

By: Representative Summers

To: Education

HOUSE BILL NO. 344

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A SCHOOL DISTRICT TO EMPLOY A NONLICENSED PERSON TO
3 TEACH IN A CORE SUBJECT AREA WHENEVER THE DISTRICT IS UNABLE TO
4 SECURE A QUALIFIED, LICENSED TEACHER FOR THE SUBJECT; TO REQUIRE
5 THE NONLICENSED TEACHER TO BECOME LICENSED WITHIN THREE YEARS OF
6 EMPLOYMENT; TO LIMIT THE MAXIMUM NUMBER OF NONLICENSED TEACHERS
7 THAT MAY BE EMPLOYED IN A SINGLE SCHOOL; TO AMEND SECTION 37-17-6,
8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Section 37-3-2, Mississippi Code of 1972, is
12 amended as follows:

13 37-3-2. (1) There is established within the State
14 Department of Education the Commission on Teacher and
15 Administrator Education, Certification and Licensure and
16 Development. It shall be the purpose and duty of the commission
17 to make recommendations to the State Board of Education regarding
18 standards for the certification and licensure and continuing
19 professional development of those who teach or perform tasks of an
20 educational nature in the public schools of Mississippi.



21 (2) (a) The commission shall be composed of fifteen (15)
22 qualified members. The membership of the commission shall be
23 composed of the following members to be appointed, three (3) from
24 each of the four (4) congressional districts, as such districts
25 existed on January 1, 2011, in accordance with the population
26 calculations determined by the 2010 federal decennial census,
27 including: four (4) classroom teachers; three (3) school
28 administrators; one (1) representative of schools of education of
29 public institutions of higher learning located within the state to
30 be recommended by the Board of Trustees of State Institutions of
31 Higher Learning; one (1) representative from the schools of
32 education of independent institutions of higher learning to be
33 recommended by the Board of the Mississippi Association of
34 Independent Colleges; one (1) representative from public community
35 and junior colleges located within the state to be recommended by
36 the Mississippi Community College Board; one (1) local school
37 board member; and four (4) laypersons. Three (3) members of the
38 commission, at the sole discretion of the State Board of
39 Education, shall be appointed from the state at large.

40 (b) All appointments shall be made by the State Board
41 of Education after consultation with the State Superintendent of
42 Public Education. The first appointments by the State Board of
43 Education shall be made as follows: five (5) members shall be
44 appointed for a term of one (1) year; five (5) members shall be
45 appointed for a term of two (2) years; and five (5) members shall



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

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

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

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

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

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



71 (b) Recommend to the State Board of Education each year
72 approval or disapproval of each educator preparation program in
73 the state, subject to a process and schedule determined by the
74 State Board of Education;

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

78 (d) Establish, subject to the approval of the State
79 Board of Education, standards for the renewal of teacher licenses
80 in all fields;

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

84 (f) Review all existing requirements for certification
85 and licensure;

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

88 (h) Prepare reports from time to time on current
89 practices and issues in the general area of teacher education and
90 certification and licensure;

91 (i) Hold hearings concerning standards for teachers'
92 and administrators' education and certification and licensure with
93 approval of the State Board of Education;

94 (j) Hire expert consultants with approval of the State
95 Board of Education;



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

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

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

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



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



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

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

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

(v) From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

1. An ACT Score of twenty-one (21) (or SAT equivalent); or

2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

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

(i) From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:



* * *1. An ACT Score of twenty-one (21) (or SAT equivalent); or

* * *2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

* * *3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(ii) Beginning July 1, 2020, an individual who has attained a passing score on the Praxis Core Academic Skills for Educators or an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program and a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

* * *1. The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective



195 teaching strategies, classroom management, state curriculum
196 requirements, planning and instruction, instructional methods and
197 pedagogy, using test results to improve instruction, and a one (1)
198 semester three-hour supervised internship to be completed while
199 the teacher is employed as a full-time teacher intern in a local
200 school district. The TMI shall be implemented on a pilot program
201 basis, with courses to be offered at up to four (4) locations in
202 the state, with one (1) TMI site to be located in each of the
203 three (3) Mississippi Supreme Court districts.

204 * * *2. The school sponsoring the teacher intern
205 shall enter into a written agreement with the institution
206 providing the Teach Mississippi Institute (TMI) program, under
207 terms and conditions as agreed upon by the contracting parties,
208 providing that the school district shall provide teacher interns
209 seeking a nontraditional provisional teaching license with a
210 one-year classroom teaching experience. The teacher intern shall
211 successfully complete the one (1) semester three-hour intensive
212 internship in the school district during the semester immediately
213 following successful completion of the TMI and prior to the end of
214 the one-year classroom teaching experience.

215 * * *3. Upon completion of the nine-semester-hour
216 TMI or the fall or spring semester option, the individual shall
217 submit his or her transcript to the commission for provisional
218 licensure of the intern teacher, and the intern teacher shall be
219 issued a provisional teaching license by the commission, which



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

*** * *4.** During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

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

*** * *6.** Upon successful completion of the TMI and the internship provisional license period, applicants for a



Standard License - Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

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

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

(iii) Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from



developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

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

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

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to



allow those educators not meeting requirements in paragraph (a), (b) or (c) of this subsection (6) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** (i) Whenever a school district is unable to secure a qualified, licensed teacher to fill a teaching position in a core subject area, the district may employ a nonlicensed person to teach in that subject. The person shall submit to the department a transcript or record of his or her education and experience which substantiates the person's preparation for the subject to be taught. The person must have a bachelor's degree as a minimum requirement and must meet any other qualifications specified by the commission and approved by the State Board of Education. The authority for the nonlicensed person to teach may not exceed one (1) year; however, the school district may renew the nonlicensed person's employment for two (2) successive one-year periods if the school district remains unable to secure a qualified, licensed teacher for the core subject area. Within three (3) years of a nonlicensed person's initial employment by a school district, the person must, at a minimum, procure alternative licensure approved by the State Board of Education. A local school board may not hire nonlicensed personnel as authorized under this subparagraph in excess of twenty-five percent (25%) of the total number of licensed personnel in any single school.



(ii) In addition to the authority granted to school districts to employ nonlicensed persons under subparagraph (i), a nonlicensed person may be employed to teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.**

Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in



English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

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

(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of



highly qualified, as described in the No Child Left Behind Act,
must be granted a standard five-year license by the State
Department of Education.

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

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

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

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

(d) **Administrator License - Nontraditional Route.** The
board may establish a nontraditional route for licensing
administrative personnel. Such nontraditional route for
administrative licensure shall be available for persons holding,



but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

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

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

(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state. Such



special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

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

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members, or by a hearing officer retained and appointed by the commission, for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be



445 by sworn affidavit filed with the Commission on Teacher and
446 Administrator Education, Certification and Licensure and
447 Development. The decision thereon by the commission, its
448 subcommittee or hearing officer, shall be final, unless the
449 aggrieved party shall appeal to the State Board of Education,
450 within ten (10) days, of the decision of the commission, its
451 subcommittee or hearing officer. An appeal to the State Board of
452 Education shall be perfected upon filing a notice of the appeal
453 and by the prepayment of the costs of the preparation of the
454 record of proceedings by the commission, its subcommittee or
455 hearing officer. An appeal shall be on the record previously made
456 before the commission, its subcommittee or hearing officer, unless
457 otherwise provided by rules and regulations adopted by the board.
458 The decision of the commission, its subcommittee or hearing
459 officer shall not be disturbed on appeal if supported by
460 substantial evidence, was not arbitrary or capricious, within the
461 authority of the commission, and did not violate some statutory or
462 constitutional right. The State Board of Education in its
463 authority may reverse, or remand with instructions, the decision
464 of the commission, its subcommittee or hearing officer. The
465 decision of the State Board of Education shall be final.

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



469 (i) Lack of qualifications which are prescribed by
470 law or regulations adopted by the State Board of Education;
471 (ii) The applicant has a physical, emotional or
472 mental disability that renders the applicant unfit to perform the
473 duties authorized by the license, as certified by a licensed
474 psychologist or psychiatrist;
475 (iii) The applicant is actively addicted to or
476 actively dependent on alcohol or other habit-forming drugs or is a
477 habitual user of narcotics, barbiturates, amphetamines,
478 hallucinogens or other drugs having similar effect, at the time of
479 application for a license;
480 (iv) Fraud or deceit committed by the applicant in
481 securing or attempting to secure such certification and license;
482 (v) Failing or refusing to furnish reasonable
483 evidence of identification;
484 (vi) The applicant has been convicted, has pled
485 guilty or entered a plea of nolo contendere to a felony, as
486 defined by federal or state law. For purposes of this
487 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
488 a plea of guilty, entry of a plea of nolo contendere, or entry of
489 an order granting pretrial or judicial diversion;
490 (vii) The applicant or licensee is on probation or
491 post-release supervision for a felony or conviction, as defined by
492 federal or state law. However, this disqualification expires upon
493 the end of the probationary or post-release supervision period.



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

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

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

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

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

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



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

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

525 (c) Suspension or revocation of a certificate or
526 license by another state shall result in immediate suspension or
527 revocation and shall continue until records in the prior state
528 have been cleared;

529 (d) The license holder has been convicted, has pled
530 guilty or entered a plea of nolo contendere to a felony, as
531 defined by federal or state law. For purposes of this paragraph,
532 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
533 contendere, or entry of an order granting pretrial or judicial
534 diversion;

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

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

541 (g) The license holder served as superintendent or
542 principal in a school district during the time preceding and/or



that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator;

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

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

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

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

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



568 (c) A person may voluntarily surrender a license. The
569 surrender of such license may result in the commission
570 recommending any of the above penalties without the necessity of a
571 hearing. However, any such license which has voluntarily been
572 surrendered by a licensed employee may only be reinstated by a
573 majority vote of all members of the commission present at the
574 meeting called for such purpose.

575 (14) (a) A person whose license has been suspended or
576 surrendered on any grounds except criminal grounds may petition
577 for reinstatement of the license after one (1) year from the date
578 of suspension or surrender, or after one-half (1/2) of the
579 suspended or surrendered time has lapsed, whichever is greater. A
580 person whose license has been suspended or revoked on any grounds
581 or violations under subsection (12) of this section may be
582 reinstated automatically or approved for a reinstatement hearing,
583 upon submission of a written request to the commission. A license
584 suspended, revoked or surrendered on criminal grounds may be
585 reinstated upon petition to the commission filed after expiration
586 of the sentence and parole or probationary period imposed upon
587 conviction. A revoked, suspended or surrendered license may be
588 reinstated upon satisfactory showing of evidence of
589 rehabilitation. The commission shall require all who petition for
590 reinstatement to furnish evidence satisfactory to the commission
591 of good character, good mental, emotional and physical health and
592 such other evidence as the commission may deem necessary to



593 establish the petitioner's rehabilitation and fitness to perform
594 the duties authorized by the license.

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

599 (15) Reporting procedures and hearing procedures for dealing
600 with infractions under this section shall be promulgated by the
601 commission, subject to the approval of the State Board of
602 Education. The revocation or suspension of a license shall be
603 effected at the time indicated on the notice of suspension or
604 revocation. The commission shall immediately notify the
605 superintendent of the school district or school board where the
606 teacher or administrator is employed of any disciplinary action
607 and also notify the teacher or administrator of such revocation or
608 suspension and shall maintain records of action taken. The State
609 Board of Education may reverse or remand with instructions any
610 decision of the commission, its subcommittee or hearing officer
611 regarding a petition for reinstatement of a license, and any such
612 decision of the State Board of Education shall be final.

613 (16) An appeal from the action of the State Board of
614 Education in denying an application, revoking or suspending a
615 license or otherwise disciplining any person under the provisions
616 of this section shall be filed in the Chancery Court of the First
617 Judicial District of Hinds County, Mississippi, on the record



made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

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

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



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

SECTION 2. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and



667 all noncharter public elementary and secondary schools shall be
668 accredited under this system.

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

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

678	Number of Students	Number of Certified
679	Per School Library	School Librarians
680	0 - 499 Students	1/2 Full-time Equivalent
681		Certified Librarian
682	500 or More Students	1 Full-time Certified
683		Librarian

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

686 (c) The assignment of certified school librarians to
687 the particular schools shall be at the discretion of the local
688 school district. No individual shall be employed as a certified
689 school librarian without appropriate training and certification as
690 a school librarian by the State Department of Education.



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

695 (e) Nothing in this subsection shall prohibit any
696 school district from employing more certified school librarians
697 than are provided for in this section.

698 (f) Any additional millage levied to fund school
699 librarians required for accreditation under this subsection shall
700 be included in the tax increase limitation set forth in Sections
701 37-57-105 and 37-57-107 and shall not be deemed a new program for
702 purposes of the limitation.

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

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

709 (b) Strong accountability for results with appropriate
710 local flexibility for local implementation;

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

713 (d) Individual schools shall be held accountable for
714 student growth and performance;



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

718 (f) A determination of which schools exceed their
719 standards and a plan for providing recognition and rewards to
720 those schools;

721 (g) A determination of which schools are failing to
722 meet their standards and a determination of the appropriate role
723 of the State Board of Education and the State Department of
724 Education in providing assistance and initiating possible
725 intervention. A failing district is a district that fails to meet
726 both the absolute student achievement standards and the rate of
727 annual growth expectation standards as set by the State Board of
728 Education for two (2) consecutive years. The State Board of
729 Education shall establish the level of benchmarks by which
730 absolute student achievement and growth expectations shall be
731 assessed. In setting the benchmarks for school districts, the
732 State Board of Education may also take into account such factors
733 as graduation rates, dropout rates, completion rates, the extent
734 to which the school or district employs qualified teachers in
735 every classroom, provided that, in any scholastic year, the total
736 of nonlicensed instructional personnel employed by a local school
737 district who possesses the minimum qualifications required under
738 Section 37-3-2(6)(e)(i) does not exceed twenty-five percent (25%)
739 of the total number of licensed instructional personnel employed



740 by the school district, and any other factors deemed appropriate
741 by the State Board of Education. The State Board of Education,
742 acting through the State Department of Education, shall apply a
743 simple "A," "B," "C," "D" and "F" designation to the current
744 school and school district statewide accountability performance
745 classification labels beginning with the State Accountability
746 Results for the 2011-2012 school year and following, and in the
747 school, district and state report cards required under state and
748 federal law. Under the new designations, a school or school
749 district that has earned a "Star" rating shall be designated an
750 "A" school or school district; a school or school district that
751 has earned a "High-Performing" rating shall be designated a "B"
752 school or school district; a school or school district that has
753 earned a "Successful" rating shall be designated a "C" school or
754 school district; a school or school district that has earned an
755 "Academic Watch" rating shall be designated a "D" school or school
756 district; a school or school district that has earned a
757 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
758 be designated an "F" school or school district. Effective with
759 the implementation of any new curriculum and assessment standards,
760 the State Board of Education, acting through the State Department
761 of Education, is further authorized and directed to change the
762 school and school district accreditation rating system to a simple
763 "A," "B," "C," "D," and "F" designation based on a combination of
764 student achievement scores and student growth as measured by the



765 statewide testing programs developed by the State Board of
766 Education pursuant to Chapter 16, Title 37, Mississippi Code of
767 1972. In any statute or regulation containing the former
768 accreditation designations, the new designations shall be
769 applicable;

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

772 (i) The State Board of Education may, based on a
773 written request that contains specific reasons for requesting a
774 waiver from the school districts affected by Hurricane Katrina of
775 2005, hold harmless school districts from assignment of district
776 and school level accountability ratings for the 2005-2006 school
777 year. The State Board of Education upon finding an extreme
778 hardship in the school district may grant the request. It is the
779 intent of the Legislature that all school districts maintain the
780 highest possible academic standards and instructional programs in
781 all schools as required by law and the State Board of Education.

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

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



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

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

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

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

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

(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;

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

(iv) Categories shall identify schools as Reward ("A" schools), Focus ("D" schools) and Priority ("F" schools). If at least five percent (5%) of schools in the state are not graded



815 as "F" schools, the lowest five percent (5%) of school grade point
816 designees will be identified as Priority schools. If at least ten
817 percent (10%) of schools in the state are not graded as "D"
818 schools, the lowest ten percent (10%) of school grade point
819 designees will be identified as Focus schools;

820 (v) The State Department of Education shall
821 discontinue the use of Star School, High-Performing, Successful,
822 Academic Watch, Low-Performing, At-Risk of Failing and Failing
823 school accountability designations;

824 (vi) The system shall include the federally
825 compliant four-year graduation rate in school and school district
826 accountability system calculations. Graduation rate will apply to
827 high school and school district accountability ratings as a
828 compensatory component. The system shall discontinue the use of
829 the High School Completer Index (HSCI);

830 (vii) The school and school district
831 accountability system shall incorporate a standards-based growth
832 model, in order to support improvement of individual student
833 learning;

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

836 (ix) The State Department of Education shall
837 determine feeder patterns of schools that do not earn a school
838 grade because the grades and subjects taught at the school do not
839 have statewide standardized assessments needed to calculate a



840 school grade. Upon determination of the feeder pattern, the
841 department shall notify schools and school districts prior to the
842 release of the school grades beginning in 2013. Feeder schools
843 will be assigned the accountability designation of the school to
844 which they provide students;

845 (x) Standards for student, school and school
846 district performance will be increased when student proficiency is
847 at a seventy-five percent (75%) and/or when sixty-five percent
848 (65%) of the schools and/or school districts are earning a grade
849 of "B" or higher, in order to raise the standard on performance
850 after targets are met.

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

854 (7) The State Board of Education shall create an
855 accreditation audit unit under the Commission on School
856 Accreditation to determine whether schools are complying with
857 accreditation standards.

858 (8) The State Board of Education shall be specifically
859 authorized and empowered to withhold adequate education program
860 fund allocations, whichever is applicable, to any public school
861 district for failure to timely report student, school personnel
862 and fiscal data necessary to meet state and/or federal
863 requirements.

864 (9) [Deleted]



865 (10) The State Board of Education shall establish, for those
866 school districts failing to meet accreditation standards, a
867 program of development to be complied with in order to receive
868 state funds, except as otherwise provided in subsection (15) of
869 this section when the Governor has declared a state of emergency
870 in a school district or as otherwise provided in Section 206,
871 Mississippi Constitution of 1890. The state board, in
872 establishing these standards, shall provide for notice to schools
873 and sufficient time and aid to enable schools to attempt to meet
874 these standards, unless procedures under subsection (15) of this
875 section have been invoked.

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

879 (a) Develop an impairment report for each district
880 failing to meet accreditation standards in conjunction with school
881 district officials;

882 (b) Notify any applicable school district failing to
883 meet accreditation standards that it is on probation until
884 corrective actions are taken or until the deficiencies have been
885 removed. The local school district shall develop a corrective
886 action plan to improve its deficiencies. For district academic
887 deficiencies, the corrective action plan for each such school
888 district shall be based upon a complete analysis of the following:
889 student test data, student grades, student attendance reports,



student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve:

- (i) instruction; (ii) curriculum; (iii) professional development;
- (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

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



914 (d) Assign department personnel or contract, in its
915 discretion, with the institutions of higher learning or other
916 appropriate private entities with experience in the academic,
917 finance and other operational functions of schools to assist
918 school districts;

919 (e) Provide for publication of public notice at least
920 one time during the probationary period, in a newspaper published
921 within the jurisdiction of the school district failing to meet
922 accreditation standards, or if no newspaper is published therein,
923 then in a newspaper having a general circulation therein. The
924 publication shall include the following: declaration of school
925 system's status as being on probation; all details relating to the
926 impairment report; and other information as the State Board of
927 Education deems appropriate. Public notices issued under this
928 section shall be subject to Section 13-3-31 and not contrary to
929 other laws regarding newspaper publication.

930 (12) (a) If the recommendations for corrective action are
931 not taken by the local school district or if the deficiencies are
932 not removed by the end of the probationary period, the Commission
933 on School Accreditation shall conduct a hearing to allow the
934 affected school district to present evidence or other reasons why
935 its accreditation should not be withdrawn. Additionally, if the
936 local school district violates accreditation standards that have
937 been determined by the policies and procedures of the State Board
938 of Education to be a basis for withdrawal of school district's



939 accreditation without a probationary period, the Commission on
940 School Accreditation shall conduct a hearing to allow the affected
941 school district to present evidence or other reasons why its
942 accreditation should not be withdrawn. After its consideration of
943 the results of the hearing, the Commission on School Accreditation
944 shall be authorized, with the approval of the State Board of
945 Education, to withdraw the accreditation of a public school
946 district, and issue a request to the Governor that a state of
947 emergency be declared in that district.

948 (b) If the State Board of Education and the Commission
949 on School Accreditation determine that an extreme emergency
950 situation exists in a school district that jeopardizes the safety,
951 security or educational interests of the children enrolled in the
952 schools in that district and that emergency situation is believed
953 to be related to a serious violation or violations of
954 accreditation standards or state or federal law, or when a school
955 district meets the State Board of Education's definition of a
956 failing school district for two (2) consecutive full school years,
957 or if more than fifty percent (50%) of the schools within the
958 school district are designated as Schools At-Risk in any one (1)
959 year, the State Board of Education may request the Governor to
960 declare a state of emergency in that school district. For
961 purposes of this paragraph, the declarations of a state of
962 emergency shall not be limited to those instances when a school
963 district's impairments are related to a lack of financial



resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

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

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole;

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

(iii) Assign an interim superintendent, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and



988 school districts, who will have those powers and duties prescribed
989 in subsection (15) of this section;

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

994 (v) For states of emergency declared under
995 paragraph (a) only, if the accreditation deficiencies are related
996 to the fact that the school district is too small, with too few
997 resources, to meet the required standards and if another school
998 district is willing to accept those students, abolish that
999 district and assign that territory to another school district or
1000 districts. If the school district has proposed a voluntary
1001 consolidation with another school district or districts, then if
1002 the State Board of Education finds that it is in the best interest
1003 of the pupils of the district for the consolidation to proceed,
1004 the voluntary consolidation shall have priority over any such
1005 assignment of territory by the State Board of Education;

1006 (vi) For states of emergency declared under
1007 paragraph (b) only, reduce local supplements paid to school
1008 district employees, including, but not limited to, instructional
1009 personnel, assistant teachers and extracurricular activities
1010 personnel, if the district's impairment is related to a lack of
1011 financial resources, but only to an extent that will result in the



1012 salaries being comparable to districts similarly situated, as
1013 determined by the State Board of Education;

1014 (vii) For states of emergency declared under
1015 paragraph (b) only, the State Board of Education may take any
1016 action as prescribed in Section 37-17-13.

1017 (d) At the time that satisfactory corrective action has
1018 been taken in a school district in which a state of emergency has
1019 been declared, the State Board of Education may request the
1020 Governor to declare that the state of emergency no longer exists
1021 in the district.

1022 (e) The parent or legal guardian of a school-age child
1023 who is enrolled in a school district whose accreditation has been
1024 withdrawn by the Commission on School Accreditation and without
1025 approval of that school district may file a petition in writing to
1026 a school district accredited by the Commission on School
1027 Accreditation for a legal transfer. The school district
1028 accredited by the Commission on School Accreditation may grant the
1029 transfer according to the procedures of Section 37-15-31(1)(b).
1030 In the event the accreditation of the student's home district is
1031 restored after a transfer has been approved, the student may
1032 continue to attend the transferee school district. The per-pupil
1033 amount of the adequate education program allotment, including the
1034 collective "add-on program" costs for the student's home school
1035 district shall be transferred monthly to the school district



1036 accredited by the Commission on School Accreditation that has
1037 granted the transfer of the school-age child.

1038 (f) Upon the declaration of a state of emergency for
1039 any school district in which the Governor has previously declared
1040 a state of emergency, the State Board of Education may either:

1041 (i) Place the school district into district
1042 transformation, in which the school district shall remain until it
1043 has fulfilled all conditions related to district transformation.
1044 If the district was assigned an accreditation rating of "D" or "F"
1045 when placed into district transformation, the district shall be
1046 eligible to return to local control when the school district has
1047 attained a "C" rating or higher for five (5) consecutive years,
1048 unless the State Board of Education determines that the district
1049 is eligible to return to local control in less than the five-year
1050 period;

1051 (ii) Abolish the school district and
1052 administratively consolidate the school district with one or more
1053 existing school districts;

1054 (iii) Reduce the size of the district and
1055 administratively consolidate parts of the district, as determined
1056 by the State Board of Education. However, no school district
1057 which is not in district transformation shall be required to
1058 accept additional territory over the objection of the district; or

1059 (iv) Require the school district to develop and
1060 implement a district improvement plan with prescriptive guidance



1061 and support from the State Department of Education, with the goal
1062 of helping the district improve student achievement. Failure of
1063 the school board, superintendent and school district staff to
1064 implement the plan with fidelity and participate in the activities
1065 provided as support by the department shall result in the school
1066 district retaining its eligibility for district transformation.

1067 (g) There is established a Mississippi Recovery School
1068 District within the State Department of Education under the
1069 supervision of a deputy superintendent appointed by the State
1070 Superintendent of Public Education, who is subject to the approval
1071 by the State Board of Education. The Mississippi Recovery School
1072 District shall provide leadership and oversight of all school
1073 districts that are subject to district transformation status, as
1074 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1075 and shall have all the authority granted under these two (2)
1076 chapters. The Mississippi Department of Education, with the
1077 approval of the State Board of Education, shall develop policies
1078 for the operation and management of the Mississippi Recovery
1079 School District. The deputy state superintendent is responsible
1080 for the Mississippi Recovery School District and shall be
1081 authorized to oversee the administration of the Mississippi
1082 Recovery School District, oversee the interim superintendent
1083 assigned by the State Board of Education to a local school
1084 district, hear appeals that would normally be filed by students,
1085 parents or employees and heard by a local school board, which



1086 hearings on appeal shall be conducted in a prompt and timely
1087 manner in the school district from which the appeal originated in
1088 order to ensure the ability of appellants, other parties and
1089 witnesses to appeal without undue burden of travel costs or loss
1090 of time from work, and perform other related duties as assigned by
1091 the State Superintendent of Public Education. The deputy state
1092 superintendent is responsible for the Mississippi Recovery School
1093 District and shall determine, based on rigorous professional
1094 qualifications set by the State Board of Education, the
1095 appropriate individuals to be engaged to be interim
1096 superintendents and financial advisors, if applicable, of all
1097 school districts subject to district transformation status. After
1098 State Board of Education approval, these individuals shall be
1099 deemed independent contractors.

1100 (13) Upon the declaration of a state of emergency in a
1101 school district under subsection (12) of this section, the
1102 Commission on School Accreditation shall be responsible for public
1103 notice at least once a week for at least three (3) consecutive
1104 weeks in a newspaper published within the jurisdiction of the
1105 school district failing to meet accreditation standards, or if no
1106 newspaper is published therein, then in a newspaper having a
1107 general circulation therein. The size of the notice shall be no
1108 smaller than one-fourth (1/4) of a standard newspaper page and
1109 shall be printed in bold print. If an interim superintendent has
1110 been appointed for the school district, the notice shall begin as



1111 follows: "By authority of Section 37-17-6, Mississippi Code of
1112 1972, as amended, adopted by the Mississippi Legislature during
1113 the 1991 Regular Session, this school district (name of school
1114 district) is hereby placed under the jurisdiction of the State
1115 Department of Education acting through its appointed interim
1116 superintendent (name of interim superintendent)."

1117 The notice also shall include, in the discretion of the State
1118 Board of Education, any or all details relating to the school
1119 district's emergency status, including the declaration of a state
1120 of emergency in the school district and a description of the
1121 district's impairment deficiencies, conditions of any district
1122 transformation status and corrective actions recommended and being
1123 taken. Public notices issued under this section shall be subject
1124 to Section 13-3-31 and not contrary to other laws regarding
1125 newspaper publication.

1126 Upon termination of the state of emergency in a school
1127 district, the Commission on School Accreditation shall cause
1128 notice to be published in the school district in the same manner
1129 provided in this section, to include any or all details relating
1130 to the corrective action taken in the school district that
1131 resulted in the termination of the state of emergency.

1132 (14) The State Board of Education or the Commission on
1133 School Accreditation shall have the authority to require school
1134 districts to produce the necessary reports, correspondence,



1135 financial statements, and any other documents and information
1136 necessary to fulfill the requirements of this section.

1137 Nothing in this section shall be construed to grant any
1138 individual, corporation, board or interim superintendent the
1139 authority to levy taxes except in accordance with presently
1140 existing statutory provisions.

1141 (15) (a) Whenever the Governor declares a state of
1142 emergency in a school district in response to a request made under
1143 subsection (12) of this section, the State Board of Education, in
1144 its discretion, may assign an interim superintendent to the school
1145 district, or in its discretion, may contract with an appropriate
1146 private entity with experience in the academic, finance and other
1147 operational functions of schools and school districts, who will be
1148 responsible for the administration, management and operation of
1149 the school district, including, but not limited to, the following
1150 activities:

1151 (i) Approving or disapproving all financial
1152 obligations of the district, including, but not limited to, the
1153 employment, termination, nonrenewal and reassignment of all
1154 licensed and nonlicensed personnel, contractual agreements and
1155 purchase orders, and approving or disapproving all claim dockets
1156 and the issuance of checks; in approving or disapproving
1157 employment contracts of superintendents, assistant superintendents
1158 or principals, the interim superintendent shall not be required to



1159 comply with the time limitations prescribed in Sections 37-9-15
1160 and 37-9-105;

1161 (ii) Supervising the day-to-day activities of the
1162 district's staff, including reassigning the duties and
1163 responsibilities of personnel in a manner which, in the
1164 determination of the interim superintendent, will best suit the
1165 needs of the district;

1166 (iii) Reviewing the district's total financial
1167 obligations and operations and making recommendations to the
1168 district for cost savings, including, but not limited to,
1169 reassigning the duties and responsibilities of staff;

1170 (iv) Attending all meetings of the district's
1171 school board and administrative staff;

1172 (v) Approving or disapproving all athletic, band
1173 and other extracurricular activities and any matters related to
1174 those activities;

1175 (vi) Maintaining a detailed account of
1176 recommendations made to the district and actions taken in response
1177 to those recommendations;

1178 (vii) Reporting periodically to the State Board of
1179 Education on the progress or lack of progress being made in the
1180 district to improve the district's impairments during the state of
1181 emergency; and

1182 (viii) Appointing a parent advisory committee,
1183 comprised of parents of students in the school district that may



1184 make recommendations to the interim superintendent concerning the
1185 administration, management and operation of the school district.

1186 The cost of the salary of the interim superintendent and any
1187 other actual and necessary costs related to district
1188 transformation status paid by the State Department of Education
1189 shall be reimbursed by the local school district from funds other
1190 than adequate education program funds. The department shall
1191 submit an itemized statement to the superintendent of the local
1192 school district for reimbursement purposes, and any unpaid balance
1193 may be withheld from the district's adequate education program
1194 funds.

1195 At the time that the Governor, in accordance with the request
1196 of the State Board of Education, declares that the state of
1197 emergency no longer exists in a school district, the powers and
1198 responsibilities of the interim superintendent assigned to the
1199 district shall cease.

1200 (b) In order to provide loans to school districts under
1201 a state of emergency or in district transformation status that
1202 have impairments related to a lack of financial resources, the
1203 School District Emergency Assistance Fund is created as a special
1204 fund in the State Treasury into which monies may be transferred or
1205 appropriated by the Legislature from any available public
1206 education funds. Funds in the School District Emergency
1207 Assistance Fund up to a maximum balance of Three Million Dollars
1208 (\$3,000,000.00) annually shall not lapse but shall be available



1209 for expenditure in subsequent years subject to approval of the
1210 State Board of Education. Any amount in the fund in excess of
1211 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1212 year shall lapse into the State General Fund or the Education
1213 Enhancement Fund, depending on the source of the fund.

1214 The State Board of Education may loan monies from the School
1215 District Emergency Assistance Fund to a school district that is
1216 under a state of emergency or in district transformation status,
1217 in those amounts, as determined by the board, that are necessary
1218 to correct the district's impairments related to a lack of
1219 financial resources. The loans shall be evidenced by an agreement
1220 between the school district and the State Board of Education and
1221 shall be repayable in principal, without necessity of interest, to
1222 the School District Emergency Assistance Fund by the school
1223 district from any allowable funds that are available. The total
1224 amount loaned to the district shall be due and payable within five
1225 (5) years after the impairments related to a lack of financial
1226 resources are corrected. If a school district fails to make
1227 payments on the loan in accordance with the terms of the agreement
1228 between the district and the State Board of Education, the State
1229 Department of Education, in accordance with rules and regulations
1230 established by the State Board of Education, may withhold that
1231 district's adequate education program funds in an amount and
1232 manner that will effectuate repayment consistent with the terms of



the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

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

(16) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim superintendent, who shall be responsible for the administration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (12), whichever occurs first. In that case, the State Board of Education, acting through the interim superintendent, shall have all powers which were held



1258 by the previously existing school board, and may take any action
1259 as prescribed in Section 37-17-13 and/or one or more of the
1260 actions authorized in this section.

1261 (17) (a) If the Governor declares a state of emergency in a
1262 school district, the State Board of Education may take all such
1263 action pertaining to that school district as is authorized under
1264 subsection (12) or (15) of this section, including the appointment
1265 of an interim superintendent. The State Board of Education shall
1266 also have the authority to issue a written request with
1267 documentation to the Governor asking that the office of the
1268 superintendent of the school district be subject to recall. If
1269 the Governor declares that the office of the superintendent of the
1270 school district is subject to recall, the local school board or
1271 the county election commission, as the case may be, shall take the
1272 following action:

1273 (i) If the office of superintendent is an elected
1274 office, in those years in which there is no general election, the
1275 name shall be submitted by the State Board of Education to the
1276 county election commission, and the county election commission
1277 shall submit the question at a special election to the voters
1278 eligible to vote for the office of superintendent within the
1279 county, and the special election shall be held within sixty (60)
1280 days from notification by the State Board of Education. The
1281 ballot shall read substantially as follows:



1282 "Shall County Superintendent of Education _____ (here the
1283 name of the superintendent shall be inserted) of the _____
1284 (here the title of the school district shall be inserted) be
1285 retained in office? Yes _____ No _____"

1286 If a majority of those voting on the question votes against
1287 retaining the superintendent in office, a vacancy shall exist
1288 which shall be filled in the manner provided by law; otherwise,
1289 the superintendent shall remain in office for the term of that
1290 office, and at the expiration of the term shall be eligible for
1291 qualification and election to another term or terms.

1292 (ii) If the office of superintendent is an
1293 appointive office, the name of the superintendent shall be
1294 submitted by the president of the local school board at the next
1295 regular meeting of the school board for retention in office or
1296 dismissal from office. If a majority of the school board voting
1297 on the question vote against retaining the superintendent in
1298 office, a vacancy shall exist which shall be filled as provided by
1299 law, otherwise the superintendent shall remain in office for the
1300 duration of his employment contract.

1301 (b) The State Board of Education may issue a written
1302 request with documentation to the Governor asking that the
1303 membership of the school board of the school district shall be
1304 subject to recall. Whenever the Governor declares that the
1305 membership of the school board is subject to recall, the county



1306 election commission or the local governing authorities, as the
1307 case may be, shall take the following action:

1308 (i) If the members of the local school board are
1309 elected to office, in those years in which the specific member's
1310 office is not up for election, the name of the school board member
1311 shall be submitted by the State Board of Education to the county
1312 election commission, and the county election commission at a
1313 special election shall submit the question to the voters eligible
1314 to vote for the particular member's office within the county or
1315 school district, as the case may be, and the special election
1316 shall be held within sixty (60) days from notification by the
1317 State Board of Education. The ballot shall read substantially as
1318 follows:

1319 "Members of the _____ (here the title of the school
1320 district shall be inserted) School Board who are not up for
1321 election this year are subject to recall because of the school
1322 district's failure to meet critical accountability standards as
1323 defined in the letter of notification to the Governor from the
1324 State Board of Education. Shall the member of the school board
1325 representing this area, _____ (here the name of the school
1326 board member holding the office shall be inserted), be retained in
1327 office? Yes _____ No _____"

1328 If a majority of those voting on the question vote against
1329 retaining the member of the school board in office, a vacancy in
1330 that board member's office shall exist, which shall be filled in



1331 the manner provided by law; otherwise, the school board member
1332 shall remain in office for the term of that office, and at the
1333 expiration of the term of office, the member shall be eligible for
1334 qualification and election to another term or terms of office.
1335 However, if a majority of the school board members are recalled in
1336 the special election, the Governor shall authorize the board of
1337 supervisors of the county in which the school district is situated
1338 to appoint members to fill the offices of the members recalled.
1339 The board of supervisors shall make those appointments in the
1340 manner provided by law for filling vacancies on the school board,
1341 and the appointed members shall serve until the office is filled
1342 at the next regular special election or general election.

1343 (ii) If the local school board is an appointed
1344 school board, the name of all school board members shall be
1345 submitted as a collective board by the president of the municipal
1346 or county governing authority, as the case may be, at the next
1347 regular meeting of the governing authority for retention in office
1348 or dismissal from office. If a majority of the governing
1349 authority voting on the question vote against retaining the board
1350 in office, a vacancy shall exist in each school board member's
1351 office, which shall be filled as provided by law; otherwise, the
1352 members of the appointed school board shall remain in office for
1353 the duration of their term of appointment, and those members may
1354 be reappointed.



1355 (iii) If the local school board is comprised of
1356 both elected and appointed members, the elected members shall be
1357 subject to recall in the manner provided in subparagraph (i) of
1358 this paragraph (b), and the appointed members shall be subject to
1359 recall in the manner provided in subparagraph (ii).

1360 (18) Beginning with the school district audits conducted for
1361 the 1997-1998 fiscal year, the State Board of Education, acting
1362 through the Commission on School Accreditation, shall require each
1363 school district to comply with standards established by the State
1364 Department of Audit for the verification of fixed assets and the
1365 auditing of fixed assets records as a minimum requirement for
1366 accreditation.

1367 (19) Before December 1, 1999, the State Board of Education
1368 shall recommend a program to the Education Committees of the House
1369 of Representatives and the Senate for identifying and rewarding
1370 public schools that improve or are high performing. The program
1371 shall be described by the board in a written report, which shall
1372 include criteria and a process through which improving schools and
1373 high-performing schools will be identified and rewarded.

1374 The State Superintendent of Public Education and the State
1375 Board of Education also shall develop a comprehensive
1376 accountability plan to ensure that local school boards,
1377 superintendents, principals and teachers are held accountable for
1378 student achievement. A written report on the accountability plan
1379 shall be submitted to the Education Committees of both houses of



1380 the Legislature before December 1, 1999, with any necessary
1381 legislative recommendations.

1382 (20) Before January 1, 2008, the State Board of Education
1383 shall evaluate and submit a recommendation to the Education
1384 Committees of the House of Representatives and the Senate on
1385 inclusion of graduation rate and dropout rate in the school level
1386 accountability system.

1387 (21) If a local school district is determined as failing and
1388 placed into district transformation status for reasons authorized
1389 by the provisions of this section, the interim superintendent
1390 appointed to the district shall, within forty-five (45) days after
1391 being appointed, present a detailed and structured corrective
1392 action plan to move the local school district out of district
1393 transformation status to the deputy superintendent. A copy of the
1394 interim superintendent's corrective action plan shall also be
1395 filed with the State Board of Education.

1396 **SECTION 3.** This act shall take effect and be in force from
1397 and after July 1, 2021.

