recommended passing score on the Praxis Core Academic
474 Skills for Educators examination; and

475 (ii) No less than 2.75 GPA on content coursework
476 in the requested area of certification or passing Praxis II scores
477 at or above the national recommended score provided that the
478 accepted cohort of candidates of the institution's teacher
479 education program meets or exceeds a 3.0 GPA on pre-major
480 coursework.

481 Beginning January 1, 2004, an individual who has a passing
482 score on the Praxis I Basic Skills and Praxis II Specialty Area
483 Test in the requested area of endorsement may apply for the Teach
484 Mississippi Institute (TMI) program to teach students in Grades 7
485 through 12 if the individual meets the requirements of this
486 paragraph (b). The State Board of Education shall adopt rules
487 requiring that teacher preparation institutions which provide the
488 Teach Mississippi Institute (TMI) program for the preparation of
489 nontraditional teachers shall meet the standards and comply with
490 the provisions of this paragraph.

491 (i) The Teach Mississippi Institute (TMI) shall
492 include an intensive eight-week, nine-semester-hour summer program
493 or a curriculum of study in which the student matriculates in the
494 fall or spring semester, which shall include, but not be limited
495 to, instruction in education, effective teaching strategies,
496 classroom management, state curriculum requirements, planning and



497 instruction, instructional methods and pedagogy, using test
498 results to improve instruction, and a one (1) semester three-hour
499 supervised internship to be completed while the teacher is
500 employed as a full-time teacher intern in a local school district.
501 The TMI shall be implemented on a pilot program basis, with
502 courses to be offered at up to four (4) locations in the state,
503 with one (1) TMI site to be located in each of the three (3)
504 Mississippi Supreme Court districts.

505 (ii) The school sponsoring the teacher intern
506 shall enter into a written agreement with the institution
507 providing the Teach Mississippi Institute (TMI) program, under
508 terms and conditions as agreed upon by the contracting parties,
509 providing that the school district shall provide teacher interns
510 seeking a nontraditional provisional teaching license with a
511 one-year classroom teaching experience. The teacher intern shall
512 successfully complete the one (1) semester three-hour intensive
513 internship in the school district during the semester immediately
514 following successful completion of the TMI and prior to the end of
515 the one-year classroom teaching experience.

516 (iii) Upon completion of the nine-semester-hour
517 TMI or the fall or spring semester option, the individual shall
518 submit his transcript to the commission for provisional licensure
519 of the intern teacher, and the intern teacher shall be issued a
520 provisional teaching license by the commission, which will allow



521 the individual to legally serve as a teacher while the person
522 completes a nontraditional teacher preparation internship program.

523 (iv) During the semester of internship in the
524 school district, the teacher preparation institution shall monitor
525 the performance of the intern teacher. The school district that
526 employs the provisional teacher shall supervise the provisional
527 teacher during the teacher's intern year of employment under a
528 nontraditional provisional license, and shall, in consultation
529 with the teacher intern's mentor at the school district of
530 employment, submit to the commission a comprehensive evaluation of
531 the teacher's performance sixty (60) days prior to the expiration
532 of the nontraditional provisional license. If the comprehensive
533 evaluation establishes that the provisional teacher intern's
534 performance fails to meet the standards of the approved
535 nontraditional teacher preparation internship program, the
536 individual shall not be approved for a standard license.

537 (v) An individual issued a provisional teaching
538 license under this nontraditional route shall successfully
539 complete, at a minimum, a one-year beginning teacher mentoring and
540 induction program administered by the employing school district
541 with the assistance of the State Department of Education.

542 (vi) Upon successful completion of the TMI and the
543 internship provisional license period, applicants for a Standard
544 License - Nontraditional Route shall submit to the commission a
545 transcript of successful completion of the twelve (12) semester



546 hours required in the internship program, and the employing school
547 district shall submit to the commission a recommendation for
548 standard licensure of the intern. If the school district
549 recommends licensure, the applicant shall be issued a Standard
550 License - Nontraditional Route which shall be valid for a
551 five-year period and be renewable.

552 (vii) At the discretion of the teacher preparation
553 institution, the individual shall be allowed to credit the twelve
554 (12) semester hours earned in the nontraditional teacher
555 internship program toward the graduate hours required for a Master
556 of Arts in Teacher (MAT) Degree.

557 (viii) The local school district in which the
558 nontraditional teacher intern or provisional licensee is employed
559 shall compensate such teacher interns at Step 1 of the required
560 salary level during the period of time such individual is
561 completing teacher internship requirements and shall compensate
562 such Standard License - Nontraditional Route teachers at Step 3 of
563 the required salary level when they complete license requirements.

564 Implementation of the TMI program provided for under this
565 paragraph (b) shall be contingent upon the availability of funds
566 appropriated specifically for such purpose by the Legislature.
567 Such implementation of the TMI program may not be deemed to
568 prohibit the State Board of Education from developing and
569 implementing additional alternative route teacher licensure
570 programs, as deemed appropriate by the board. The emergency



571 certification program in effect prior to July 1, 2002, shall
572 remain in effect.

573 A Standard License - Approved Program Route shall be issued
574 for a five-year period, and may be renewed. Recognizing teaching
575 as a profession, a hiring preference shall be granted to persons
576 holding a Standard License - Approved Program Route or Standard
577 License - Nontraditional Teaching Route over persons holding any
578 other license.

579 (c) **Special License - Expert Citizen.** In order to
580 allow a school district to offer specialized or technical courses,
581 the State Department of Education, in accordance with rules and
582 regulations established by the State Board of Education, may grant
583 a one-year expert citizen-teacher license to local business or
584 other professional personnel to teach in a public school or
585 nonpublic school accredited or approved by the state. Such person
586 shall not be required to hold an associate or bachelor's degree,
587 provided that he or she possesses the minimum qualifications
588 required for his or her profession, and may begin teaching upon
589 his employment by the local school board and licensure by the
590 Mississippi Department of Education. The board shall adopt rules
591 and regulations to administer the expert citizen-teacher license.
592 A Special License - Expert Citizen may be renewed in accordance
593 with the established rules and regulations of the State Department
594 of Education.



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

601 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
602 person may teach for a maximum of three (3) periods per teaching
603 day in a public school district or a nonpublic school
604 accredited/approved by the state. Such person shall submit to the
605 department a transcript or record of his education and experience
606 which substantiates his preparation for the subject to be taught
607 and shall meet other qualifications specified by the commission
608 and approved by the State Board of Education. In no case shall
609 any local school board hire nonlicensed personnel as authorized
610 under this paragraph in excess of five percent (5%) of the total
611 number of licensed personnel in any single school.

612 (f) **Special License - Transitional Bilingual Education.**
613 Beginning July 1, 2003, the commission shall grant special
614 licenses to teachers of transitional bilingual education who
615 possess such qualifications as are prescribed in this section.
616 Teachers of transitional bilingual education shall be compensated
617 by local school boards at not less than one (1) step on the
618 regular salary schedule applicable to permanent teachers licensed
619 under this section. The commission shall grant special licenses



620 to teachers of transitional bilingual education who present the
621 commission with satisfactory evidence that they (i) possess a
622 speaking and reading ability in a language, other than English, in
623 which bilingual education is offered and communicative skills in
624 English; (ii) are in good health and sound moral character; (iii)
625 possess a bachelor's degree or an associate's degree in teacher
626 education from an accredited institution of higher education; (iv)
627 meet such requirements as to courses of study, semester hours
628 therein, experience and training as may be required by the
629 commission; and (v) are legally present in the United States and
630 possess legal authorization for employment. A teacher of
631 transitional bilingual education serving under a special license
632 shall be under an exemption from standard licensure if he achieves
633 the requisite qualifications therefor. Two (2) years of service
634 by a teacher of transitional bilingual education under such an
635 exemption shall be credited to the teacher in acquiring a Standard
636 Educator License. Nothing in this paragraph shall be deemed to
637 prohibit a local school board from employing a teacher licensed in
638 an appropriate field as approved by the State Department of
639 Education to teach in a program in transitional bilingual
640 education.

641 (g) In the event any school district meets the highest
642 accreditation standards as defined by the State Board of Education
643 in the accountability system, the State Board of Education, in its
644 discretion, may exempt such school district from any restrictions



645 in paragraph (e) relating to the employment of nonlicensed
646 teaching personnel.

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

652 (7) **Administrator License.** The State Board of Education is
653 authorized to establish rules and regulations and to administer
654 the licensure process of the school administrators in the State of
655 Mississippi. There will be four (4) categories of administrator
656 licensure with exceptions only through special approval of the
657 State Board of Education.

658 (a) **Administrator License - Nonpracticing.** Those
659 educators holding administrative endorsement but having no
660 administrative experience or not serving in an administrative
661 position on January 15, 1997.

662 (b) **Administrator License - Entry Level.** Those
663 educators holding administrative endorsement and having met the
664 department's qualifications to be eligible for employment in a
665 Mississippi school district. Administrator License - Entry Level
666 shall be issued for a five-year period and shall be nonrenewable.

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



670 (d) **Administrator License - Nontraditional Route.** The
671 board may establish a nontraditional route for licensing
672 administrative personnel. Such nontraditional route for
673 administrative licensure shall be available for persons holding,
674 but not limited to, a master of business administration degree, a
675 master of public administration degree, a master of public
676 planning and policy degree or a doctor of jurisprudence degree
677 from an accredited college or university, with five (5) years of
678 administrative or supervisory experience. Successful completion
679 of the requirements of alternate route licensure for
680 administrators shall qualify the person for a standard
681 administrator license.

682 Individuals seeking school administrator licensure under
683 paragraph (b), (c) or (d) shall successfully complete a training
684 program and an assessment process prescribed by the State Board of
685 Education. All applicants for school administrator licensure
686 shall meet all requirements prescribed by the department under
687 paragraph (b), (c) or (d), and the cost of the assessment process
688 required shall be paid by the applicant.

689 (8) **Reciprocity.** (a) The department shall grant a standard
690 license to any individual who possesses a valid standard license
691 from another state and meets minimum Mississippi license
692 requirements or equivalent requirements as determined by the State
693 Board of Education. The issuance of a license by reciprocity to a



694 military-trained applicant or military spouse shall be subject to
695 the provisions of Section 73-50-1.

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

704 (9) **Renewal and Reinstatement of Licenses.** The State Board
705 of Education is authorized to establish rules and regulations for
706 the renewal and reinstatement of educator and administrator
707 licenses. Effective May 15, 1997, the valid standard license held
708 by an educator shall be extended five (5) years beyond the
709 expiration date of the license in order to afford the educator
710 adequate time to fulfill new renewal requirements established
711 pursuant to this subsection. An educator completing a master of
712 education, educational specialist or doctor of education degree in
713 May 1997 for the purpose of upgrading the educator's license to a
714 higher class shall be given this extension of five (5) years plus
715 five (5) additional years for completion of a higher degree.

716 (10) All controversies involving the issuance, revocation,
717 suspension or any change whatsoever in the licensure of an
718 educator required to hold a license shall be initially heard in a



719 hearing de novo, by the commission or by a subcommittee
720 established by the commission and composed of commission members,
721 or by a hearing officer retained and appointed by the commission,
722 for the purpose of holding hearings. Any complaint seeking the
723 denial of issuance, revocation or suspension of a license shall be
724 by sworn affidavit filed with the Commission on Teacher and
725 Administrator Education, Certification and Licensure and
726 Development. The decision thereon by the commission, its
727 subcommittee or hearing officer, shall be final, unless the
728 aggrieved party shall appeal to the State Board of Education,
729 within ten (10) days, of the decision of the commission, its
730 subcommittee or hearing officer. An appeal to the State Board of
731 Education shall be perfected upon filing a notice of the appeal
732 and by the prepayment of the costs of the preparation of the
733 record of proceedings by the commission, its subcommittee or
734 hearing officer. An appeal shall be on the record previously made
735 before the commission, its subcommittee or hearing officer, unless
736 otherwise provided by rules and regulations adopted by the board.
737 The decision of the commission, its subcommittee or hearing
738 officer shall not be disturbed on appeal if supported by
739 substantial evidence, was not arbitrary or capricious, within the
740 authority of the commission, and did not violate some statutory or
741 constitutional right. The State Board of Education in its
742 authority may reverse, or remand with instructions, the decision



743 of the commission, its subcommittee or hearing officer. The
744 decision of the State Board of Education shall be final.

745 (11) (a) The State Board of Education, acting through the
746 commission, may deny an application for any teacher or
747 administrator license for one or more of the following:

748 (i) Lack of qualifications which are prescribed by
749 law or regulations adopted by the State Board of Education;

750 (ii) The applicant has a physical, emotional or
751 mental disability that renders the applicant unfit to perform the
752 duties authorized by the license, as certified by a licensed
753 psychologist or psychiatrist;

754 (iii) The applicant is actively addicted to or
755 actively dependent on alcohol or other habit-forming drugs or is a
756 habitual user of narcotics, barbiturates, amphetamines,
757 hallucinogens or other drugs having similar effect, at the time of
758 application for a license;

759 (iv) Fraud or deceit committed by the applicant in
760 securing or attempting to secure such certification and license;

761 (v) Failing or refusing to furnish reasonable
762 evidence of identification;

763 (vi) The applicant has been convicted, has pled
764 guilty or entered a plea of nolo contendere to a felony, as
765 defined by federal or state law. For purposes of this
766 subparagraph (vi) of this paragraph (a), a "guilty plea" includes



767 a plea of guilty, entry of a plea of nolo contendere, or entry of
768 an order granting pretrial or judicial diversion;

769 (vii) The applicant or licensee is on probation or
770 post-release supervision for a felony or conviction, as defined by
771 federal or state law. However, this disqualification expires upon
772 the end of the probationary or post-release supervision period.

773 (b) The State Board of Education, acting through the
774 commission, shall deny an application for any teacher or
775 administrator license, or immediately revoke the current teacher
776 or administrator license, for one or more of the following:

777 (i) If the applicant or licensee has been
778 convicted, has pled guilty or entered a plea of nolo contendere to
779 a sex offense as defined by federal or state law. For purposes of
780 this subparagraph (i) of this paragraph (b), a "guilty plea"
781 includes a plea of guilty, entry of a plea of nolo contendere, or
782 entry of an order granting pretrial or judicial diversion;

783 (ii) The applicant or licensee is on probation or
784 post-release supervision for a sex offense conviction, as defined
785 by federal or state law;

786 (iii) The license holder has fondled a student as
787 described in Section 97-5-23, or had any type of sexual
788 involvement with a student as described in Section 97-3-95; or

789 (iv) The license holder has failed to report
790 sexual involvement of a school employee with a student as required
791 by Section 97-5-24.



792 (12) The State Board of Education, acting through the
793 commission, may revoke, suspend or refuse to renew any teacher or
794 administrator license for specified periods of time or may place
795 on probation, reprimand a licensee, or take other disciplinary
796 action with regard to any license issued under this chapter for
797 one or more of the following:

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

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

804 (c) Suspension or revocation of a certificate or
805 license by another state shall result in immediate suspension or
806 revocation and shall continue until records in the prior state
807 have been cleared;

808 (d) The license holder has been convicted, has pled
809 guilty or entered a plea of nolo contendere to a felony, as
810 defined by federal or state law. For purposes of this paragraph,
811 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
812 contendere, or entry of an order granting pretrial or judicial
813 diversion;

814 (e) The license holder knowingly and willfully
815 committing any of the acts affecting validity of mandatory uniform
816 test results as provided in Section 37-16-4(1);



817 (f) The license holder has engaged in unethical conduct
818 relating to an educator/student relationship as identified by the
819 State Board of Education in its rules;

820 (g) The license holder served as superintendent or
821 principal in a school district during the time preceding and/or
822 that resulted in the Governor declaring a state of emergency and
823 the State Board of Education appointing a conservator;

824 (h) The license holder submitted a false certification
825 to the State Department of Education that a statewide test was
826 administered in strict accordance with the Requirements of the
827 Mississippi Statewide Assessment System; or

828 (i) The license holder has failed to comply with the
829 Procedures for Reporting Infractions as promulgated by the
830 commission and approved by the State Board of Education pursuant
831 to subsection (15) of this section.

832 For purposes of this subsection, probation shall be defined
833 as a length of time determined by the commission, its subcommittee
834 or hearing officer, and based on the severity of the offense in
835 which the license holder shall meet certain requirements as
836 prescribed by the commission, its subcommittee or hearing officer.
837 Failure to complete the requirements in the time specified shall
838 result in immediate suspension of the license for one (1) year.

839 (13) (a) Dismissal or suspension of a licensed employee by
840 a local school board pursuant to Section 37-9-59 may result in the
841 suspension or revocation of a license for a length of time which



842 shall be determined by the commission and based upon the severity
843 of the offense.

844 (b) Any offense committed or attempted in any other
845 state shall result in the same penalty as if committed or
846 attempted in this state.

847 (c) A person may voluntarily surrender a license. The
848 surrender of such license may result in the commission
849 recommending any of the above penalties without the necessity of a
850 hearing. However, any such license which has voluntarily been
851 surrendered by a licensed employee may only be reinstated by a
852 majority vote of all members of the commission present at the
853 meeting called for such purpose.

854 (14) (a) A person whose license has been suspended or
855 surrendered on any grounds except criminal grounds may petition
856 for reinstatement of the license after one (1) year from the date
857 of suspension or surrender, or after one-half (1/2) of the
858 suspended or surrendered time has lapsed, whichever is greater. A
859 person whose license has been suspended or revoked on any grounds
860 or violations under subsection (12) of this section may be
861 reinstated automatically or approved for a reinstatement hearing,
862 upon submission of a written request to the commission. A license
863 suspended, revoked or surrendered on criminal grounds may be
864 reinstated upon petition to the commission filed after expiration
865 of the sentence and parole or probationary period imposed upon
866 conviction. A revoked, suspended or surrendered license may be



867 reinstated upon satisfactory showing of evidence of
868 rehabilitation. The commission shall require all who petition for
869 reinstatement to furnish evidence satisfactory to the commission
870 of good character, good mental, emotional and physical health and
871 such other evidence as the commission may deem necessary to
872 establish the petitioner's rehabilitation and fitness to perform
873 the duties authorized by the license.

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

878 (15) Reporting procedures and hearing procedures for dealing
879 with infractions under this section shall be promulgated by the
880 commission, subject to the approval of the State Board of
881 Education. The revocation or suspension of a license shall be
882 effected at the time indicated on the notice of suspension or
883 revocation. The commission shall immediately notify the
884 superintendent of the school district or school board where the
885 teacher or administrator is employed of any disciplinary action
886 and also notify the teacher or administrator of such revocation or
887 suspension and shall maintain records of action taken. The State
888 Board of Education may reverse or remand with instructions any
889 decision of the commission, its subcommittee or hearing officer
890 regarding a petition for reinstatement of a license, and any such
891 decision of the State Board of Education shall be final.



892 (16) An appeal from the action of the State Board of
893 Education in denying an application, revoking or suspending a
894 license or otherwise disciplining any person under the provisions
895 of this section shall be filed in the Chancery Court of the First
896 Judicial District of Hinds County, Mississippi, on the record
897 made, including a verbatim transcript of the testimony at the
898 hearing. The appeal shall be filed within thirty (30) days after
899 notification of the action of the board is mailed or served and
900 the proceedings in chancery court shall be conducted as other
901 matters coming before the court. The appeal shall be perfected
902 upon filing notice of the appeal and by the prepayment of all
903 costs, including the cost of preparation of the record of the
904 proceedings by the State Board of Education, and the filing of a
905 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
906 if the action of the board be affirmed by the chancery court, the
907 applicant or license holder shall pay the costs of the appeal and
908 the action of the chancery court.

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

913 (18) The granting of a license shall not be deemed a
914 property right nor a guarantee of employment in any public school
915 district. A license is a privilege indicating minimal eligibility
916 for teaching in the public school districts of Mississippi. This



917 section shall in no way alter or abridge the authority of local
918 school districts to require greater qualifications or standards of
919 performance as a prerequisite of initial or continued employment
920 in such districts.

921 (19) In addition to the reasons specified in subsections
922 (12) and (13) of this section, the board shall be authorized to
923 suspend the license of any licensee for being out of compliance
924 with an order for support, as defined in Section 93-11-153. The
925 procedure for suspension of a license for being out of compliance
926 with an order for support, and the procedure for the reissuance or
927 reinstatement of a license suspended for that purpose, and the
928 payment of any fees for the reissuance or reinstatement of a
929 license suspended for that purpose, shall be governed by Section
930 93-11-157 or 93-11-163, as the case may be. Actions taken by the
931 board in suspending a license when required by Section 93-11-157
932 or 93-11-163 are not actions from which an appeal may be taken
933 under this section. Any appeal of a license suspension that is
934 required by Section 93-11-157 or 93-11-163 shall be taken in
935 accordance with the appeal procedure specified in Section
936 93-11-157 or 93-11-163, as the case may be, rather than the
937 procedure specified in this section. If there is any conflict
938 between any provision of Section 93-11-157 or 93-11-163 and any
939 provision of this chapter, the provisions of Section 93-11-157 or
940 93-11-163, as the case may be, shall control.



941 **SECTION 5.** Section 37-16-3, Mississippi Code of 1972, is
942 amended as follows:

943 37-16-3. (1) The State Department of Education is directed
944 to implement a program of statewide assessment testing which shall
945 provide for the improvement of the operation and management of the
946 public schools. The statewide program shall be timed, as far as
947 possible, so as not to conflict with ongoing district assessment
948 programs. As part of the program, the department shall:

949 (a) Establish, with the approval of the State Board of
950 Education, minimum performance standards related to the goals for
951 education contained in the state's plan including, but not limited
952 to, basic skills in reading, writing and mathematics. The minimum
953 performance standards shall be approved by April 1 in each year
954 they are established.

955 (b) Conduct a uniform statewide testing program in
956 grades deemed appropriate in the public schools, including charter
957 schools, which shall provide for the administration of the ACT
958 WorkKeys Assessment to all public and charter school students in
959 the career and technical education track. The program may test
960 skill areas, basic skills and high school course content.

961 (c) Monitor the results of the assessment program and,
962 at any time the composite student performance of a school or basic
963 program is found to be below the established minimum standards,
964 notify the district superintendent or the governing board of the
965 charter school, as the case may be, the school principal and the



966 school advisory committee or other existing parent group of the
967 situation within thirty (30) days of its determination. The
968 department shall further provide technical assistance to a school
969 district in the identification of the causes of this deficiency
970 and shall recommend courses of action for its correction.

971 (d) Provide technical assistance to the school
972 districts, when requested, in the development of student
973 performance standards in addition to the established minimum
974 statewide standards.

975 (e) Issue security procedure regulations providing for
976 the security and integrity of the tests that are administered
977 under the basic skills assessment program.

978 (f) In case of an allegation of a testing irregularity
979 that prompts a need for an investigation by the Department of
980 Education, the department may, in its discretion, take complete
981 control of the statewide test administration in a school district
982 or any part thereof, including, but not limited to, obtaining
983 control of the test booklets and answer documents. In the case of
984 any verified testing irregularity that jeopardized the security
985 and integrity of the test(s), validity or the accuracy of the test
986 results, the cost of the investigation and any other actual and
987 necessary costs related to the investigation paid by the
988 Department of Education shall be reimbursed by the local school
989 district from funds other than federal funds, Mississippi Adequate
990 Education Program funds, or any other state funds within six (6)



991 months from the date of notice by the department to the school
992 district to make reimbursement to the department.

993 (2) Uniform basic skills tests shall be completed by each
994 student in the appropriate grade. These tests shall be
995 administered in such a manner as to preserve the integrity and
996 validity of the assessment. In the event of excused or unexcused
997 student absences, make-up tests shall be given. The school
998 superintendent of every school district in the state and the
999 principal of each charter school shall annually certify to the
1000 State Department of Education that each student enrolled in the
1001 appropriate grade has completed the required basic skills
1002 assessment test for his or her grade in a valid test
1003 administration.

1004 (3) Within five (5) days of completing the administration of
1005 a statewide test, the principal of the school where the test was
1006 administered shall certify under oath to the State Department of
1007 Education that the statewide test was administered in strict
1008 accordance with the Requirements of the Mississippi Statewide
1009 Assessment System as adopted by the State Board of Education. The
1010 principal's sworn certification shall be set forth on a form
1011 developed and approved by the Department of Education. If,
1012 following the administration of a statewide test, the principal
1013 has reason to believe that the test was not administered in strict
1014 accordance with the Requirements of the Mississippi Statewide
1015 Assessment System as adopted by the State Board of Education, the



1016 principal shall submit a sworn certification to the Department of
1017 Education setting forth all information known or believed by the
1018 principal about all potential violations of the Requirements of
1019 the Mississippi Statewide Assessment System as adopted by the
1020 State Board of Education. The submission of false information or
1021 false certification to the Department of Education by any licensed
1022 educator may result in licensure disciplinary action pursuant to
1023 Section 37-3-2 and criminal prosecution pursuant to Section
1024 37-16-4.

1025 **SECTION 6.** Section 37-17-6, Mississippi Code of 1972, is
1026 amended as follows:

1027 37-17-6. (1) The State Board of Education, acting through
1028 the Commission on School Accreditation, shall establish and
1029 implement a permanent performance-based accreditation system, and
1030 all noncharter public elementary and secondary schools shall be
1031 accredited under this system.

1032 (2) No later than June 30, 1995, the State Board of
1033 Education, acting through the Commission on School Accreditation,
1034 shall require school districts to provide school classroom space
1035 that is air-conditioned as a minimum requirement for
1036 accreditation.

1037 (3) (a) Beginning with the 1994-1995 school year, the State
1038 Board of Education, acting through the Commission on School
1039 Accreditation, shall require that school districts employ
1040 certified school librarians according to the following formula:



1041	Number of Students	Number of Certified
1042	Per School Library	School Librarians
1043	0 - 499 Students	1/2 Full-time Equivalent
1044		Certified Librarian
1045	500 or More Students	1 Full-time Certified
1046		Librarian

1047 (b) The State Board of Education, however, may increase
1048 the number of positions beyond the above requirements.

1049 (c) The assignment of certified school librarians to
1050 the particular schools shall be at the discretion of the local
1051 school district. No individual shall be employed as a certified
1052 school librarian without appropriate training and certification as
1053 a school librarian by the State Department of Education.

1054 (d) School librarians in the district shall spend at
1055 least fifty percent (50%) of direct work time in a school library
1056 and shall devote no more than one-fourth (1/4) of the workday to
1057 administrative activities that are library related.

1058 (e) Nothing in this subsection shall prohibit any
1059 school district from employing more certified school librarians
1060 than are provided for in this section.

1061 (f) Any additional millage levied to fund school
1062 librarians required for accreditation under this subsection shall
1063 be included in the tax increase limitation set forth in Sections
1064 37-57-105 and 37-57-107 and shall not be deemed a new program for
1065 purposes of the limitation.



1066 (4) On or before December 31, 2002, the State Board of
1067 Education shall implement the performance-based accreditation
1068 system for school districts and for individual noncharter public
1069 schools which shall include the following:

1070 (a) High expectations for students and high standards
1071 for all schools, with a focus on the basic curriculum;

1072 (b) Strong accountability for results with appropriate
1073 local flexibility for local implementation;

1074 (c) A process to implement accountability at both the
1075 school district level and the school level;

1076 (d) Individual schools shall be held accountable for
1077 student growth and performance;

1078 (e) Set annual performance standards for each of the
1079 schools of the state and measure the performance of each school
1080 against itself through the standard that has been set for it;

1081 (f) A determination of which schools exceed their
1082 standards and a plan for providing recognition and rewards to
1083 those schools;

1084 (g) A determination of which schools are failing to
1085 meet their standards and a determination of the appropriate role
1086 of the State Board of Education and the State Department of
1087 Education in providing assistance and initiating possible
1088 intervention. A failing district is a district that fails to meet
1089 both the absolute student achievement standards and the rate of
1090 annual growth expectation standards as set by the State Board of



1091 Education for two (2) consecutive years. The State Board of
1092 Education shall establish the level of benchmarks by which
1093 absolute student achievement and growth expectations shall be
1094 assessed. In setting the benchmarks for school districts, the
1095 State Board of Education may also take into account such factors
1096 as graduation rates, dropout rates, completion rates, the extent
1097 to which the school or district employs qualified teachers in
1098 every classroom, and any other factors deemed appropriate by the
1099 State Board of Education. The State Board of Education, acting
1100 through the State Department of Education, shall apply a simple
1101 "A," "B," "C," "D" and "F" designation to the current school and
1102 school district statewide accountability performance
1103 classification labels beginning with the State Accountability
1104 Results for the 2011-2012 school year and following, and in the
1105 school, district and state report cards required under state and
1106 federal law. Under the new designations, a school or school
1107 district that has earned a "Star" rating shall be designated an
1108 "A" school or school district; a school or school district that
1109 has earned a "High-Performing" rating shall be designated a "B"
1110 school or school district; a school or school district that has
1111 earned a "Successful" rating shall be designated a "C" school or
1112 school district; a school or school district that has earned an
1113 "Academic Watch" rating shall be designated a "D" school or school
1114 district; a school or school district that has earned a
1115 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



1116 be designated an "F" school or school district. Effective with
1117 the implementation of any new curriculum and assessment standards,
1118 the State Board of Education, acting through the State Department
1119 of Education, is further authorized and directed to change the
1120 school and school district accreditation rating system to a simple
1121 "A," "B," "C," "D," and "F" designation based on a combination of
1122 student achievement scores and student growth as measured by the
1123 statewide testing programs developed by the State Board of
1124 Education pursuant to Chapter 16, Title 37, Mississippi Code of
1125 1972. In any statute or regulation containing the former
1126 accreditation designations, the new designations shall be
1127 applicable;

1128 (h) Development of a comprehensive student assessment
1129 system to implement these requirements; and

1130 (i) The State Board of Education may, based on a
1131 written request that contains specific reasons for requesting a
1132 waiver from the school districts affected by Hurricane Katrina of
1133 2005, hold harmless school districts from assignment of district
1134 and school level accountability ratings for the 2005-2006 school
1135 year. The State Board of Education upon finding an extreme
1136 hardship in the school district may grant the request. It is the
1137 intent of the Legislature that all school districts maintain the
1138 highest possible academic standards and instructional programs in
1139 all schools as required by law and the State Board of Education.



1140 (5) (a) Effective with the 2013-2014 school year, the State
1141 Department of Education, acting through the Mississippi Commission
1142 on School Accreditation, shall revise and implement a single "A"
1143 through "F" school and school district accountability system
1144 complying with applicable federal and state requirements in order
1145 to reach the following educational goals:

1146 (i) To mobilize resources and supplies to ensure
1147 that all students exit third grade reading on grade level by 2015;

1148 (ii) To reduce the student dropout rate to
1149 thirteen percent (13%) by 2015; and

1150 (iii) To have sixty percent (60%) of students
1151 scoring proficient and advanced on the assessments of the Common
1152 Core State Standards by 2016 with incremental increases of three
1153 percent (3%) each year thereafter.

1154 (b) The State Department of Education shall combine the
1155 state school and school district accountability system with the
1156 federal system in order to have a single system.

1157 (c) The State Department of Education shall establish
1158 five (5) performance categories ("A," "B," "C," "D" and "F") for
1159 the accountability system based on the following criteria:

1160 (i) Student Achievement: the percent of students
1161 proficient and advanced on the current state assessments;

1162 (ii) Individual student growth: the percent of
1163 students making one (1) year's progress in one (1) year's time on
1164 the state assessment, with an emphasis on the progress of the



1165 lowest twenty-five percent (25%) of students in the school or
1166 district;

1167 (iii) Four-year graduation rate: the percent of
1168 students graduating with a standard high school diploma in four
1169 (4) years, as defined by federal regulations;

1170 (iv) Categories shall identify schools as Reward
1171 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
1172 at least five percent (5%) of schools in the state are not graded
1173 as "F" schools, the lowest five percent (5%) of school grade point
1174 designees will be identified as Priority schools. If at least ten
1175 percent (10%) of schools in the state are not graded as "D"
1176 schools, the lowest ten percent (10%) of school grade point
1177 designees will be identified as Focus schools;

1178 (v) The State Department of Education shall
1179 discontinue the use of Star School, High-Performing, Successful,
1180 Academic Watch, Low-Performing, At-Risk of Failing and Failing
1181 school accountability designations;

1182 (vi) The system shall include the federally
1183 compliant four-year graduation rate in school and school district
1184 accountability system calculations. Graduation rate will apply to
1185 high school and school district accountability ratings as a
1186 compensatory component. The system shall discontinue the use of
1187 the High School Completer Index (HSCI);

1188 (vii) The school and school district
1189 accountability system shall incorporate a standards-based growth



1190 model, in order to support improvement of individual student
1191 learning;

1192 (viii) The State Department of Education shall
1193 discontinue the use of the Quality Distribution Index (QDI);

1194 (ix) The State Department of Education shall
1195 determine feeder patterns of schools that do not earn a school
1196 grade because the grades and subjects taught at the school do not
1197 have statewide standardized assessments needed to calculate a
1198 school grade. Upon determination of the feeder pattern, the
1199 department shall notify schools and school districts prior to the
1200 release of the school grades beginning in 2013. Feeder schools
1201 will be assigned the accountability designation of the school to
1202 which they provide students;

1203 (x) Standards for student, school and school
1204 district performance will be increased when student proficiency is
1205 at a seventy-five percent (75%) and/or when sixty-five percent
1206 (65%) of the schools and/or school districts are earning a grade
1207 of "B" or higher, in order to raise the standard on performance
1208 after targets are met * * *; and

1209 (xi) The system shall include student performance
1210 on the administration of the ACT WorkKeys Assessment, which shall
1211 be weighted in the same percentage as the standard ACT Assessment
1212 as administered to students in Grade 11, for inclusion in the
1213 college and career readiness portion of the accountability rating
1214 system. To ensure equitable distribution of points under the



1215 accountability rating, in comparison to the ACT Assessment, a
1216 Silver Status on the ACT WorkKeys Assessment shall be equivalent
1217 to an ACT composite score of 22 to 25.

1218 (6) Nothing in this section shall be deemed to require a
1219 nonpublic school that receives no local, state or federal funds
1220 for support to become accredited by the State Board of Education.

1221 (7) The State Board of Education shall create an
1222 accreditation audit unit under the Commission on School
1223 Accreditation to determine whether schools are complying with
1224 accreditation standards.

1225 (8) The State Board of Education shall be specifically
1226 authorized and empowered to withhold adequate education program
1227 fund allocations, whichever is applicable, to any public school
1228 district for failure to timely report student, school personnel
1229 and fiscal data necessary to meet state and/or federal
1230 requirements.

1231 (9) [Deleted]

1232 (10) The State Board of Education shall establish, for those
1233 school districts failing to meet accreditation standards, a
1234 program of development to be complied with in order to receive
1235 state funds, except as otherwise provided in subsection (15) of
1236 this section when the Governor has declared a state of emergency
1237 in a school district or as otherwise provided in Section 206,
1238 Mississippi Constitution of 1890. The state board, in
1239 establishing these standards, shall provide for notice to schools



1240 and sufficient time and aid to enable schools to attempt to meet
1241 these standards, unless procedures under subsection (15) of this
1242 section have been invoked.

1243 (11) Beginning July 1, 1998, the State Board of Education
1244 shall be charged with the implementation of the program of
1245 development in each applicable school district as follows:

1246 (a) Develop an impairment report for each district
1247 failing to meet accreditation standards in conjunction with school
1248 district officials;

1249 (b) Notify any applicable school district failing to
1250 meet accreditation standards that it is on probation until
1251 corrective actions are taken or until the deficiencies have been
1252 removed. The local school district shall develop a corrective
1253 action plan to improve its deficiencies. For district academic
1254 deficiencies, the corrective action plan for each such school
1255 district shall be based upon a complete analysis of the following:
1256 student test data, student grades, student attendance reports,
1257 student dropout data, existence and other relevant data. The
1258 corrective action plan shall describe the specific measures to be
1259 taken by the particular school district and school to improve:
1260 (i) instruction; (ii) curriculum; (iii) professional development;
1261 (iv) personnel and classroom organization; (v) student incentives
1262 for performance; (vi) process deficiencies; and (vii) reporting to
1263 the local school board, parents and the community. The corrective
1264 action plan shall describe the specific individuals responsible



1265 for implementing each component of the recommendation and how each
1266 will be evaluated. All corrective action plans shall be provided
1267 to the State Board of Education as may be required. The decision
1268 of the State Board of Education establishing the probationary
1269 period of time shall be final;

1270 (c) Offer, during the probationary period, technical
1271 assistance to the school district in making corrective actions.
1272 Beginning July 1, 1998, subject to the availability of funds, the
1273 State Department of Education shall provide technical and/or
1274 financial assistance to all such school districts in order to
1275 implement each measure identified in that district's corrective
1276 action plan through professional development and on-site
1277 assistance. Each such school district shall apply for and utilize
1278 all available federal funding in order to support its corrective
1279 action plan in addition to state funds made available under this
1280 paragraph;

1281 (d) Assign department personnel or contract, in its
1282 discretion, with the institutions of higher learning or other
1283 appropriate private entities with experience in the academic,
1284 finance and other operational functions of schools to assist
1285 school districts;

1286 (e) Provide for publication of public notice at least
1287 one time during the probationary period, in a newspaper published
1288 within the jurisdiction of the school district failing to meet
1289 accreditation standards, or if no newspaper is published therein,



1290 then in a newspaper having a general circulation therein. The
1291 publication shall include the following: declaration of school
1292 system's status as being on probation; all details relating to the
1293 impairment report; and other information as the State Board of
1294 Education deems appropriate. Public notices issued under this
1295 section shall be subject to Section 13-3-31 and not contrary to
1296 other laws regarding newspaper publication.

1297 (12) (a) If the recommendations for corrective action are
1298 not taken by the local school district or if the deficiencies are
1299 not removed by the end of the probationary period, the Commission
1300 on School Accreditation shall conduct a hearing to allow the
1301 affected school district to present evidence or other reasons why
1302 its accreditation should not be withdrawn. Additionally, if the
1303 local school district violates accreditation standards that have
1304 been determined by the policies and procedures of the State Board
1305 of Education to be a basis for withdrawal of school district's
1306 accreditation without a probationary period, the Commission on
1307 School Accreditation shall conduct a hearing to allow the affected
1308 school district to present evidence or other reasons why its
1309 accreditation should not be withdrawn. After its consideration of
1310 the results of the hearing, the Commission on School Accreditation
1311 shall be authorized, with the approval of the State Board of
1312 Education, to withdraw the accreditation of a public school
1313 district, and issue a request to the Governor that a state of
1314 emergency be declared in that district.



1315 (b) If the State Board of Education and the Commission
1316 on School Accreditation determine that an extreme emergency
1317 situation exists in a school district that jeopardizes the safety,
1318 security or educational interests of the children enrolled in the
1319 schools in that district and that emergency situation is believed
1320 to be related to a serious violation or violations of
1321 accreditation standards or state or federal law, or when a school
1322 district meets the State Board of Education's definition of a
1323 failing school district for two (2) consecutive full school years,
1324 or if more than fifty percent (50%) of the schools within the
1325 school district are designated as Schools At-Risk in any one (1)
1326 year, the State Board of Education may request the Governor to
1327 declare a state of emergency in that school district. For
1328 purposes of this paragraph, the declarations of a state of
1329 emergency shall not be limited to those instances when a school
1330 district's impairments are related to a lack of financial
1331 resources, but also shall include serious failure to meet minimum
1332 academic standards, as evidenced by a continued pattern of poor
1333 student performance.

1334 (c) Whenever the Governor declares a state of emergency
1335 in a school district in response to a request made under paragraph
1336 (a) or (b) of this subsection, the State Board of Education may
1337 take one or more of the following actions:

1338 (i) Declare a state of emergency, under which some
1339 or all of state funds can be escrowed except as otherwise provided



1340 in Section 206, Constitution of 1890, until the board determines
1341 corrective actions are being taken or the deficiencies have been
1342 removed, or that the needs of students warrant the release of
1343 funds. The funds may be released from escrow for any program
1344 which the board determines to have been restored to standard even
1345 though the state of emergency may not as yet be terminated for the
1346 district as a whole;

1347 (ii) Override any decision of the local school
1348 board or superintendent of education, or both, concerning the
1349 management and operation of the school district, or initiate and
1350 make decisions concerning the management and operation of the
1351 school district;

1352 (iii) Assign an interim superintendent, or in its
1353 discretion, contract with a private entity with experience in the
1354 academic, finance and other operational functions of schools and
1355 school districts, who will have those powers and duties prescribed
1356 in subsection (15) of this section;

1357 (iv) Grant transfers to students who attend this
1358 school district so that they may attend other accredited schools
1359 or districts in a manner that is not in violation of state or
1360 federal law;

1361 (v) For states of emergency declared under
1362 paragraph (a) only, if the accreditation deficiencies are related
1363 to the fact that the school district is too small, with too few
1364 resources, to meet the required standards and if another school



1365 district is willing to accept those students, abolish that
1366 district and assign that territory to another school district or
1367 districts. If the school district has proposed a voluntary
1368 consolidation with another school district or districts, then if
1369 the State Board of Education finds that it is in the best interest
1370 of the pupils of the district for the consolidation to proceed,
1371 the voluntary consolidation shall have priority over any such
1372 assignment of territory by the State Board of Education;

1373 (vi) For states of emergency declared under
1374 paragraph (b) only, reduce local supplements paid to school
1375 district employees, including, but not limited to, instructional
1376 personnel, assistant teachers and extracurricular activities
1377 personnel, if the district's impairment is related to a lack of
1378 financial resources, but only to an extent that will result in the
1379 salaries being comparable to districts similarly situated, as
1380 determined by the State Board of Education;

1381 (vii) For states of emergency declared under
1382 paragraph (b) only, the State Board of Education may take any
1383 action as prescribed in Section 37-17-13.

1384 (d) At the time that satisfactory corrective action has
1385 been taken in a school district in which a state of emergency has
1386 been declared, the State Board of Education may request the
1387 Governor to declare that the state of emergency no longer exists
1388 in the district.



1389 (e) The parent or legal guardian of a school-age child
1390 who is enrolled in a school district whose accreditation has been
1391 withdrawn by the Commission on School Accreditation and without
1392 approval of that school district may file a petition in writing to
1393 a school district accredited by the Commission on School
1394 Accreditation for a legal transfer. The school district
1395 accredited by the Commission on School Accreditation may grant the
1396 transfer according to the procedures of Section 37-15-31(1)(b).
1397 In the event the accreditation of the student's home district is
1398 restored after a transfer has been approved, the student may
1399 continue to attend the transferee school district. The per-pupil
1400 amount of the adequate education program allotment, including the
1401 collective "add-on program" costs for the student's home school
1402 district shall be transferred monthly to the school district
1403 accredited by the Commission on School Accreditation that has
1404 granted the transfer of the school-age child.

1405 (f) Upon the declaration of a state of emergency for
1406 any school district in which the Governor has previously declared
1407 a state of emergency, the State Board of Education may either:

1408 (i) Place the school district into district
1409 transformation, in which the school district shall remain until it
1410 has fulfilled all conditions related to district transformation.
1411 If the district was assigned an accreditation rating of "D" or "F"
1412 when placed into district transformation, the district shall be
1413 eligible to return to local control when the school district has



1414 attained a "C" rating or higher for five (5) consecutive years,
1415 unless the State Board of Education determines that the district
1416 is eligible to return to local control in less than the five-year
1417 period;

1418 (ii) Abolish the school district and
1419 administratively consolidate the school district with one or more
1420 existing school districts;

1421 (iii) Reduce the size of the district and
1422 administratively consolidate parts of the district, as determined
1423 by the State Board of Education. However, no school district
1424 which is not in district transformation shall be required to
1425 accept additional territory over the objection of the district; or

1426 (iv) Require the school district to develop and
1427 implement a district improvement plan with prescriptive guidance
1428 and support from the State Department of Education, with the goal
1429 of helping the district improve student achievement. Failure of
1430 the school board, superintendent and school district staff to
1431 implement the plan with fidelity and participate in the activities
1432 provided as support by the department shall result in the school
1433 district retaining its eligibility for district transformation.

1434 (g) There is established a Mississippi Recovery School
1435 District within the State Department of Education under the
1436 supervision of a deputy superintendent appointed by the State
1437 Superintendent of Public Education, who is subject to the approval
1438 by the State Board of Education. The Mississippi Recovery School



1439 District shall provide leadership and oversight of all school
1440 districts that are subject to district transformation status, as
1441 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1442 and shall have all the authority granted under these two (2)
1443 chapters. The Mississippi Department of Education, with the
1444 approval of the State Board of Education, shall develop policies
1445 for the operation and management of the Mississippi Recovery
1446 School District. The deputy state superintendent is responsible
1447 for the Mississippi Recovery School District and shall be
1448 authorized to oversee the administration of the Mississippi
1449 Recovery School District, oversee the interim superintendent
1450 assigned by the State Board of Education to a local school
1451 district, hear appeals that would normally be filed by students,
1452 parents or employees and heard by a local school board, which
1453 hearings on appeal shall be conducted in a prompt and timely
1454 manner in the school district from which the appeal originated in
1455 order to ensure the ability of appellants, other parties and
1456 witnesses to appeal without undue burden of travel costs or loss
1457 of time from work, and perform other related duties as assigned by
1458 the State Superintendent of Public Education. The deputy state
1459 superintendent is responsible for the Mississippi Recovery School
1460 District and shall determine, based on rigorous professional
1461 qualifications set by the State Board of Education, the
1462 appropriate individuals to be engaged to be interim
1463 superintendents and financial advisors, if applicable, of all



1464 school districts subject to district transformation status. After
1465 State Board of Education approval, these individuals shall be
1466 deemed independent contractors.

1467 (13) Upon the declaration of a state of emergency in a
1468 school district under subsection (12) of this section, the
1469 Commission on School Accreditation shall be responsible for public
1470 notice at least once a week for at least three (3) consecutive
1471 weeks in a newspaper published within the jurisdiction of the
1472 school district failing to meet accreditation standards, or if no
1473 newspaper is published therein, then in a newspaper having a
1474 general circulation therein. The size of the notice shall be no
1475 smaller than one-fourth (1/4) of a standard newspaper page and
1476 shall be printed in bold print. If an interim superintendent has
1477 been appointed for the school district, the notice shall begin as
1478 follows: "By authority of Section 37-17-6, Mississippi Code of
1479 1972, as amended, adopted by the Mississippi Legislature during
1480 the 1991 Regular Session, this school district (name of school
1481 district) is hereby placed under the jurisdiction of the State
1482 Department of Education acting through its appointed interim
1483 superintendent (name of interim superintendent)."

1484 The notice also shall include, in the discretion of the State
1485 Board of Education, any or all details relating to the school
1486 district's emergency status, including the declaration of a state
1487 of emergency in the school district and a description of the
1488 district's impairment deficiencies, conditions of any district



1489 transformation status and corrective actions recommended and being
1490 taken. Public notices issued under this section shall be subject
1491 to Section 13-3-31 and not contrary to other laws regarding
1492 newspaper publication.

1493 Upon termination of the state of emergency in a school
1494 district, the Commission on School Accreditation shall cause
1495 notice to be published in the school district in the same manner
1496 provided in this section, to include any or all details relating
1497 to the corrective action taken in the school district that
1498 resulted in the termination of the state of emergency.

1499 (14) The State Board of Education or the Commission on
1500 School Accreditation shall have the authority to require school
1501 districts to produce the necessary reports, correspondence,
1502 financial statements, and any other documents and information
1503 necessary to fulfill the requirements of this section.

1504 Nothing in this section shall be construed to grant any
1505 individual, corporation, board or interim superintendent the
1506 authority to levy taxes except in accordance with presently
1507 existing statutory provisions.

1508 (15) (a) Whenever the Governor declares a state of
1509 emergency in a school district in response to a request made under
1510 subsection (12) of this section, the State Board of Education, in
1511 its discretion, may assign an interim superintendent to the school
1512 district, or in its discretion, may contract with an appropriate
1513 private entity with experience in the academic, finance and other



1514 operational functions of schools and school districts, who will be
1515 responsible for the administration, management and operation of
1516 the school district, including, but not limited to, the following
1517 activities:

1518 (i) Approving or disapproving all financial
1519 obligations of the district, including, but not limited to, the
1520 employment, termination, nonrenewal and reassignment of all
1521 licensed and nonlicensed personnel, contractual agreements and
1522 purchase orders, and approving or disapproving all claim dockets
1523 and the issuance of checks; in approving or disapproving
1524 employment contracts of superintendents, assistant superintendents
1525 or principals, the interim superintendent shall not be required to
1526 comply with the time limitations prescribed in Sections 37-9-15
1527 and 37-9-105;

1528 (ii) Supervising the day-to-day activities of the
1529 district's staff, including reassigning the duties and
1530 responsibilities of personnel in a manner which, in the
1531 determination of the interim superintendent, will best suit the
1532 needs of the district;

1533 (iii) Reviewing the district's total financial
1534 obligations and operations and making recommendations to the
1535 district for cost savings, including, but not limited to,
1536 reassigning the duties and responsibilities of staff;

1537 (iv) Attending all meetings of the district's
1538 school board and administrative staff;



1539 (v) Approving or disapproving all athletic, band
1540 and other extracurricular activities and any matters related to
1541 those activities;

1542 (vi) Maintaining a detailed account of
1543 recommendations made to the district and actions taken in response
1544 to those recommendations;

1545 (vii) Reporting periodically to the State Board of
1546 Education on the progress or lack of progress being made in the
1547 district to improve the district's impairments during the state of
1548 emergency; and

1549 (viii) Appointing a parent advisory committee,
1550 comprised of parents of students in the school district that may
1551 make recommendations to the interim superintendent concerning the
1552 administration, management and operation of the school district.

1553 The cost of the salary of the interim superintendent and any
1554 other actual and necessary costs related to district
1555 transformation status paid by the State Department of Education
1556 shall be reimbursed by the local school district from funds other
1557 than adequate education program funds. The department shall
1558 submit an itemized statement to the superintendent of the local
1559 school district for reimbursement purposes, and any unpaid balance
1560 may be withheld from the district's adequate education program
1561 funds.

1562 At the time that the Governor, in accordance with the request
1563 of the State Board of Education, declares that the state of



1564 emergency no longer exists in a school district, the powers and
1565 responsibilities of the interim superintendent assigned to the
1566 district shall cease.

1567 (b) In order to provide loans to school districts under
1568 a state of emergency or in district transformation status that
1569 have impairments related to a lack of financial resources, the
1570 School District Emergency Assistance Fund is created as a special
1571 fund in the State Treasury into which monies may be transferred or
1572 appropriated by the Legislature from any available public
1573 education funds. Funds in the School District Emergency
1574 Assistance Fund up to a maximum balance of Three Million Dollars
1575 (\$3,000,000.00) annually shall not lapse but shall be available
1576 for expenditure in subsequent years subject to approval of the
1577 State Board of Education. Any amount in the fund in excess of
1578 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1579 year shall lapse into the State General Fund or the Education
1580 Enhancement Fund, depending on the source of the fund.

1581 The State Board of Education may loan monies from the School
1582 District Emergency Assistance Fund to a school district that is
1583 under a state of emergency or in district transformation status,
1584 in those amounts, as determined by the board, that are necessary
1585 to correct the district's impairments related to a lack of
1586 financial resources. The loans shall be evidenced by an agreement
1587 between the school district and the State Board of Education and
1588 shall be repayable in principal, without necessity of interest, to



1589 the School District Emergency Assistance Fund by the school
1590 district from any allowable funds that are available. The total
1591 amount loaned to the district shall be due and payable within five
1592 (5) years after the impairments related to a lack of financial
1593 resources are corrected. If a school district fails to make
1594 payments on the loan in accordance with the terms of the agreement
1595 between the district and the State Board of Education, the State
1596 Department of Education, in accordance with rules and regulations
1597 established by the State Board of Education, may withhold that
1598 district's adequate education program funds in an amount and
1599 manner that will effectuate repayment consistent with the terms of
1600 the agreement; the funds withheld by the department shall be
1601 deposited into the School District Emergency Assistance Fund.

1602 The State Board of Education shall develop a protocol that
1603 will outline the performance standards and requisite timeline
1604 deemed necessary for extreme emergency measures. If the State
1605 Board of Education determines that an extreme emergency exists,
1606 simultaneous with the powers exercised in this subsection, it
1607 shall take immediate action against all parties responsible for
1608 the affected school districts having been determined to be in an
1609 extreme emergency. The action shall include, but not be limited
1610 to, initiating civil actions to recover funds and criminal actions
1611 to account for criminal activity. Any funds recovered by the
1612 State Auditor or the State Board of Education from the surety
1613 bonds of school officials or from any civil action brought under



1614 this subsection shall be applied toward the repayment of any loan
1615 made to a school district hereunder.

1616 (16) If a majority of the membership of the school board of
1617 any school district resigns from office, the State Board of
1618 Education shall be authorized to assign an interim superintendent,
1619 who shall be responsible for the administration, management and
1620 operation of the school district until the time as new board
1621 members are selected or the Governor declares a state of emergency
1622 in that school district under subsection (12), whichever occurs
1623 first. In that case, the State Board of Education, acting through
1624 the interim superintendent, shall have all powers which were held
1625 by the previously existing school board, and may take any action
1626 as prescribed in Section 37-17-13 and/or one or more of the
1627 actions authorized in this section.

1628 (17) (a) If the Governor declares a state of emergency in a
1629 school district, the State Board of Education may take all such
1630 action pertaining to that school district as is authorized under
1631 subsection (12) or (15) of this section, including the appointment
1632 of an interim superintendent. The State Board of Education shall
1633 also have the authority to issue a written request with
1634 documentation to the Governor asking that the office of the
1635 superintendent of the school district be subject to recall. If
1636 the Governor declares that the office of the superintendent of the
1637 school district is subject to recall, the local school board or



1638 the county election commission, as the case may be, shall take the
1639 following action:

1640 (i) If the office of superintendent is an elected
1641 office, in those years in which there is no general election, the
1642 name shall be submitted by the State Board of Education to the
1643 county election commission, and the county election commission
1644 shall submit the question at a special election to the voters
1645 eligible to vote for the office of superintendent within the
1646 county, and the special election shall be held within sixty (60)
1647 days from notification by the State Board of Education. The
1648 ballot shall read substantially as follows:

1649 "Shall County Superintendent of Education _____ (here the
1650 name of the superintendent shall be inserted) of the _____
1651 (here the title of the school district shall be inserted) be
1652 retained in office? Yes _____ No _____"

1653 If a majority of those voting on the question votes against
1654 retaining the superintendent in office, a vacancy shall exist
1655 which shall be filled in the manner provided by law; otherwise,
1656 the superintendent shall remain in office for the term of that
1657 office, and at the expiration of the term shall be eligible for
1658 qualification and election to another term or terms.

1659 (ii) If the office of superintendent is an
1660 appointive office, the name of the superintendent shall be
1661 submitted by the president of the local school board at the next
1662 regular meeting of the school board for retention in office or



1663 dismissal from office. If a majority of the school board voting
1664 on the question vote against retaining the superintendent in
1665 office, a vacancy shall exist which shall be filled as provided by
1666 law, otherwise the superintendent shall remain in office for the
1667 duration of his employment contract.

1668 (b) The State Board of Education may issue a written
1669 request with documentation to the Governor asking that the
1670 membership of the school board of the school district shall be
1671 subject to recall. Whenever the Governor declares that the
1672 membership of the school board is subject to recall, the county
1673 election commission or the local governing authorities, as the
1674 case may be, shall take the following action:

1675 (i) If the members of the local school board are
1676 elected to office, in those years in which the specific member's
1677 office is not up for election, the name of the school board member
1678 shall be submitted by the State Board of Education to the county
1679 election commission, and the county election commission at a
1680 special election shall submit the question to the voters eligible
1681 to vote for the particular member's office within the county or
1682 school district, as the case may be, and the special election
1683 shall be held within sixty (60) days from notification by the
1684 State Board of Education. The ballot shall read substantially as
1685 follows:

1686 "Members of the _____ (here the title of the school
1687 district shall be inserted) School Board who are not up for



1688 election this year are subject to recall because of the school
1689 district's failure to meet critical accountability standards as
1690 defined in the letter of notification to the Governor from the
1691 State Board of Education. Shall the member of the school board
1692 representing this area, _____ (here the name of the school
1693 board member holding the office shall be inserted), be retained in
1694 office? Yes _____ No _____"

1695 If a majority of those voting on the question vote against
1696 retaining the member of the school board in office, a vacancy in
1697 that board member's office shall exist, which shall be filled in
1698 the manner provided by law; otherwise, the school board member
1699 shall remain in office for the term of that office, and at the
1700 expiration of the term of office, the member shall be eligible for
1701 qualification and election to another term or terms of office.
1702 However, if a majority of the school board members are recalled in
1703 the special election, the Governor shall authorize the board of
1704 supervisors of the county in which the school district is situated
1705 to appoint members to fill the offices of the members recalled.
1706 The board of supervisors shall make those appointments in the
1707 manner provided by law for filling vacancies on the school board,
1708 and the appointed members shall serve until the office is filled
1709 at the next regular special election or general election.

1710 (ii) If the local school board is an appointed
1711 school board, the name of all school board members shall be
1712 submitted as a collective board by the president of the municipal



1713 or county governing authority, as the case may be, at the next
1714 regular meeting of the governing authority for retention in office
1715 or dismissal from office. If a majority of the governing
1716 authority voting on the question vote against retaining the board
1717 in office, a vacancy shall exist in each school board member's
1718 office, which shall be filled as provided by law; otherwise, the
1719 members of the appointed school board shall remain in office for
1720 the duration of their term of appointment, and those members may
1721 be reappointed.

1722 (iii) If the local school board is comprised of
1723 both elected and appointed members, the elected members shall be
1724 subject to recall in the manner provided in subparagraph (i) of
1725 this paragraph (b), and the appointed members shall be subject to
1726 recall in the manner provided in subparagraph (ii).

1727 (18) Beginning with the school district audits conducted for
1728 the 1997-1998 fiscal year, the State Board of Education, acting
1729 through the Commission on School Accreditation, shall require each
1730 school district to comply with standards established by the State
1731 Department of Audit for the verification of fixed assets and the
1732 auditing of fixed assets records as a minimum requirement for
1733 accreditation.

1734 (19) Before December 1, 1999, the State Board of Education
1735 shall recommend a program to the Education Committees of the House
1736 of Representatives and the Senate for identifying and rewarding
1737 public schools that improve or are high performing. The program



1738 shall be described by the board in a written report, which shall
1739 include criteria and a process through which improving schools and
1740 high-performing schools will be identified and rewarded.

1741 The State Superintendent of Public Education and the State
1742 Board of Education also shall develop a comprehensive
1743 accountability plan to ensure that local school boards,
1744 superintendents, principals and teachers are held accountable for
1745 student achievement. A written report on the accountability plan
1746 shall be submitted to the Education Committees of both houses of
1747 the Legislature before December 1, 1999, with any necessary
1748 legislative recommendations.

1749 (20) Before January 1, 2008, the State Board of Education
1750 shall evaluate and submit a recommendation to the Education
1751 Committees of the House of Representatives and the Senate on
1752 inclusion of graduation rate and dropout rate in the school level
1753 accountability system.

1754 (21) If a local school district is determined as failing and
1755 placed into district transformation status for reasons authorized
1756 by the provisions of this section, the interim superintendent
1757 appointed to the district shall, within forty-five (45) days after
1758 being appointed, present a detailed and structured corrective
1759 action plan to move the local school district out of district
1760 transformation status to the deputy superintendent. A copy of the
1761 interim superintendent's corrective action plan shall also be
1762 filed with the State Board of Education.



1763 **SECTION 7.** This act shall take effect and be in force from
1764 and after July 1, 2020.

