To: Workforce Development

Committee Substitute for House Bill No. 849

AN ACT TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO REVISE APPOINTMENTS TO THE STATE WORKFORCE INVESTMENT BOARD; TO BRING FORWARD SECTIONS 37-153-5, 37-153-11, 37-153-13, 71-5-353, 71-5-453, 37-153-17 AND 37-153-15, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO CREATE THE "COMPREHENSIVE CAREER AND TECHNICAL EDUCATION REFORM (CCATER) ACT"; TO BRING FORWARD SECTION 37-15-38, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-16-17, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO PROVIDE NOTICE TO ALL INCOMING MIDDLE SCHOOL AND JUNIOR HIGH STUDENTS OF THE CAREER AND TECHNICAL EDUCATION PROGRAMS OFFERED BY LOCAL SCHOOL BOARDS; TO REQUIRE ALL STUDENTS TO TAKE THE ACT WORKKEYS ASSESSMENT; TO PROVIDE THAT EACH INDIVIDUAL SCHOOL DISTRICT SHALL DETERMINE WHETHER THE ACT WORKKEYS ASSESSMENT IS ADMINISTERED IN THE NINTH, TENTH OR ELEVENTH GRADE; TO REVISE THE CURRICULUM IN THE CAREER AND TECHNICAL EDUCATION PROGRAM; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LOCAL BUSINESS OR OTHER PROFESSIONAL PERSONNEL SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE OR BACHELOR'S DEGREE IN ORDER TO BE GRANTED AN EXPERT CITIZEN-TEACHER LICENSE; TO EXPAND THE EXPERT CITIZEN-TEACHER LICENSE FROM ONE YEAR TO FIVE YEARS; TO PROVIDE THAT CERTAIN INSTRUCTIONAL STAFF EMPLOYED BY A PUBLIC SCHOOL DISTRICT OR NONPUBLIC SCHOOL ACCREDITED OR APPROVED BY THE STATE FOR A MINIMUM OF FIVE YEARS SHALL BE GRANTED A STANDARD TEACHER LICENSE; TO REQUIRE SUCH TEACHERS TO COMPLY WITH ANY ADDITIONAL REQUIREMENTS FOR EXISTING TEACHERS, INCLUDING PROFESSIONAL DEVELOPMENT TRAINING AND COMPLETION OF THE REQUIRED CONTINUING EDUCATION UNITS; TO AMEND SECTION 37-16-3, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE ADMINISTRATION OF THE ACT WORKKEYS ASSESSMENT, WHICH SHALL BE WEIGHTED IN THE SAME PERCENTAGE AS THE STANDARD ACT ASSESSMENT; TO REQUIRE THE STATE BOARD OF EDUCATION, ACTING THROUGH THE
COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND DEVELOPMENT, AND IN CONJUNCTION WITH THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, TO REQUIRE EACH EDUCATOR PREPARATION PROGRAM IN THE STATE TO INCLUDE A PRAXIS CORE ACADEMIC SKILLS FOR EDUCATORS EXAMINATION AND A PRAXIS II EXAMINATION PREPARATORY REVIEW COURSE, AS PART OF ITS CURRICULUM; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-153-5, Mississippi Code of 1972, is brought forward as follows:

37-153-5. For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section unless the context clearly indicates otherwise:

(a) "State board" or "board" means the Mississippi State Workforce Investment Board.

(b) "District councils" means the Local Workforce Development Councils.

(c) "Local workforce investment board" means the board that oversees the workforce development activities of local workforce areas under the federal Workforce Investment Act.

(d) "Office" means the Mississippi Office of Workforce Development, housed at the Department of Finance and Administration.

SECTION 2. Section 37-153-7, Mississippi Code of 1972, is amended as follows:

37-153-7. (1) There is created the Mississippi Office of Workforce Development and the Mississippi State Workforce Investment Board, which shall serve as the advisory board for the office. The Mississippi State Workforce Investment Board shall be
composed of thirty-one (31) voting members, of which a majority shall be representatives of business and industry in accordance with the federal Workforce Innovation and Opportunity Act, or any successive acts.

(2) The members of the State Workforce Investment Board shall include:

(a) The Governor, or his designee;

(b) Nineteen (19) members, appointed by the Governor, of whom:

   (i) A majority shall be representatives of businesses in the state, who:

      1. Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and Opportunity Act. At least two (2) of the members appointed under this item 1. shall be small business owners, chief executives or operating officers of businesses with less than fifty (50) employees;

      2. Represent businesses, including small businesses, or organizations representing businesses, which provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in high-demand industry sectors or occupations in the state; and
3. Are appointed from among individuals nominated by state business organizations and business trade associations;

(ii) Not less than twenty percent (20%) shall consist of representatives of the workforce within the state, which:

1. Includes labor organization representatives who have been nominated by state labor federations;

2. Includes a labor organization member or training director from an apprenticeship program in the state, which shall be a joint labor-management apprenticeship program if such a program exists in the state;

3. May include representatives of community-based organizations, including organizations serving veterans or providing or supporting competitive, integrated employment for individuals with disabilities, who have demonstrated experience and expertise in addressing employment, training or education needs of individuals with barriers to employment; and

4. May include representatives of organizations, including organizations serving out-of-school youth, who have demonstrated experience or expertise in addressing the employment, training or education needs of eligible youth;
The balance shall include government representatives, including the lead state officials with primary responsibility for core programs, and chief elected officials (collectively representing both cities and counties, where appropriate);

(3) Two (2) representatives of businesses in the state appointed by the Lieutenant Governor;

(d) Two (2) representatives of businesses in the state appointed by the Lieutenant Governor from a list of three (3) recommendations from the Speaker of the House; and

(e) The following state officials:

(i) The Executive Director of the Mississippi Department of Employment Security;

(ii) The Executive Director of the Department of Rehabilitation Services;

(iii) The State Superintendent of Public Education;

(iv) The Executive Director of the Mississippi Development Authority;

(v) The Executive Director of the Mississippi Community College Board;

(vi) The President of the Community College Association; and

(f) One (1) senator, appointed by the Lieutenant Governor, and one (1) representative, appointed by the Speaker of the House, shall serve on the state board in a nonvoting capacity.

(g) The Governor may appoint additional members if required by the federal Workforce Innovation and Opportunity Act, or any successive acts.

(h) Members of the board shall serve a term of four (4) years, and shall not serve more than three (3) consecutive terms.

(i) The membership of the board shall reflect the diversity of the State of Mississippi.

(j) The Governor shall designate the Chairman of the Mississippi State Workforce Investment Board from among the business and industry voting members of the board, and a quorum of the board shall consist of a majority of the voting members of the board.

(k) The voting members of the board who are not state employees shall be entitled to reimbursement of their reasonable expenses in the manner and amount specified in Section 25-3-41 and shall be entitled to receive per diem compensation as authorized in Section 25-3-69.

(3) Members of the state board may be recalled by their appointing authority for cause, including a felony conviction, fraudulent or dishonest acts or gross abuse of discretion, failure to meet board member qualifications, or chronic failure to attend board meetings.
(4) The Mississippi Department of Employment Security shall establish limits on administrative costs for each portion of Mississippi's workforce development system consistent with the federal Workforce Investment Act or any future federal workforce legislation.

(5) The Mississippi State Workforce Investment Board shall have the following duties. These duties are intended to be consistent with the scope of duties provided in the federal Workforce Innovation and Opportunity Act, amendments and successor legislation to this act, and other relevant federal law:

(a) Through the office, develop and submit to the Governor, Lieutenant Governor and Speaker of the House a strategic plan for an integrated state workforce development system that aligns resources and structures the system to more effectively and efficiently meet the demands of Mississippi's employers and job seekers. This plan will comply with the federal Workforce Investment Act of 1998, as amended, the federal Workforce Innovation and Opportunity Act of 2014 and amendments and successor legislation to these acts;

(b) Assist the Governor, Lieutenant Governor and Speaker of the House in the development and continuous improvement of the statewide workforce investment system that shall include:

   (i) Development of linkages in order to assure coordination and nonduplication among programs and activities; and
(ii) Review local workforce development plans that reflect the use of funds from the federal Workforce Investment Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser Act and the amendment or successor legislation to the acts, and the Mississippi Comprehensive Workforce Training and Education Consolidation Act;

(c) Recommend to the office the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

(d) Assist the Governor in the development of an allocation formula for the distribution of funds for adult
employment and training activities and youth activities to local workforce investment areas;

(e) Recommend comprehensive, results-oriented measures that shall be applied to all of Mississippi's workforce development system programs;

(f) Assist the Governor in the establishment and management of a one-stop employment and training system conforming to the requirements of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014, as amended, recommending policy for implementing the Governor's approved plan for employment and training activities and services within the state. In developing this one-stop career operating system, the Mississippi State Workforce Investment Board, in conjunction with local workforce investment boards, shall:

(i) Design broad guidelines for the delivery of workforce development programs;

(ii) Identify all existing delivery agencies and other resources;

(iii) Define appropriate roles of the various agencies to include an analysis of service providers' strengths and weaknesses;

(iv) Determine the best way to utilize the various agencies to deliver services to recipients; and
(v) Develop a financial plan to support the delivery system that shall, at a minimum, include an accountability system;

(g) To provide authority, in accordance with any executive order of the Governor, for developing the necessary collaboration among state agencies at the highest level for accomplishing the purposes of this chapter;

(h) To monitor the effectiveness of the workforce development centers and WIN job centers;

(i) To advise the Governor, public schools, community/junior colleges and institutions of higher learning on effective school-to-work transition policies and programs that link students moving from high school to higher education and students moving between community colleges and four-year institutions in pursuit of academic and technical skills training;

(j) To work with industry to identify barriers that inhibit the delivery of quality workforce education and the responsiveness of educational institutions to the needs of industry;

(k) To provide periodic assessments on effectiveness and results of the overall Mississippi comprehensive workforce development system and district councils;

(l) Develop broad statewide development goals, including a goal to raise the state's labor force participation rate;
(m) Perform a comprehensive review of Mississippi's workforce development efforts, including the amount spent and effectiveness of programs supported by state or federal money; and

(n) To assist the Governor in carrying out any other responsibility required by the federal Workforce Investment Act of 1998, as amended and the Workforce Innovation and Opportunity Act, successor legislation and amendments.

(6) The Mississippi State Workforce Investment Board shall coordinate all training programs and funds within its purview, consistent with the federal Workforce Investment Act, Workforce Innovation and Opportunity Act, amendments and successor legislation to these acts, and other relevant federal law.

Each state agency director responsible for workforce training activities shall advise the Mississippi Office of Workforce Development and the State Workforce Investment Board of appropriate federal and state requirements. Each state agency, department and institution shall report any monies received for workforce training activities or career and technical education and a detailed itemization of how those monies were spent to the state board. The board shall compile the data and provide a report of the monies and expenditures to the Chairs of the House and Senate Appropriations Committee, the Chair of the House Workforce Development Committee and the Chair of the Senate Economic and Workforce Development Committee by October 1 of each year. Each such state agency director shall remain responsible...
for the actions of his agency; however, each state agency and
director shall work cooperatively to fulfill the state's goals.

(7) The State Workforce Investment Board shall establish an
executive committee, which shall consist of the following State
Workforce Investment Board members:

(a) The Chair of the State Workforce Investment Board;

(b) Two (2) business representatives currently serving
on the state board selected by the Governor;

(c) The two (2) business representatives currently
serving on the state board appointed by the Lieutenant Governor;

(d) The two (2) business representatives currently
serving on the state board appointed by the Lieutenant Governor
from a list of three (3) recommendations from the Speaker of the
House;

(e) The two (2) legislators, who shall serve in a
nonvoting capacity, one (1) of whom shall be appointed by the
Lieutenant Governor from the membership of the Mississippi Senate
and one (1) of whom shall be appointed by the Speaker of the House
of Representatives from the membership of the Mississippi House of
Representatives.

(8) The executive committee shall select an executive
director of the Office of Workforce Development, with the advice
and consent of a majority of the State Workforce Investment Board.
The executive committee shall seek input from economic development
organizations across the state when selecting the executive
director. The executive director shall:

(a) Be a person with extensive experience in
development of economic, human and physical resources, and
promotion of industrial and commercial development. The executive
director shall have a bachelor's degree from a state-accredited
institution and no less than eight (8) years of professional
experience related to workforce or economic development;

(b) Perform the functions necessary for the daily
operation and administration of the office, with oversight from
the executive committee and the State Workforce Investment Board,
to fulfill the duties of the state board as described in Chapter
476, Laws of 2020;

(c) Hire staff needed for the performance of his or her
duties under this act. The executive director, with approval from
the executive committee, shall set the compensation of any hired
employees from any funds made available for that purpose;

(d) Enter any part of the Mississippi Community College
Board, individual community and junior colleges, or other
workforce training facilities operated by the state or its
subdivisions;

(e) Serve at the will and pleasure of the executive
committee;

(f) Promulgate rules and regulations, subject to
oversight by the executive committee, not inconsistent with this
chapter, as may be necessary to enforce the provisions in this act; and

(g) Perform any other actions he or she, in consultation with the executive committee, deems necessary to fulfill the duties under Chapter 476, Laws of 2020.

(9) The Office of Workforce Development and Mississippi Community College Board shall collaborate in the administration and oversight of the Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund, as described in Section 71-5-353. The executive director shall maintain complete and exclusive operational control of the office's functions.

(10) The office shall file an annual report with the Governor, Secretary of State, President of the Senate, Secretary of the Senate, Speaker of the House, and Clerk of the House not later than October 1 of each year regarding all funds approved by the office to be expended on workforce training during the prior calendar year. The report shall include:

(a) Information on the performance of the Mississippi Workforce Enhancement Training Fund and the Mississippi Works Fund, in terms of adding value to the local and state economy, the contribution to future growth of the state economy, and movement toward state goals, including increasing the labor force participation rate; and

(b) With respect to specific workforce training projects:
(i) The location of the training;
(ii) The amount allocated to the project;
(iii) The purpose of the project;
(iv) The specific business entity that is the beneficiary of the project; and
(v) The number of employees intended to be trained and actually trained, if applicable, in the course of the project.

(c) All information concerning a proposed project which is provided to the executive director shall be kept confidential. Such confidentiality shall not limit disclosure under the Mississippi Public Records Act of 1983 of records describing the nature, quantity, cost or other pertinent information related to the activities of, or services performed using, the Mississippi Workforce Enhancement Training Fund or the Mississippi Works Fund.

(11) Nothing in Chapter 476, Laws of 2020 [Senate Bill No. 2564] shall void or otherwise interrupt any contract, lease, grant or other agreement previously entered into by the State Workforce Investment Board, Mississippi Community College Board, individual community or junior colleges, or other entities.

SECTION 3. Section 37-153-11, Mississippi Code of 1972, is brought forward as follows:

37-153-11. (1) There are created workforce development centers to provide assessment, training and placement services to individuals needing retraining, training and upgrading for small business and local industry. Each workforce development center...
shall be affiliated with a separate public community or junior
college district and shall coordinate with the Office of Workforce
Development.

(2) Each workforce development center shall be staffed and
organized locally by the affiliated community college. The
workforce development center shall serve as staff to the
affiliated district council.

(3) Each workforce development center, working in concert
with its affiliated district council, shall offer and arrange
services to accomplish the purposes of this chapter, including,
but not limited to, the following:

(a) For individuals needing training and retraining:
   (i) Recruiting, assessing, counseling and
       referring to training or jobs;
   (ii) Preemployment training for those with no
       experience in the private enterprise system;
   (iii) Basic literacy skills training and high
       school equivalency education;
   (iv) Vocational and technical training, full-time
       or part-time; and
   (v) Short-term skills training for educationally
       and economically disadvantaged adults in cooperation with
       federally established employment and training programs;

(b) For specific small businesses, industries or firms
within the district:
(i) Job analysis, testing and curriculum development;
(ii) Development of specific long-range training plans;
(iii) Industry or firm-related preemployment training;
(iv) Workplace basic skills and literacy training;
(v) Customized skills training;
(vi) Assistance in developing the capacity for total quality management training;
(vii) Technology transfer information and referral services to business of local applications of new research in cooperation with the University Research Center, the state's universities and other laboratories; and
(viii) Development of business plans;
(c) For public schools within the district technical assistance to secondary schools in curriculum coordination, development of tech prep programs, instructional development and resource coordination; and
(d) For economic development, a local forum and resource center for all local industrial development groups to meet and promote regional economic development.
(4) Each workforce development center shall compile and make accessible to the Office of Workforce Development and Mississippi State Workforce Investment Board necessary information for use in
evaluating outcomes of its efforts and in improving the quality of
programs at each community college, and shall include information
on literacy initiatives. Each workforce development center shall,
through an interagency management information system, maintain
records on new small businesses, placement, length of time on the
job after placement and wage rates of those placed in a form
containing such information as established by the state council.

(5) The Mississippi Community College Board is authorized to
designate one or more workforce development centers at the request
of affiliated community or junior colleges to provide skills
training to individuals to enhance their ability to be employed in
the motion picture industry in this state.

SECTION 4. Section 37-153-13, Mississippi Code of 1972, is
brought forward as follows:

37-153-13. The Mississippi Community College Board, in
collaboration with the Office of Workforce Development, is
designated as the primary support agency to the workforce
development centers. The Mississippi Community College Board, in
collaboration with the Office of Workforce Development, may
exercise the following powers:

(a) To provide the workforce development centers the
assistance necessary to accomplish the purposes of this chapter;

(b) To provide the workforce development centers
consistent standards and benchmarks to guide development of the
local workforce development system and to provide a means by which the outcomes of local services can be measured;

(c) To develop the staff capacity to provide, broker or contract for the provision of technical assistance to the workforce development centers, including, but not limited to:

(i) Training local staff in methods of recruiting, assessment and career counseling;

(ii) Establishing rigorous and comprehensive local preemployment training programs;

(iii) Developing local institutional capacity to deliver total quality management training;

(iv) Developing local institutional capacity to transfer new technologists into the marketplace;

(v) Expanding the Skills Enhancement Program and improving the quality of adult literacy programs; and

(vi) Developing data for strategic planning;

(d) To collaborate with the Mississippi Development Authority, Office of Workforce Development, individual community and junior colleges, and other economic development and educational organizations and political subdivisions to increase the economic development potential and the state's labor force participation rate;

(e) To administer presented and approved certification programs by the community colleges for tax credits and partnership funding for corporate training;
(f) To create and maintain an evaluation team that examines which kinds of curricula and programs and what forms of quality control of training are most productive so that the knowledge developed at one (1) institution of education can be transferred to others;

(g) To develop internal capacity to provide services and to contract for services from universities and other providers directly to local institutions;

(h) To develop and administer an incentive certification program;

(i) To develop and hire staff and purchase equipment necessary to accomplish the goals set forth in this section; and

(j) To collaborate, partner and contract for services with community-based organizations and disadvantaged businesses in the delivery of workforce training and career information especially to youth, as defined by the federal Workforce Investment Act, and to those adults who are in low income jobs or whose individual skill levels are so low as to be unable initially to be aided by a workforce development center. Community-based organizations and disadvantaged businesses must meet performance-based certification requirements set by the Mississippi Community College Board, in collaboration with the Office of Workforce Development.

SECTION 5. Section 71-5-353, Mississippi Code of 1972, is brought forward as follows:
71-5-353. (1) (a) Each employer shall pay unemployment insurance contributions equal to five and four-tenths percent (5.4%) of taxable wages paid by him each calendar year, except as may be otherwise provided in Section 71-5-361 and except that each newly subject employer shall pay unemployment insurance contributions at the rate of one percent (1%) of taxable wages, for his first year of liability, one and one-tenth percent (1.1%) of taxable wages for his second year of liability, and one and two-tenths percent (1.2%) of taxable wages for his third and subsequent years of liability unless the employer's experience-rating record has been chargeable throughout at least the twelve (12) consecutive calendar months ending on the most recent computation date at the time the rate for a year is determined; thereafter the employer's contribution rate shall be determined in accordance with the provisions of Section 71-5-355.

(b) Notwithstanding the newly subject employer contribution rate provided for in paragraph (a) of this subsection, the contribution rate of all newly subject employers shall be reduced by seven one-hundredths of one percent (.07%) for calendar year 2013 only. The contribution rate of all newly subject employers shall be reduced by three one-hundredths of one percent (.03%) for calendar year 2014 only. For purposes of this chapter, "newly subject employers" means employers whose unemployment insurance experience-rating record has not been chargeable throughout at least the twelve (12) consecutive
calendar months ending on the most recent computation date at the
time the contribution rate for a year is determined.

(2) (a) (i) There is hereby created in the Treasury of the
State of Mississippi special funds to be known as the "Mississippi
Workforce Enhancement Training Fund" and the "Mississippi Works
Fund" which consist of funds collected pursuant to subsection (3)
of this section.

(ii) Funds collected shall initially be deposited
into the Mississippi Department of Employment Security bank
account for clearing contribution collections and subsequently
appropriate amounts shall be transferred to the Mississippi
Workforce Investment and Training Fund Holding Account described
in Section 71-5-453. In the event any employer pays an amount
insufficient to cover the total contributions due, the amounts due
shall be satisfied in the following order:

1. Unemployment contributions;
2. Mississippi Workforce Enhancement Training
contributions, State Workforce Investment contributions and the
Mississippi Works contributions, known collectively as the
Mississippi Workforce Investment and Training contributions, on a
pro rata basis;

3. Interest and damages; then

4. Legal and processing costs.

The amount of unemployment insurance contributions due for
any period will be the amount due according to the actual

computations unless the employer is participating in the MLPP. In that event, the amount due is the MLPP amount computed by the department.

Cost of collection and administration of the Mississippi Workforce Enhancement Training contribution, the State Workforce Investment contribution and the Mississippi Works contribution shall be allocated based on a plan approved by the United States Department of Labor (USDOL). The Mississippi Community College Board shall pay the cost of collecting the Mississippi Workforce Enhancement Training contributions, the State Workforce Investment Board shall pay the cost of collecting the State Workforce Investment contributions and the Mississippi Department of Employment Security shall pay the cost of collecting the Mississippi Works contributions. Payments shall be made semiannually with the cost allocated to each based on a USDOL approved plan on a pro rata basis, for periods ending in June and December of each year. Payment shall be made by each organization to the department no later than sixty (60) days after the billing date. Cost shall be allocated under the USDOL's approved plan and in the same ratio as each contribution type represents to the total authorized by subparagraph (ii)2 of this paragraph to be collected for the period.

(b) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be distributed as follows:
(i) For calendar year 2014, ninety-four and seventy-five one-hundredths percent (94.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(ii) For calendar years subsequent to calendar year 2014, ninety-three and seventy-five one-hundredths percent (93.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(iii) Workforce Enhancement Training contributions and State Workforce Investment contributions for calendar years 2014 and 2015 shall be distributed as provided in subparagraphs (i) and (ii) of this paragraph regardless of when the contributions were collected.

(c) All contributions collected for the State Workforce Enhancement Training Fund, the State Workforce Investment Fund and the Mississippi Works Fund will be initially deposited into the Mississippi Department of Employment Security bank account for clearing contribution collections and subsequently transferred to the Workforce Investment and Training Holding Account and will be held by the Mississippi Department of Employment Security in such account for a period of not less than thirty (30) days. After such period, the Mississippi Workforce Enhancement Training contributions shall be transferred to the Mississippi Community
College Board Treasury Account, with oversight provided by the Mississippi Office of Workforce Development, the State Workforce Investment contributions and the Mississippi Works contributions shall be transferred to the Mississippi Department of Employment Security Mississippi Works Treasury Account in the same ratio as each contribution type represents to the total authorized by paragraph (a)(ii)2 of this subsection to be collected for the period and within the time frame determined by the department; however, except in cases of extraordinary circumstances, these funds shall be transferred within fifteen (15) days. Interest earnings or interest credits on deposit amounts in the Workforce Investment and Training Holding Account shall be retained in the account to pay the banking costs of the account. If after the period of twelve (12) months interest earnings less banking costs exceeds Ten Thousand Dollars ($10,000.00), such excess amounts shall be transferred to the respective accounts within thirty (30) days following the end of each calendar year on the basis described in paragraph (b) of this subsection. Interest earnings and/or interest credits for the State Workforce Investments funds shall be used for the payment of banking costs and excess amounts shall be used in accordance with the rules and regulations of the State Workforce Investment Board expenditure policies.

(d) All enforcement procedures for the collection of delinquent unemployment contributions contained in Sections 71-5-363 through 71-5-383 shall be applicable in all respects for
collections of delinquent unemployment insurance contributions
designated for the Unemployment Compensation Fund, the Mississippi
Workforce Enhancement Training Fund, the State Workforce
Investment Board Fund and the Mississippi Works Fund.

(e) (i) Except as otherwise provided for in this
subsection (i), all monies deposited into the Mississippi
Workforce Enhancement Training Fund Treasury Account shall be
directed by the Mississippi Office of Workforce Development, in
collaboration with the Mississippi Community College Board, in
accordance with the Workforce Training Act of 1994 (Section
37-153-1 et seq.) and under policies approved by the Mississippi
Office of Workforce Development for the following purposes: to
provide training in collaboration with the Mississippi Community
College Board and individual community and junior colleges to
employers and employees in order to enhance employee productivity.
Such training may be subject to a minimal administrative fee to be
paid from the Mississippi Workforce Enhancement Training Fund as
established by the Office of Workforce Development. The initial
priority of these funds shall be for the benefit of existing
businesses located within the state. Employers may request
training for existing employees and/or newly hired employees from
the Mississippi Office of Workforce Development. The office, in
consultation with the Mississippi Community College Board, will be
responsible for approving the training. A portion of the funds
collected for the Mississippi Workforce Enhancement Training Fund
shall be used for the development of performance measures to
measure the effectiveness of the use of the Mississippi Workforce
Enhancement Training Fund dollars. These performance measures
shall be uniform for all training projects and shall be reported
to the Governor, Lieutenant Governor, Speaker of the House, and
members of the Legislature. Nothing in this section or elsewhere
in law shall be interpreted as giving the Office of Workforce
Development or State Workforce Investment Board authority to
direct the Mississippi Community College Board or individual
community or junior colleges on how to expend other funds, aside
from funds appropriated to the Mississippi Workforce Enhancement
Training Fund and Mississippi Works Fund, appropriated or received
for workforce training. The Mississippi Office of Workforce
Development, Mississippi Community College Board, individual
community or junior colleges, State Workforce Investment Board and
other agencies implementing or coordinating state-funded workforce
development programs under state law shall cooperate with each
other to promote effective workforce training in Mississippi,
under the direction of the office. Any subsequent changes to
these performance measures shall also be reported to the Governor,
Lieutenant Governor, Speaker of the House, and members of the
Legislature. A performance report for each training project and
community college, based upon these measures, shall be submitted
annually to the Governor, Lieutenant Governor, Speaker of the
House, and members of the Legislature.
(ii) Except as otherwise provided in this paragraph (e), all funds deposited into the State Workforce Investment Board bank account shall be used for administration of State Workforce Investment Board business, the Office of Workforce Development, grants related to training, and other projects as determined appropriate by the State Workforce Investment Board and shall be nonexpiring. Policies for grants and other projects shall be approved through a majority vote of the State Workforce Investment Board.

(iii) All funds deposited into the Mississippi Department of Employment Security Mississippi Works Fund shall be disbursed exclusively by the Executive Director of the Mississippi Department of Employment Security, in accordance with the rules and regulations promulgated by the Office of Workforce Development in support of workforce training activities approved by the Mississippi Office of Workforce Development in support of economic development activities. Funds allocated by the executive director under this subparagraph (iii) shall only be utilized for the training of unemployed persons, for immediate training needs for the net new jobs created by an employer, for the retention of jobs or to create a work-ready applicant pool of Mississippians with credentials and/or postsecondary education in accordance with the state's Workforce Investment and Opportunity Act plan. The Executive Director of the Office of Workforce Development shall give priority to the training of unemployed persons. Not more
than twenty-five percent (25%) of the funds may be allocated for
the retention of jobs and/or creation of a work-ready applicant
pool. Not more than Five Hundred Thousand Dollars ($500,000.00)
may be allocated annually for the training needs of any one (1)
employer. The Mississippi Office of Workforce Development, in
collaboration with the Mississippi Public Community College System
and its partners, shall be the primary entity to facilitate
training. In no case shall these funds be used to supplant
workforce funds available from any other sources, including, but
not limited to, local, state or federal sources that are available
for workforce training and development. Training conducted
utilizing these Mississippi Works funds may be subject to a
minimal administrative fee to be paid from the Mississippi Works
Fund as authorized by the Mississippi Office of Workforce
Development. All costs associated with the administration of
these funds shall be reimbursed to the Mississippi Department of
Employment Security from the Mississippi Works Fund.

(iv) 1. The Department of Employment Security
shall be the fiscal agent for the receipt and disbursement of all
funds in the State Workforce Investment Board bank account,
subject to the administrative oversight of the Office of Workforce
Development.

2. In managing the State Workforce Investment
Board bank account, the Office of Workforce Development, in
coordination with the Mississippi Department of Employment
Security as fiscal agent, shall ensure that any funds expended for contractual services rendered to the Office of Workforce Development shall be paid only to service providers who have been selected on a competitive basis. Any contract for services entered into using funds from the Workforce Investment Fund bank account shall contain the deliverables stated in terms that allow for the assessment of work performance against measurable performance standards and shall include milestones for completion of each deliverable under the contract. For each contract for services entered into by the Office of Workforce Development, the office shall develop a quality assurance surveillance plan that specifies quality control obligations of the contractor as well as measurable inspection and acceptance criteria corresponding to the performance standards contained in the contract's statement of work.

3. Any commodities procured for the office shall be procured in accordance with the provisions of Section 31-7-13.

(v) In addition to other expenditures, the Office of Workforce Development shall expend from the State Workforce Investment Board bank account for the use and benefit of the Office of Workforce Development, such funds as are necessary to prepare and develop a study of workforce development needs that will consist of the following:
1. An identification of the state's workforce development needs through a well-documented quantitative and qualitative analysis of:

   a. The current and projected workforce training needs of existing and identified potential Mississippi industries, with priority given to assessing the needs of existing in-state industry and business. Where possible, the analysis should include a verification and expansion of existing information previously developed by workforce training and service providers, as well as analysis of existing workforce data, such as the data collected through the Statewide Longitudinal Data System.

   b. The needs of the state's workers and residents requiring additional workforce training to improve their work skills in order to compete for better employment opportunities, including a priority-based analysis of the critical factors currently limiting the state's ability to provide a trained and ready workforce.

   c. The needs of workforce service and training providers in improving their ability to offer industry-relevant training, including an assessment of the practical limits of keeping training programs on the leading edge and eliminating those programs with marginal workforce relevance.

2. An assessment of Mississippi's current workforce development service delivery structure relative to the needs quantified in this subparagraph, including:

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a. Development of a list of strengths/weaknesses/opportunities/threats (SWOT) of the current workforce development delivery system relative to the identified needs;

b. Identification of strategic options for workforce development services based on the results of the SWOT analysis; and

c. Development of results-oriented measures for each option that can be baselined and, if implemented, tracked over time, with quantifiable milestones and goals.

3. Preparation of a report presenting all subjects set out in this subparagraph to be delivered to the Lieutenant Governor, Speaker of the House of Representatives, Chairman of the Senate Finance Committee and Chairman of the House Appropriations Committee no later than February 1, 2015.

4. Following the preparation of the report, the State Workforce Investment Board shall make a recommendation to the House and Senate Appropriations Committees on future uses of funds deposited to the State Workforce Investment Fund account. Such future uses may include:

a. The development of promotion strategies for workforce development programs;
b. Initiatives designed to reduce the state's dropout rate, including the development of a statewide career awareness program;

c. The long-term monitoring of the state's workforce development programs to determine whether they are addressing the needs of business, industry, and the workers of the state; and

d. The study of the potential restructuring of the state's workforce programs and delivery systems.

(3) (a) (i) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be collected at the following rates:

1. For calendar year 2014 only, the rate of nineteen one-hundredths of one percent (0.19%) based upon taxable wages of which eighteen one-hundredths of one percent (0.18%) shall be the Workforce Enhancement Training contribution and one-hundredths of one percent (0.01%) shall be the State Workforce Investment contribution; and

2. For calendar year 2015 only, the rate of sixteen one-hundredths of one percent (0.16%), based upon taxable wages of which fifteen one-hundredths of one percent (0.15%) shall be the Workforce Enhancement Training contribution and one-hundredths of one percent (0.01%) shall be the State Workforce Investment contribution.
(ii) Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions shall be collected at the following rates:

1. For calendar year 2016 only, at a rate of twenty-four one-hundredths percent (.24%), based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution and eight one-hundredths percent (.08%) shall be the Mississippi Works contribution.

2. For calendar years subsequent to calendar year 2016, at a rate of twenty one-hundredths percent (.20%), based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution and four one-hundredths percent (.04%) shall be the Mississippi Works contribution. The Mississippi Works contribution shall be collected for calendar years in which the general experience ratio, adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%), results in a general experience rate of less than two-tenths percent (.2%). In all other years the Mississippi Works contribution shall not be in effect.
(iii) The Mississippi Workforce Enhancement Training Fund contribution, the State Workforce Investment contribution and the Mississippi Works contribution shall be in addition to the general experience rate plus the individual experience rate of all employers but shall not be charged to reimbursing or rate-paying political subdivisions or institutions of higher learning, or reimbursing nonprofit organizations, as described in Sections 71-5-357 and 71-5-359.

(b) All Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions collected shall be deposited initially into the Mississippi Department of Employment Security bank account for clearing contribution collections and shall within two (2) business days be transferred to the Workforce Investment and Training Holding Account. Any Mississippi Workforce Enhancement Training Fund and/or State Workforce Investment Board bank account and/or Mississippi Works Fund transactions from the Mississippi Department of Employment Security bank account for clearing contribution collections that are deposited into the Workforce Investment and Training Fund Holding Account and are not honored by a financial institution will be transferred back to the Mississippi Department of Employment Security bank account for clearing contribution collections out of funds in the Mississippi Workforce Investment and Training Fund Holding Account.
(c) Suspension of the Workforce Enhancement Training Fund contributions required pursuant to this chapter shall occur if the insured unemployment rate exceeds an average of five and five-tenths percent (5.5%) for the three (3) consecutive months immediately preceding the effective date of the new rate year following such occurrence and shall remain suspended throughout the duration of that rate year. Such suspension shall continue until such time as the three (3) consecutive months immediately preceding the effective date of the next rate year that has an insured unemployment rate of less than an average of four and five-tenths percent (4.5%). Upon such occurrence, reactivation shall be effective upon the first day of the rate year following the event that lifts suspension and shall be in effect for that year and shall continue until such time as a subsequent suspension event as described in this chapter occurs.

(d) Notwithstanding any other provision contained herein, contribution collections for the State Workforce Investment Fund, Mississippi Works Fund and Mississippi Workforce Enhancement Training Fund shall not be suspended, under any circumstances, for tax rate year 2021, and the resulting contribution rate of twenty one-hundredths percent (.20%) shall be added to the employer's general and individual experience rate to obtain the total unemployment insurance rate for 2021.

(4) All collections due or accrued prior to any suspension of the Mississippi Workforce Enhancement Training Fund will be

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collected based upon the law at the time the contributions accrued, regardless of when they are actually collected.

**SECTION 6.** Section 71-5-453, Mississippi Code of 1972, is brought forward as follows:

71-5-453. The department shall be the treasurer and custodian of the fund, and shall administer such fund in accordance with the directions of the department, and shall issue its warrants upon it in accordance with such regulations as the department shall prescribe. The department shall maintain within the fund three (3) separate accounts: (a) a clearing account, (b) an unemployment trust fund account, and (c) a benefit payment account. All monies payable to the fund, upon receipt thereof by the department, shall be immediately deposited in the clearing account. Refunds payable pursuant to Section 71-5-383 may be paid from the clearing account by the department. Transfers pursuant to Section 71-5-114 of all interest, penalties and damages collected shall be made to the Special Employment Security Administration Fund as soon as practicable after the end of each calendar quarter. Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions shall be deposited into the Workforce Investment and Training Holding Account as described in this section. All other monies in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the Unemployment Trust Fund account for the State of Mississippi,
established and maintained pursuant to Section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release or disbursement of monies in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all monies requisitioned from this state's account in the Unemployment Trust Fund. Except as herein otherwise provided, monies in the clearing and benefit accounts may be deposited by the department, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The department shall be liable for the faithful performance of its duties in connection with the Unemployment Compensation Fund under this chapter. A Workforce Investment and Training Holding Account shall be established by and maintained under the control of the Mississippi Department of Employment Security. Contributions collected pursuant to the provisions in this chapter for the Workforce Enhancement Training Fund, State Workforce Investment Fund and the Mississippi Works Fund shall be transferred from the clearing account into the Workforce Investment and Training Holding Account on the same schedule and under the same conditions as funds transferred to the Unemployment Compensation Fund. Such funds shall remain on deposit in the holding account for a period of thirty (30) days. After such period, Workforce Enhancement Training contributions shall be transferred to the appropriate
Mississippi Community College Board Treasury Account, with oversight provided by the Mississippi Office of Workforce Development, by the department. The State Workforce Investment contributions shall be transferred to the State Workforce Investment Board bank account established by the department, and the department shall have the authority to deposit and disburse funds from the State Workforce Investment Board bank account as directed by the State Workforce Investment Board. The Mississippi Works contributions shall be transferred to the Mississippi Department of Employment Security Treasury Account for the Mississippi Works Fund. Such transfers shall occur within fifteen (15) days after the funds have resided in the Workforce Investment and Training Holding Account for thirty (30) days. One (1) such transfer shall be made monthly, but the department, in its discretion, may make additional transfers in any month. In the event such funds transferred are subsequently determined to be erroneously paid or collected, or if deposit of such funds is denied or rejected by the banking institution for any reason, or deposits are unable to clear drawer's account for any reason, the funds must be reimbursed by the recipient of such funds within thirty (30) days of mailing of notice by the department demanding such refund, unless funds are available in the Workforce Investment and Training Holding Account. In that event such amounts shall be immediately withdrawn from the Workforce Investment and Training Holding Account.
Investment and Training Holding Account by the department and redepósited into the clearing account.

**SECTION 7.** Section 37-153-17, Mississippi Code of 1972, is brought forward as follows:


**SECTION 8.** Section 37-153-15, Mississippi Code of 1972, is brought forward as follows:

37-153-15. (1) As used in this chapter:

(a) The words "industry certification" mean a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a credential that is nationally recognized and must be at least one (1) of the following:

(i) Within an industry that addresses a critical local, regional or statewide economic need;

(ii) Linked to an occupation that is included in the State Department of Employment Security's occupations in high-demand list; or

(iii) Linked to an occupation that is identified as emerging.

(b) The words "qualifying industry certification" mean an industry certification that is linked to an occupation with
wages of at least seventy percent (70%) of the average annual wage in this state unless the industry certification is stackable to another postsecondary or professional credential which is linked to an occupation which meets the wage criterion.

(2) The State Workforce Investment Board shall provide the State Board of Education annually with a list of qualifying industry certifications. If the occupations identified in the list are not substantially the same as those occupations identified in the prior year, the State Board of Education shall provide reasonable notice of the changes to school districts.

(3) Beginning in fiscal year 2019-2020 and subject to available funding, the Department of Education shall pay a career and technical education incentive grant to the public school for each student enrolled in the public school who earns a qualifying industry certification. The amount per student for the career and technical education incentive grant shall be Six Hundred Dollars ($600.00). If the statewide sum of the career and technical education incentive grants awarded pursuant to this section exceeds the amount of available funds appropriated for the grants, the grants per student shall be reduced proportionately to cover all eligible grants under this section.

(4) The grants may be used for qualifying industry certification examination fees, professional development for teachers in career and technical education programs under this section, student instructional support for programs that lead to
qualifying industry certifications, or to increase access to qualifying industry certifications. Any grants awarded under this section may not be used to supplant funds provided for the basic operation of the career and technical education programs.

(5) On or before July 1 of each year, the Department of Education shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairmen of the House and Senate Education Committees, the Chairman of the House Workforce Development Committee and the Chairman of the Senate Labor Committee on the following:

(a) The number of students who enrolled in a career and technical education course or program that leads to a qualifying industry certification.

(b) The number of students who earned a qualifying industry certification by certification.

(c) The amount of career and technical education incentive grants awarded by the school.

(d) The amount of career and technical education incentive grants awarded per student.

(e) Aggregated demographic data on the students who earned a qualifying industry certification, including the qualifying industry certifications earned by rural and urban students.
SECTION 9. The provisions of Sections 9 through 15 of this act shall be known as the "Comprehensive Career and Technical Education Reform" or "CCATER" Act.

SECTION 10. Section 37-15-38, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

(4) **Admission criteria for dual enrollment in community and junior college or university programs.** The Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning may recommend to the State Board of Education admission criteria for dual enrollment programs under which high school students may enroll at a community or junior college or university while they are still attending high school and enrolled in high school courses. Students may be admitted to enroll in community or junior college courses under the dual enrollment programs if they meet that individual institution's stated dual enrollment admission requirements.

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

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

(7) **School district average daily attendance credit.** When dually enrolled, the student may be counted, for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school.

(8) **High school student transcript transfer requirements.** Grades and college credits earned by a student admitted to a dual credit program must be recorded on the high school student record and on the college transcript at the university or community or junior college where the student attends classes. The transcript of the university or community or junior college coursework may be released to another institution or applied toward college graduation requirements.

(9) **Determining factor of prerequisites for dual enrollment courses.** Each university and community or junior college participating in a dual enrollment program shall determine course prerequisites. Course prerequisites shall be the same for dual enrolled students as for regularly enrolled students at that university or community or junior college.

(10) **Process for determining articulation of curriculum between high school, university, and community and junior college courses.** All dual credit courses must meet the standards established at the postsecondary level. Postsecondary level
developmental courses may not be considered as meeting the requirements of the dual credit program. Dual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program.

(11) [Deleted]

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

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

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

(15) **Maximum dual credits allowed.** It is the intent of the dual enrollment program to make it possible for every eligible student who desires to earn a semester's worth of college credit in high school to do so. A qualified dually enrolled high school student must be allowed to earn an unlimited number of college or university credits for dual credit.

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

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

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

(c) College or university courses taught at a college, university or high school by an instructor employed by the college or university and approved by the collaborating school district.
(d) Online courses of any public university, community or junior college in Mississippi.

(17) **Qualifications of dual credit instructors.** A dual credit academic instructor must meet the requirements set forth by the regional accrediting association (Southern Association of College and Schools). University and community and junior college personnel have the sole authority in the selection of dual credit instructors.

A dual credit career and technical education instructor must meet the requirements set forth by the Mississippi Community College Board in the qualifications manual for postsecondary career and technical personnel.

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

(19) **Mississippi Works Dual Enrollment-Dual Credit Option.** A local school board and the local community colleges board shall establish a Mississippi Works Dual Enrollment-Dual Credit Option Program under which potential or recent student dropouts may dually enroll in their home school and a local community college.
in a dual credit program consisting of high school completion coursework and a community college credential, certificate or degree program. Students completing the dual enrollment-credit option may obtain their high school diploma while obtaining a community college credential, certificate or degree. The Mississippi Department of Employment Security shall assist students who have successfully completed the Mississippi Works Dual Enrollment-Dual Credit Option in securing a job upon the application of the student or the participating school or community college. The Mississippi Works Dual Enrollment-Dual Credit Option Program will be implemented statewide in the 2012-2013 school year and thereafter. The State Board of Education, local school board and the local community college board shall establish criteria for the Dual Enrollment-Dual Credit Program. Students enrolled in the program will not be eligible to participate in interscholastic sports or other extracurricular activities at the home school district. Tuition and costs for community college courses offered under the Dual Enrollment-Dual Credit Program shall not be charged to the student, parents or legal guardians. When dually enrolled, the student shall be counted for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school, as provided in Section 37-151-7(1)(a). Any transportation required by the student to participate in the Dual Enrollment-Dual Credit Program is the
responsibility of the parent or legal guardian of the student, and
transportation costs may be paid from any available public or
private sources, including the local school district. Grades and
college credits earned by a student admitted to this Dual
Enrollment-Dual Credit Program shall be recorded on the high
school student record and on the college transcript at the
community college and high school where the student attends
classes. The transcript of the community college coursework may
be released to another institution or applied toward college
graduation requirements. Any course that is required for subject
area testing as a requirement for graduation from a public school
in Mississippi is eligible for dual credit, and courses eligible
for dual credit shall also include career, technical and degree
program courses. All courses eligible for dual credit shall be
approved by the superintendent of the local school district and
the chief instructional officer at the participating community
college in order for college credit to be awarded. A community
college shall make the final decision on what courses are eligible
for semester hour credits and the local school superintendent,
subject to approval by the Mississippi Department of Education,
shall make the final decision on the transfer of college courses
credited to the student's high school transcript.

SECTION 11. Section 37-16-17, Mississippi Code of 1972, is
amended as follows:
37-16-17. (1) Purpose. (a) The purpose of this section is to create a quality option in Mississippi's high schools for students not wishing to pursue a baccalaureate degree, which shall consist of challenging academic courses and modern career-technical studies. The goal for students pursuing the career track is to graduate from high school with a standard diploma and credit toward a community college certification in a career-technical field. These students also shall be encouraged to take the national assessment in the career-technical field in which they become certified.

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

(2) Alternative career track; description; curriculum. (a) A career track shall provide a student with greater technical
skill and a strong academic core and shall be offered to each high school student enrolled in a public school district. The career track program shall be linked to postsecondary options and shall prepare students to pursue either a degree or certification from a postsecondary institution, an industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field. The career track shall be designed primarily for those students who are not college bound and shall provide them with alternatives to entrance into a four-year university or college after high school graduation. All students shall be required to take the ACT WorkKeys Assessment. Each individual school district shall determine whether the ACT WorkKeys Assessment is administered in the ninth, tenth or eleventh grade.

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

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

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

(e) The twenty-one (21) course unit requirements for the career track shall consist of the following:
(i) At least four (4) English credits, including English I, English II, technical writing and computer programming.

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

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

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

(v) At least one-half (1/2) credit in health or physical education.

(vi) School districts must incorporate in the curriculum soft skills, which include, but are not limited to, social graces, communication abilities, language skills, personal habits, cognitive or emotional empathy, time management, teamwork and leadership traits.

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

(* * *viii) At least one (1) credit in integrated technology with optional end of course testing.

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

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

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

* * *

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

37-3-2. (1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.
(2) (a) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each of the four (4) congressional districts, as such districts existed on January 1, 2011, in accordance with the population calculations determined by the 2010 federal decennial census, including: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of public institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. Three (3) members of the commission, at the sole discretion of the State Board of Education, shall be appointed from the state at large.

(b) All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be 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;
(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

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

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

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

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

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

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

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

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

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

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 * * *; and

(vi) Except as otherwise provided, any teacher,
who has been granted a provisional license, but has not yet
achieved the nationally recommended passing scores on the Praxis
Core Academic Skills for Educators examination and Praxis II, and
has been employed by a public school district or a nonpublic

*ST: State Workforce Investment Board; revise membership of.*
school accredited/approved by the state for a minimum of five (5)
years in a full-time instructional capacity before the effective
date of this act, shall be granted a standard five-year renewable
license, and shall be required to complete all necessary
professional development trainings, continuing education unit
courses and any other requirement stipulated by the commission for
licensure renewal going forward.

(b) (i) Standard License - Nontraditional Teaching

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

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

* * *\text{3.}\) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be 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.

* * *\text{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.

Except as otherwise provided, any alternate route teacher, who has been granted a provisional license, but has not yet achieved the nationally recommended passing scores on the Praxis Core Academic Skills for Educators examination and Praxis II, and has been employed by a public school district or a nonpublic school accredited/approved by the state for a minimum of five (5) years in a full-time instructional capacity before the effective date of
this act, shall be granted a standard five-year renewable license,
and shall be required to complete all necessary professional
development trainings, continuing education unit courses and any
other requirement stipulated by the commission for licensure
renewal going forward. 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 * five-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
shall be required to have a high school diploma and a minimum of
five (5) years experience but shall not be required to hold an
associate or bachelor's degree, provided that he or she possesses
the minimum qualifications required for his or her profession, and
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.** A nonlicensed
person may 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 *ten percent (10%)* of the
total number of licensed personnel in any single school. Any
person authorized to teach under the provisions of this paragraph
(e), who has been employed by a public school district or a
nonpublic school accredited/approved by the state for a minimum of
five (5) years before the effective date of this act, shall be
granted a standard five-year renewable license, and shall be
required to complete all necessary professional development
trainings, continuing education unit courses and any other
requirement stipulated by the commission for licensure renewal
going forward.

(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
by sworn affidavit filed with the Commission on Teacher and
Administrator Education, Certification and Licensure and
Development. The decision thereon by the commission, its
subcommittee or hearing officer, shall be final, unless the
aggrieved party shall appeal to the State Board of Education,
within ten (10) days, of the decision of the commission, its
subcommittee or hearing officer. An appeal to the State Board of
Education shall be perfected upon filing a notice of the appeal.
and by the prepayment of the costs of the preparation of the
record of proceedings by the commission, its subcommittee or
hearing officer. An appeal shall be on the record previously made
before the commission, its subcommittee or hearing officer, unless
otherwise provided by rules and regulations adopted by the board.
The decision of the commission, its subcommittee or hearing
officer shall not be disturbed on appeal if supported by
substantial evidence, was not arbitrary or capricious, within the
authority of the commission, and did not violate some statutory or
constitutional right. The State Board of Education in its
authority may reverse, or remand with instructions, the decision
of the commission, its subcommittee or hearing officer. The
decision of the State Board of Education shall be final.
(11) (a) The State Board of Education, acting through the
commission, may deny an application for any teacher or
administrator license for one or more of the following:
(i) Lack of qualifications which are prescribed by
law or regulations adopted by the State Board of Education;
(ii) The applicant has a physical, emotional or
mental disability that renders the applicant unfit to perform the
duties authorized by the license, as certified by a licensed
psychologist or psychiatrist;
(iii) The applicant is actively addicted to or
actively dependent on alcohol or other habit-forming drugs or is a
habitual user of narcotics, barbiturates, amphetamines,
hallucinogens or other drugs having similar effect, at the time of application for a license;

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

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

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

(vii) The applicant or licensee is on probation or post-release supervision for a felony or conviction, as defined by federal or state law. However, this disqualification expires upon 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:

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

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

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or
revocation and shall continue until records in the prior state have been cleared;
(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph, 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;
(e) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);
(f) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;
(g) The license holder served as superintendent or 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

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21/HR43/R1614CS.1 ST: State Workforce Investment Board; revise membership of.
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.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.
(14) (a) A person whose license has been suspended or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of suspension or surrender, or after one-half (1/2) of the suspended or surrendered time has lapsed, whichever is greater. A person whose license has been suspended or revoked on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.
(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission, its subcommittee or hearing officer regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First 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 13. Section 37-16-3, Mississippi Code of 1972, is amended as follows:

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

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

(b) Conduct a uniform statewide testing program in grades deemed appropriate in the public schools, including charter schools, which shall provide for the administration of the ACT WorkKeys Assessment to all public and charter school students. Each individual school district shall determine whether the ACT WorkKeys Assessment is administered in the ninth, tenth or eleventh grade. The program may test skill areas, basic skills and high school course content.

(c) Monitor the results of the assessment program and, at any time the composite student performance of a school or basic program is found to be below the established minimum standards, notify the district superintendent or the governing board of the charter school, as the case may be, the school principal and the school advisory committee or other existing parent group of the situation within thirty (30) days of its determination. The department shall further provide technical assistance to a school district in the identification of the causes of this deficiency and shall recommend courses of action for its correction.

(d) Provide technical assistance to the school districts, when requested, in the development of student performance standards in addition to the established minimum statewide standards.
(e) Issue security procedure regulations providing for the security and integrity of the tests that are administered under the basic skills assessment program.

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

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

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The principal's sworn certification shall be set forth on a form developed and approved by the Department of Education. If, following the administration of a statewide test, the principal has reason to believe that the test was not administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, the principal shall submit a sworn certification to the Department of Education setting forth all information known or believed by the principal about all potential violations of the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The submission of false information or false certification to the Department of Education by any licensed educator may result in licensure disciplinary action pursuant to Section 37-3-2 and criminal prosecution pursuant to Section 37-16-4.
SECTION 14. 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 all noncharter public elementary and secondary schools shall be accredited under this system.

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

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

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Number of Certified School Librarians</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 499 Students</td>
<td>1/2 Full-time Equivalent Certified Librarian</td>
</tr>
<tr>
<td>500 or More Students</td>
<td>1 Full-time Certified Librarian</td>
</tr>
</tbody>
</table>

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.
(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

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

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

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

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

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

(b) Strong accountability for results with appropriate local flexibility for local implementation;
(c) A process to implement accountability at both the school district level and the school level;

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

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

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

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the
State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of
Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

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

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

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

(i) To mobilize resources and supplies to ensure 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...
as "F" schools, the lowest five percent (5%) of school grade point
designees will be identified as Priority schools. If at least ten
percent (10%) of schools in the state are not graded as "D"
schools, the lowest ten percent (10%) of school grade point
designees will be identified as Focus schools;

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

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

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

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

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

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

(xi) The system shall include student performance
on the administration of the ACT WorkKeys Assessment, which shall
be weighted in the same percentage as the standard ACT Assessment
as administered to students in Grade 11, for inclusion in the
college and career readiness portion of the accountability rating
system. The State Department of Education shall ensure equitable
distribution of points under the accountability rating, in
comparison to the ACT Assessment, for a Silver Status on the ACT
WorkKeys Assessment. A student shall not be required to complete
all of the courses within his or her career pathway for his or her
performance on the ACT WorkKeys Assessment to be included in the
system. Each individual school district shall determine whether
the ACT WorkKeys Assessment is administered in the ninth, tenth or
eleventh grade.
(6) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.
(7) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.
(8) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.
(9) [Deleted]
(10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (15) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (15) of this section have been invoked.
(11) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

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

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: 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;

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

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

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

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety,
security or educational interests of the children enrolled in the
schools in that district and that emergency situation is believed
to be related to a serious violation or violations of
accreditation standards or state or federal law, or when a school
district meets the State Board of Education's definition of a
failing school district for two (2) consecutive full school years,
or if more than fifty percent (50%) of the schools within the
school district are designated as Schools At-Risk in any one (1)
year, the State Board of Education may request the Governor to
declare a state of emergency in that school district. For
purposes of this paragraph, the declarations of a state of
emergency shall not be limited to those instances when a school
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 school districts, who will have those powers and duties prescribed in subsection (15) of this section;

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

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

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

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

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

(e) The parent or legal guardian of a school-age child
who is enrolled in a school district whose accreditation has been
withdrawn by the Commission on School Accreditation and without
approval of that school district may file a petition in writing to
a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b).

In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

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

(i) Place the school district into district transformation, in which the school district shall remain until it has fulfilled all conditions related to district transformation. If the district was assigned an accreditation rating of "D" or "F" when placed into district transformation, the district shall be eligible to return to local control when the school district has attained a "C" rating or higher for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period;
(ii) Abolish the school district and
administratively consolidate the school district with one or more
existing school districts;

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

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

(g) There is established a Mississippi Recovery School
District within the State Department of Education under the
supervision of a deputy superintendent appointed by the State
Superintendent of Public Education, who is subject to the approval
by the State Board of Education. The Mississippi Recovery School
District shall provide leadership and oversight of all school
districts that are subject to district transformation status, as
defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
and shall have all the authority granted under these two (2)
chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee the interim superintendent assigned by the State Board of Education to a local school district, hear appeals that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be interim superintendents and financial advisors, if applicable, of all school districts subject to district transformation status. After State Board of Education approval, these individuals shall be deemed independent contractors.
(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

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

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

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

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

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

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

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

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

(iv) Attending all meetings of the district's school board and administrative staff;
(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

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

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

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

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

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

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

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or in district transformation status, in those amounts, as determined by the board, that are necessary to correct the district’s impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to
the School District Emergency Assistance Fund by the school
district from any allowable funds that are available. The total
amount loaned to the district shall be due and payable within five
(5) years after the impairments related to a lack of financial
resources are corrected. If a school district fails to make
payments on the loan in accordance with the terms of the agreement
between the district and the State Board of Education, the State
Department of Education, in accordance with rules and regulations
established by the State Board of Education, may withhold that
district's adequate education program funds in an amount and
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 by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

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

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

"Shall County Superintendent of Education _______ (here the name of the superintendent shall be inserted) of the ____________ (here the title of the school district shall be inserted) be retained in office? Yes _______ No _______"

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

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

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

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

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

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

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

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

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

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

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

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

(21) If a local school district is determined as failing and placed into district transformation status for reasons authorized by the provisions of this section, the interim superintendent appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of district transformation status to the deputy superintendent. A copy of the interim superintendent's corrective action plan shall also be filed with the State Board of Education.
SECTION 15. Beginning with the 2021-2022 academic year, the State Board of Education, acting through the Commission on Teacher and Administrator Education, Certification and Licensure and Development, and in conjunction with the Board of Trustees of State Institutions of Higher Learning, shall require each educator preparation program in the state to include, as part of its curriculum, a Praxis Core Academic Skills for Educators examination and a Praxis II examination course of study, which shall serve as a preparatory review course with emphasis on the concepts and exam skills necessary for success on the exam, and reinforces students' knowledge through thought-provoking examples and Praxis exam questions. Upon completion of the course, students shall have mastered concepts as they are tested so that students can excel within the time constraints of the exam.

SECTION 16. This act shall take effect and be in force from and after July 1, 2021.