MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2021

By: Representative Bell (21st)  
To: Workforce Development

HOUSE BILL NO. 1253  
(As Passed the House)

AN ACT TO AMEND SECTION 31-7-13.2, MISSISSIPPI CODE OF 1972, 
to revise the construction management at risk method of project 
delivery; to provide that for the purposes of a 
qualifications-based selection procedure, a contract for 
construction management at risk services shall be treated the same 
as a contract for architectural, engineering and land surveying 
services; to provide that the construction manager selected by an 
agency or governing authority to provide construction management 
at risk services shall solicit bids for construction on the 
project as provided in the public purchasing law; to provide that 
the construction manager may prequalify vendors and contractors 
with certain qualifications before soliciting any bids or entering 
into any contracts; to provide that a bidder's confidential and 
proprietary information shall not be disclosed to anyone outside 
of the agency, governing authority or construction manager without 
the bidder's prior written consent; to bring forward section 
25-61-9, 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 31-7-13.2, Mississippi Code of 1972, is
amended as follows:

31-7-13.2 (1) When used in this section, "construction
manager at risk" means a method of project delivery in which a
construction manager guarantees a maximum price for the
construction of a project and in which the governing authority or
board, before using this method of project delivery, shall include
a detailed explanation of why using the construction manager at
risk method of project delivery for a particular project satisfies
the public need better than that traditional design-bid-build
method based on the following criteria:

(a) The use of construction manager at risk for the
project provides a savings in time or cost over traditional
methods; and
(b) The size and type of the project is suitable for use of the construction management at risk method of project delivery.

(2) When the construction manager at risk method of project delivery is used:

(a) There may be a separate contract for design services and a separate contract for construction services;

(b) The contract for construction services may be entered into at the same time as a contract for the design services or later;

(c) Design and construction of the project may be in sequential or concurrent phases; and

(d) Finance, maintenance, operation, reconstruction or other related services may be included for a guaranteed maximum price.

(3) When procuring design professional services under a construction manager at risk project delivery method, the agency or governing authority shall procure the services of a design professional pursuant to qualifications-based selection procedures.

(4) Before the substantial completion of the design documents, the agency or governing authority may elect to hire a construction manager.

(5) When procuring construction management services, the agency or governing authority shall follow the
qualifications-based selection procedures as outlined in subsection (10) of this section or the competitive sealed proposal procedures as outlined in Section 31-17-13.

(6) The agency or governing authority may require the architect or engineer and the construction manager, by contract, to cooperate in the design, planning and scheduling, and construction process. The contract shall not make the primary designer or construction manager a subcontractor or joint-venture partner to the other or limit the primary designer's or construction manager's independent obligations to the agency or governing authority.

(7) Notwithstanding anything to the contrary in this chapter:

(a) Each project for construction under a construction manager at risk contract shall be a specific, single project with a minimum construction cost of Twenty-five Million Dollars ($25,000,000.00).

(b) Each project under a construction manager at risk contract shall be a specific, single project. For the purposes of this paragraph, "specific, single project" means a project that is constructed at a single location, at a common location or for a common purpose.

(8) Agencies shall retain an independent architectural or engineering firm to provide guidance and administration of the professional engineering or professional architecture aspects of
the project throughout the development of the scope, design, and construction of the project.

(9) The state shall, on an annual basis, compile and make public all proceedings, records, contracts and other public records relating to procurement transactions authorized under this section.

(10) For purposes of this section, the "qualifications-based selection procedure" shall include:

(a) Publicly announcing all requirements for construction management at risk, architectural, engineering, and land surveying services, to procure these services on the basis of demonstrated competence and qualifications, and to negotiate contracts at fair and reasonable prices after the most qualified firm has been selected.

(b) Agencies or governing authorities shall establish procedures to prequalify firms seeking to provide construction management at risk, architectural, engineering, and land surveying services or may use prequalification lists from other state agencies or governing authorities to meet the requirements of this section.

(c) Whenever a project requiring construction management at risk, architectural, engineering, or land surveying services is proposed for an agency or governing authority, the agency or governing authority shall provide advance notice published in a professional services bulletin or advertised within
the official state newspaper setting forth the projects and services to be procured for not less than fourteen (14) days. The professional services bulletin shall be mailed to each firm that has requested the information or is prequalified under Section 31-7-13. The professional services bulletin shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the public notice, a statement of qualifications.

(d) The agency or governing authority shall evaluate the firms submitting letters of interest and other prequalified firms, taking into account qualifications. The agency or governing authority may consider, but shall not be limited to, considering:

(i) Ability of professional personnel;
(ii) Past record and experience;
(iii) Performance data on file;
(iv) Willingness to meet time requirements;
(v) Location;
(vi) Workload of the firm; and
(vii) Any other qualifications-based factors as the agency or governing authority may determine in writing are applicable.

The agency or governing authority may conduct discussions with and require public presentations by firms deemed to be the
most qualified regarding their qualifications, approach to the
project and ability to furnish the required services.

(e) The agency or governing authority shall establish a
committee to select firms to provide construction management at
risk, architectural, engineering, and land surveying services. A
selection committee may include at least one (1) public member
nominated by a statewide association of the profession affected.
The public member may not be employed or associated with any firm
holding a contract with the agency or governing authority nor may
the public member's firm be considered for a contract with that
agency or governing authority while serving as a public member of
the committee. In no case shall the agency or governing
authority, before selecting a firm for negotiation under paragraph
(f) of this subsection (10), seek formal or informal submission of
verbal or written estimates of costs or proposals in terms of
dollars, hours required, percentage of construction cost, or any
other measure of compensation.

(f) On the basis of evaluations, discussions, and any
presentations, the agency or governing authority shall select no
less than three (3) firms that it determines to be qualified to
provide services for the project and rank them in order of
qualifications to provide services regarding the specific project.
The agency or governing authority shall then contact the firm
ranked most preferred to negotiate a contract at a fair and
reasonable compensation. If fewer than three (3) firms submit
letters of interest and the agency or governing authority
determines that one (1) or both of those firms are so qualified,
the agency or governing authority may proceed to negotiate a
contract under paragraph (g) of this subsection (10).

(g) The agency or governing authority shall prepare a
written description of the scope of the proposed services to be
used as a basis for negotiations and shall negotiate a contract
with the highest qualified firm at compensation that the agency or
governing authority determines in writing to be fair and
reasonable. In making this decision, the agency or governing
authority shall take into account the estimated value, scope,
complexity, and professional nature of the services to be
rendered. In no case may the agency or governing authority
establish a maximum overhead rate or other payment formula
designed to eliminate firms from contention or restrict
competition or negotiation of fees. If the agency or governing
authority is unable to negotiate a satisfactory contract with the
firm that is most preferred, negotiations with that firm shall be
terminated. The agency or governing authority shall then begin
negotiations with the firm that is next preferred. If the agency
or governing authority is unable to negotiate a satisfactory
contract with that firm, negotiations with that firm shall be
terminated. The agency or governing authority shall then begin
negotiations with the firm that is next preferred. If the agency
governing authority is unable to negotiate a satisfactory
contract with any of the selected firms, the agency or governing
authority shall reevaluate the construction management at risk,
ar
tectural, engineering, or land surveying services requested,
including the estimated value, scope, complexity, and fee
requirements. The agency or governing authority shall then
compile a second list of not less than three (3) qualified firms
and proceed in accordance with the provisions of this section. A
firm negotiating a contract with an agency or governing authority
shall negotiate subcontracts for architectural, engineering, and
land surveying services at compensation that the firm determines
in writing to be fair and reasonable based upon a written
description of the scope of the proposed services.

(11) (a) The construction manager selected by the agency or
governing authority to provide construction management at risk
services shall solicit bids for construction on the project
pursuant to Section 31-7-13. The construction manager shall be
entitled to enter into contracts for construction with the lowest
and best bidders, as determined in consultation with the agency or
governing authority. Before soliciting bids or entering into any
such contract, the construction manager, in consultation with the
agency or governing authority, may prequalify any contractors or
vendors seeking to submit a bid on the project, taking into
account defined qualifications which may include, but not be
limited to, the following:
(i) Past experience and performance record on projects of similar size and scope;

(ii) Current financial status and ability to provide acceptable payment and performance bonds and meet defined insurance requirements;

(iii) Current workload and backlog of committed work for the period scheduled for the project under consideration;

(iv) Safety record to include prior citations and fines if applicable;

(v) History of legal disputes or performance defaults;

(vi) Identification and experience of project personnel and required manpower;

(vii) Plan for and ability to meet the applicable project schedule; and

(viii) Any other qualification-based factors as the agency, governing authority or construction manager may determine are applicable.

(b) The construction manager, in consultation with the agency or governing authority, shall publish the defined qualifications that shall be considered in the prequalification process at least two (2) weeks in advance of any prequalification of contractors or vendors seeking to submit a bid on the project. Publication shall be in a regular newspaper published in the county or municipality in which the agency or governing authority
is located. The agency or governing authority shall also post the
defined prequalification requirements on its website.

(c) The failure of a bidder to provide information in a
timely and complete manner in response to any prequalification
process may result in the disqualification of such bidder in the
discretion of the agency, governing authority, and construction
manager.

(d) Except as otherwise provided in Section 25-61-9,
confidential and proprietary information furnished by a bidder
pursuant to this section shall not be disclosed outside of the
agency, governing authority, or construction manager without the
prior written consent of the bidder. The bidder shall identify
and label any information considered to be confidential and
proprietary at the time of submission of the same to the agency,
governing authority, or construction manager.

(*) (*) (*)12) The provisions of this section shall not affect
any procurement by the Mississippi Transportation Commission.

SECTION 2. Section 25-61-9, Mississippi Code of 1972, is
brought forward as follows:

25-61-9. (1) Records furnished to public bodies by third
parties which contain trade secrets or confidential commercial or
financial information shall not be subject to inspection,

examination, copying or reproduction under this chapter until
notice to third parties has been given, but the records shall be
released no later than twenty-one (21) days from the date the
third parties are given notice by the public body unless the third
parties have filed in chancery court a petition seeking a
protective order on or before the expiration of the twenty-one-day
time period. Any party seeking the protective order shall give
notice to the party requesting the information in accordance with
the Mississippi Rules of Civil Procedure.

(2) If any public record which is held to be exempt from
disclosure pursuant to this chapter contains material which is not
exempt pursuant to this chapter, the public body shall separate
the exempt material and make the nonexempt material available for
examination or copying, or both, as provided for in this chapter.

(3) Trade secrets and confidential commercial and financial
information of a proprietary nature developed by a college,
university or public hospital under contract with a firm,
business, partnership, association, corporation, individual or
other like entity shall not be subject to inspection, examination,
copying or reproduction under this chapter.

(4) Misappropriation of a trade secret shall be governed by
the provisions of the Mississippi Uniform Trade Secrets Act,
Sections 75-26-1 through 75-26-19.

(5) A waste minimization plan and any updates developed by
generators and facility operators under the Mississippi
Comprehensive Multimedia Waste Minimization Act of 1990 shall be
retained at the facility and shall not be subject to inspection,
examination, copying or reproduction under this chapter.
(6) Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in Section 75-26-3, and data processing software produced by a public body which is sensitive must not be subject to inspection, copying or reproduction under this chapter.

As used in this subsection, "sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

(a) Collect, process, store, and retrieve information which is exempt under this chapter.

(b) Control and direct access authorizations and security measures for automated systems.

(c) Collect, process, store, and retrieve information, disclosure of which would require a significant intrusion into the business of the public body.

(7) For all procurement contracts awarded by state agencies, the provisions of the contract which contain the commodities purchased or the personal or professional services provided, the unit prices contained within the procurement contracts, the overall price to be paid, and the term of the contract shall not be deemed to be a trade secret or confidential commercial or financial information under this section, and shall be available for examination, copying or reproduction as provided for in this chapter. Any party seeking a protective order for a procurement
contract awarded by state agencies shall give notice to and provide the reasons for the protective order to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. The notice and reasons for the protective order must be posted on the Mississippi procurement portal for a minimum of seven (7) days before filing the petition seeking the protective order in chancery court. Any party seeking a protective order in violation of this subsection may be barred by a state agency from submitting bids, proposals or qualifications for procurement for a period not to exceed five (5) years.

**SECTION 3.** The provisions of Sections 3 through 9 of this act shall be known as the "Comprehensive Career and Technical Education Reform" or "CCATER" Act.

**SECTION 4.** 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.
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 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
(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.

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 5. 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 * * * technical education pathways 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 * * *
technical education pathways 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 technical education pathways. The State Board of Education shall require school districts to provide notice to all incoming middle school students and junior high students of the career technical education pathways offered by local school boards. Such notice shall include the career technical education pathways available, the course requirements of each pathways, how to enroll in the pathway and any other necessary information as determined by the State Board of Education.

(2) Career technical education pathway; description; curriculum. (a) A career technical education pathway 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 technical education pathway 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 technical education pathway 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.

(b) Students pursuing a career technical education pathway 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 technical education pathway approved by the State Board of Education.

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

(e) Students pursuing a career technical education pathway must complete the twenty-four (24) course unit requirements for a regular high school diploma, which may include, but not be limited to the following course content:

(i) English I;

(ii) English II;

(iii) Technical writing;

(iv) Computer programming;

(v) Algebra I;

(vi) Personal Finance;

(vii) Advanced technical mathematics;

(viii) Computer science;

(ix) Biology;

(x) Earth and Space Science;

(xi) U.S. History;
(xii) Mississippi Studies/U.S. Government;
(xiii) Health;
(xiv) Physical Education;
(xv) 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;
(xvi) Career technical education pathway courses;
and
(xvii) Integrated technology.

Academic courses within the career technical education pathway 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 6. 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;

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

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

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license.

Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant
teacher is employed shall compensate such assistant teachers at
the required salary level during the period of time such
individual is completing student teaching requirements.
Applicants for a standard license shall submit to the department:

(i) An application on a department form;

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

Effective July 1, 2016, for initial elementary education licensure, a teacher candidate must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the State Board of Education;

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

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

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

1. An ACT Score of twenty-one (21) (or SAT equivalent); or
2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

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

(b) (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.

* * *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.

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

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

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

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

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

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

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

(c) Special License - Expert Citizen. In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a 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, an industry-recognized certification related to the subject area in which they are teaching and a minimum of five (5) years of relevant 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. If a school board hires a career technical education pathway instructor who does not have an industry certification in his or her area of expertise but does have the required experience, the school board shall spread their decision on the minutes at their next meeting and provide a detailed explanation for why they hired the instructor. Such instructor shall present the minutes of the school board to the State Department of Education when he or she applies for an expert citizen license. 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 five percent (5%) of the total
number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.**
Beginning July 1, 2003, the commission shall grant special
licenses to teachers of transitional bilingual education who
possess such qualifications as are prescribed in this section.
Teachers of transitional bilingual education shall be compensated
by local school boards at not less than one (1) step on the
regular salary schedule applicable to permanent teachers licensed
under this section. The commission shall grant special licenses
to teachers of transitional bilingual education who present the
commission with satisfactory evidence that they (i) possess a
speaking and reading ability in a language, other than English, in
which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.
(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

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

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

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

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

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

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

(8) **Reciprocity.** (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.
(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

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

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

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.

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 7. 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 any students electing to take the assessment. 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 8.** 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:

\[
\begin{array}{c|c}
\text{Number of Students} & \text{Number of Certified School Librarians} \\
\hline
0 - 499 Students & 1/2 Full-time Equivalent Certified Librarian \\
500 or More Students & 1 Full-time Certified Librarian \\
\end{array}
\]

(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...
(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;
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.

(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.
(iii) 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 9. 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
construction management at risk method of project delivery; revise certain provisions related to.

2117 concepts and exam skills necessary for success on the exam, and
2118 reinforces students' knowledge through thought-provoking examples
2119 and Praxis exam questions. Upon completion of the course,
2120 students shall have mastered concepts as they are tested so that
2121 students can excel within the time constraints of the exam.
2122 **SECTION 10.** This act shall take effect and be in force from
2123 and after July 1, 2021.