

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 1253

BY: Representative Bell (21st)

1 **AMEND** by striking Section 4 through Section 9 in their
2 entirety and renumbering the succeeding sections.

3 **SECTION 4.** Section 37-15-38, Mississippi Code of 1972, is
4 brought forward as follows:

5 37-15-38. (1) The following phrases have the meanings
6 ascribed in this section unless the context clearly requires
7 otherwise:

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

11 (b) A dual credit student is a student who is enrolled
12 in a community or junior college or state institution of higher



13 learning while enrolled in high school and who is receiving high
14 school and college credit for postsecondary coursework.

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

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

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



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

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

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

56 (8) **High school student transcript transfer requirements.**
57 Grades and college credits earned by a student admitted to a dual
58 credit program must be recorded on the high school student record
59 and on the college transcript at the university or community or
60 junior college where the student attends classes. The transcript
61 of the university or community or junior college coursework may be



62 released to another institution or applied toward college
63 graduation requirements.

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

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

79 (11) [Deleted]

80 (12) **Eligible courses for dual credit programs.** Courses
81 eligible for dual credit include, but are not necessarily limited
82 to, foreign languages, advanced math courses, advanced science
83 courses, performing arts, advanced business and technology, and
84 career and technical courses. Distance Learning Collaborative
85 Program courses approved under Section 37-67-1 shall be fully
86 eligible for dual credit. All courses being considered for dual



87 credit must receive unconditional approval from the superintendent
88 of the local school district and the chief instructional officer
89 at the participating community or junior college or university in
90 order for college credit to be awarded. A university or community
91 or junior college shall make the final decision on what courses
92 are eligible for semester hour credits.

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

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

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

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

109 (a) Examination preparation taught at a high school by
110 a qualified teacher. A student may receive credit at the
111 secondary level after completion of an approved course and passing



112 the standard examination, such as an Advanced Placement or
113 International Baccalaureate course through which a high school
114 student is allowed CLEP credit by making a three (3) or higher on
115 the end-of-course examination.

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

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

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

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

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

135 (18) **Guidance on local agreements.** The Chief Academic
136 Officer of the State Board of Trustees of State Institutions of



137 Higher Learning and the Chief Instructional Officers of the
138 Mississippi Community College Board and the State Department of
139 Education, working collaboratively, shall develop a template to be
140 used by the individual community and junior colleges and
141 institutions of higher learning for consistent implementation of
142 the dual enrollment program throughout the State of Mississippi.

143 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

144 A local school board and the local community colleges board shall
145 establish a Mississippi Works Dual Enrollment-Dual Credit Option
146 Program under which potential or recent student dropouts may
147 dually enroll in their home school and a local community college
148 in a dual credit program consisting of high school completion
149 coursework and a community college credential, certificate or
150 degree program. Students completing the dual enrollment-credit
151 option may obtain their high school diploma while obtaining a
152 community college credential, certificate or degree. The
153 Mississippi Department of Employment Security shall assist
154 students who have successfully completed the Mississippi Works
155 Dual Enrollment-Dual Credit Option in securing a job upon the
156 application of the student or the participating school or
157 community college. The Mississippi Works Dual Enrollment-Dual
158 Credit Option Program will be implemented statewide in the
159 2012-2013 school year and thereafter. The State Board of
160 Education, local school board and the local community college
161 board shall establish criteria for the Dual Enrollment-Dual Credit



162 Program. Students enrolled in the program will not be eligible to
163 participate in interscholastic sports or other extracurricular
164 activities at the home school district. Tuition and costs for
165 community college courses offered under the Dual Enrollment-Dual
166 Credit Program shall not be charged to the student, parents or
167 legal guardians. When dually enrolled, the student shall be
168 counted for adequate education program funding purposes, in the
169 average daily attendance of the public school district in which
170 the student attends high school, as provided in Section
171 37-151-7(1) (a). Any transportation required by the student to
172 participate in the Dual Enrollment-Dual Credit Program is the
173 responsibility of the parent or legal guardian of the student, and
174 transportation costs may be paid from any available public or
175 private sources, including the local school district. Grades and
176 college credits earned by a student admitted to this Dual
177 Enrollment-Dual Credit Program shall be recorded on the high
178 school student record and on the college transcript at the
179 community college and high school where the student attends
180 classes. The transcript of the community college coursework may
181 be released to another institution or applied toward college
182 graduation requirements. Any course that is required for subject
183 area testing as a requirement for graduation from a public school
184 in Mississippi is eligible for dual credit, and courses eligible
185 for dual credit shall also include career, technical and degree
186 program courses. All courses eligible for dual credit shall be



187 approved by the superintendent of the local school district and
188 the chief instructional officer at the participating community
189 college in order for college credit to be awarded. A community
190 college shall make the final decision on what courses are eligible
191 for semester hour credits and the local school superintendent,
192 subject to approval by the Mississippi Department of Education,
193 shall make the final decision on the transfer of college courses
194 credited to the student's high school transcript.

195 **SECTION 5.** Section 37-16-17, Mississippi Code of 1972, is
196 amended as follows:

197 37-16-17. (1) Purpose. (a) The purpose of this section is
198 to create a quality option in Mississippi's high schools for
199 students not wishing to pursue a baccalaureate degree, which shall
200 consist of challenging academic courses and modern
201 career-technical studies. The goal for students pursuing the
202 career * * * technical education pathways is to graduate from high
203 school with a standard diploma and credit toward a community
204 college certification in a career-technical field. These students
205 also shall be encouraged to take the national assessment in the
206 career-technical field in which they become certified.

207 (b) The State Board of Education shall develop and
208 adopt course and curriculum requirements for career * * *
209 technical education pathways offered by local public school boards
210 in accordance with this section. The Mississippi Community
211 College Board and the State Board of Education jointly shall



212 determine course and curriculum requirements for the career * * *
213 technical education pathways. The State Board of Education shall
214 provide notice to all incoming middle school students and junior
215 high students of the career technical education pathways offered
216 by local school boards. Such notice shall include the career
217 technical education pathways available, the course requirements of
218 each pathways, how to enroll in the pathway and any other
219 necessary information as determined by the State Board of
220 Education.

221 (2) * * * Career technical education pathway; description;
222 curriculum. (a) A career * * * technical education pathway shall
223 provide a student with greater technical skill and a strong
224 academic core and shall be offered to each high school student
225 enrolled in a public school district. The career * * * technical
226 education pathway shall be linked to postsecondary options and
227 shall prepare students to pursue either a degree or certification
228 from a postsecondary institution, an industry-based training or
229 certification, an apprenticeship, the military, or immediate
230 entrance into a career field. The career * * * technical
231 education pathway shall be designed primarily for those students
232 who are not college bound and shall provide them with alternatives
233 to entrance into a four-year university or college after high
234 school graduation.

235 (b) Students pursuing a career * * * technical
236 education pathway shall be afforded the opportunity to dually



237 enroll in a community or technical college or to participate in a
238 business internship or work-study program, when such opportunities
239 are available and appropriate.

240 (c) Each public school district shall offer a
241 career * * * technical education pathway approved by the State
242 Board of Education.

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

246 (e) The * * * twenty-four (24) course unit requirements
247 for the career * * * technical education pathway may include, but
248 not be limited to, the following:

249 * * *

- 250 (i) English I;
- 251 (ii) English II;
- 252 (iii) Technical writing;
- 253 (iv) Computer programming;
- 254 (v) Algebra I;
- 255 (vi) Personal Finance;
- 256 (vii) Business/construction mathematics;
- 257 (viii) Computer science;
- 258 (ix) Biology;
- 259 (x) Earth and Space Science;
- 260 (xi) U.S. History;
- 261 (xii) Mississippi Studies/U.S. Government;



262 (xiii) Health;
263 (xiv) Physical Education;
264 (xv) Soft skills, which include, but are not
265 limited to, social graces, communication abilities, language
266 skills, personal habits, cognitive or emotional empathy, time
267 management, teamwork and leadership traits;
268 (xvi) Career technical education pathway courses;
269 and
270 (xvii) Integrated technology.

271 Academic courses within the career * * * technical education
272 pathway of the standard diploma shall provide the knowledge and
273 skill necessary for proficiency on the state subject area tests.

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

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

284 * * *

285 **SECTION 6.** Section 37-3-2, Mississippi Code of 1972, is
286 amended as follows:



287 37-3-2. (1) There is established within the State
288 Department of Education the Commission on Teacher and
289 Administrator Education, Certification and Licensure and
290 Development. It shall be the purpose and duty of the commission
291 to make recommendations to the State Board of Education regarding
292 standards for the certification and licensure and continuing
293 professional development of those who teach or perform tasks of an
294 educational nature in the public schools of Mississippi.

295 (2) (a) The commission shall be composed of fifteen (15)
296 qualified members. The membership of the commission shall be
297 composed of the following members to be appointed, three (3) from
298 each of the four (4) congressional districts, as such districts
299 existed on January 1, 2011, in accordance with the population
300 calculations determined by the 2010 federal decennial census,
301 including: four (4) classroom teachers; three (3) school
302 administrators; one (1) representative of schools of education of
303 public institutions of higher learning located within the state to
304 be recommended by the Board of Trustees of State Institutions of
305 Higher Learning; one (1) representative from the schools of
306 education of independent institutions of higher learning to be
307 recommended by the Board of the Mississippi Association of
308 Independent Colleges; one (1) representative from public community
309 and junior colleges located within the state to be recommended by
310 the Mississippi Community College Board; one (1) local school
311 board member; and four (4) laypersons. Three (3) members of the



312 commission, at the sole discretion of the State Board of
313 Education, shall be appointed from the state at large.

314 (b) All appointments shall be made by the State Board
315 of Education after consultation with the State Superintendent of
316 Public Education. The first appointments by the State Board of
317 Education shall be made as follows: five (5) members shall be
318 appointed for a term of one (1) year; five (5) members shall be
319 appointed for a term of two (2) years; and five (5) members shall
320 be appointed for a term of three (3) years. Thereafter, all
321 members shall be appointed for a term of four (4) years.

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

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

335 (b) An Office of Educator Misconduct Evaluations shall
336 be established within the State Department of Education to assist



337 the commission in responding to infractions and violations, and in
338 conducting hearings and enforcing the provisions of subsections
339 (11), (12), (13), (14) and (15) of this section, and violations of
340 the Mississippi Educator Code of Ethics.

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

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

345 (b) Recommend to the State Board of Education each year
346 approval or disapproval of each educator preparation program in
347 the state, subject to a process and schedule determined by the
348 State Board of Education;

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

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

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

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

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



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

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

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

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

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

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



387 individual is completing student teaching requirements.

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

389 (i) An application on a department form;

390 (ii) An official transcript of completion of a

391 teacher education program approved by the department or a

392 nationally accredited program, subject to the following:

393 Licensure to teach in Mississippi prekindergarten through

394 kindergarten classrooms shall require completion of a teacher

395 education program or a Bachelor of Science degree with child

396 development emphasis from a program accredited by the American

397 Association of Family and Consumer Sciences (AAFCS) or by the

398 National Association for Education of Young Children (NAEYC) or by

399 the National Council for Accreditation of Teacher Education

400 (NCATE). Licensure to teach in Mississippi kindergarten, for

401 those applicants who have completed a teacher education program,

402 and in Grade 1 through Grade 4 shall require the completion of an

403 interdisciplinary program of studies. Licenses for Grades 4

404 through 8 shall require the completion of an interdisciplinary

405 program of studies with two (2) or more areas of concentration.

406 Licensure to teach in Mississippi Grades 7 through 12 shall

407 require a major in an academic field other than education, or a

408 combination of disciplines other than education. Students

409 preparing to teach a subject shall complete a major in the

410 respective subject discipline. All applicants for standard

411 licensure shall demonstrate that such person's college preparation



412 in those fields was in accordance with the standards set forth by
413 the National Council for Accreditation of Teacher Education
414 (NCATE) or the National Association of State Directors of Teacher
415 Education and Certification (NASDTEC) or, for those applicants who
416 have a Bachelor of Science degree with child development emphasis,
417 the American Association of Family and Consumer Sciences (AAFCS).
418 Effective July 1, 2016, for initial elementary education
419 licensure, a teacher candidate must earn a passing score on a
420 rigorous test of scientifically research-based reading instruction
421 and intervention and data-based decision-making principles as
422 approved by the State Board of Education;

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

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

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

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



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

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

440 (b) (i) **Standard License - Nontraditional Teaching**

441 **Route.** From and after July 1, 2020, no teacher candidate shall be
442 licensed to teach in Mississippi under the alternate route who did
443 not meet the following criteria:

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

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

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

451 (ii) Beginning July 1, 2020, an individual who has
452 attained a passing score on the Praxis Core Academic Skills for
453 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
454 or a minimum GPA of 3.0 on coursework prior to admission to an
455 approved teacher education program and a passing score on the
456 Praxis Subject Assessment in the requested area of endorsement may
457 apply for admission to the Teach Mississippi Institute (TMI)
458 program to teach students in Grades 7 through 12 if the individual
459 meets the requirements of this paragraph (b). The State Board of



460 Education shall adopt rules requiring that teacher preparation
461 institutions which provide the Teach Mississippi Institute (TMI)
462 program for the preparation of nontraditional teachers shall meet
463 the standards and comply with the provisions of this paragraph.

464 * * *1. The Teach Mississippi Institute
465 (TMI) shall include an intensive eight-week, nine-semester-hour
466 summer program or a curriculum of study in which the student
467 matriculates in the fall or spring semester, which shall include,
468 but not be limited to, instruction in education, effective
469 teaching strategies, classroom management, state curriculum
470 requirements, planning and instruction, instructional methods and
471 pedagogy, using test results to improve instruction, and a one (1)
472 semester three-hour supervised internship to be completed while
473 the teacher is employed as a full-time teacher intern in a local
474 school district. The TMI shall be implemented on a pilot program
475 basis, with courses to be offered at up to four (4) locations in
476 the state, with one (1) TMI site to be located in each of the
477 three (3) Mississippi Supreme Court districts.

478 * * *2. The school sponsoring the teacher
479 intern shall enter into a written agreement with the institution
480 providing the Teach Mississippi Institute (TMI) program, under
481 terms and conditions as agreed upon by the contracting parties,
482 providing that the school district shall provide teacher interns
483 seeking a nontraditional provisional teaching license with a
484 one-year classroom teaching experience. The teacher intern shall



485 successfully complete the one (1) semester three-hour intensive
486 internship in the school district during the semester immediately
487 following successful completion of the TMI and prior to the end of
488 the one-year classroom teaching experience.

489 * * *3. Upon completion of the
490 nine-semester-hour TMI or the fall or spring semester option, the
491 individual shall submit his transcript to the commission for
492 provisional licensure of the intern teacher, and the intern
493 teacher shall be issued a provisional teaching license by the
494 commission, which will allow the individual to legally serve as a
495 teacher while the person completes a nontraditional teacher
496 preparation internship program.

497 * * *4. During the semester of internship in
498 the school district, the teacher preparation institution shall
499 monitor the performance of the intern teacher. The school
500 district that employs the provisional teacher shall supervise the
501 provisional teacher during the teacher's intern year of employment
502 under a nontraditional provisional license, and shall, in
503 consultation with the teacher intern's mentor at the school
504 district of employment, submit to the commission a comprehensive
505 evaluation of the teacher's performance sixty (60) days prior to
506 the expiration of the nontraditional provisional license. If the
507 comprehensive evaluation establishes that the provisional teacher
508 intern's performance fails to meet the standards of the approved



509 nontraditional teacher preparation internship program, the
510 individual shall not be approved for a standard license.

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

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

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

532 * * *8. The local school district in which
533 the nontraditional teacher intern or provisional licensee is



534 employed shall compensate such teacher interns at Step 1 of the
535 required salary level during the period of time such individual is
536 completing teacher internship requirements and shall compensate
537 such Standard License - Nontraditional Route teachers at Step 3 of
538 the required salary level when they complete license requirements.

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

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

554 (c) **Special License - Expert Citizen.** In order to
555 allow a school district to offer specialized or technical courses,
556 the State Department of Education, in accordance with rules and
557 regulations established by the State Board of Education, may grant
558 a * * * five-year expert citizen-teacher license to local business



559 or other professional personnel to teach in a public school or
560 nonpublic school accredited or approved by the state. Such person
561 shall be required to have a high school diploma, an
562 industry-recognized certification related to the subject area in
563 which they are teaching and a minimum of five (5) years of
564 relevant experience but shall not be required to hold an associate
565 or bachelor's degree, provided that he or she possesses the
566 minimum qualifications required for his or her profession, and may
567 begin teaching upon his employment by the local school board and
568 licensure by the Mississippi Department of Education. If a school
569 board hires a career technical education pathway instructor who
570 does not have an industry certification in his or her area of
571 expertise but does have the required experience, the school board
572 shall spread their decision on the minutes at their next meeting
573 and provide a detailed explanation for why they hired the
574 instructor. Such instructor shall present the minutes of the
575 school board to the State Department of Education when he or she
576 applies for an expert citizen license. The board shall adopt
577 rules and regulations to administer the expert citizen-teacher
578 license. A Special License - Expert Citizen may be renewed in
579 accordance with the established rules and regulations of the State
580 Department of Education.

581 (d) **Special License - Nonrenewable.** The State Board of
582 Education is authorized to establish rules and regulations to
583 allow those educators not meeting requirements in paragraph (a),



584 (b) or (c) of this subsection (6) to be licensed for a period of
585 not more than three (3) years, except by special approval of the
586 State Board of Education.

587 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
588 person may teach for a maximum of three (3) periods per teaching
589 day in a public school district or a nonpublic school
590 accredited/approved by the state. Such person shall submit to the
591 department a transcript or record of his education and experience
592 which substantiates his preparation for the subject to be taught
593 and shall meet other qualifications specified by the commission
594 and approved by the State Board of Education. In no case shall
595 any local school board hire nonlicensed personnel as authorized
596 under this paragraph in excess of five percent (5%) of the total
597 number of licensed personnel in any single school.

598 (f) **Special License - Transitional Bilingual Education.**
599 Beginning July 1, 2003, the commission shall grant special
600 licenses to teachers of transitional bilingual education who
601 possess such qualifications as are prescribed in this section.
602 Teachers of transitional bilingual education shall be compensated
603 by local school boards at not less than one (1) step on the
604 regular salary schedule applicable to permanent teachers licensed
605 under this section. The commission shall grant special licenses
606 to teachers of transitional bilingual education who present the
607 commission with satisfactory evidence that they (i) possess a
608 speaking and reading ability in a language, other than English, in



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

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



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

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

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

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

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

656 (d) **Administrator License - Nontraditional Route.** The
657 board may establish a nontraditional route for licensing



658 administrative personnel. Such nontraditional route for
659 administrative licensure shall be available for persons holding,
660 but not limited to, a master of business administration degree, a
661 master of public administration degree, a master of public
662 planning and policy degree or a doctor of jurisprudence degree
663 from an accredited college or university, with five (5) years of
664 administrative or supervisory experience. Successful completion
665 of the requirements of alternate route licensure for
666 administrators shall qualify the person for a standard
667 administrator license.

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

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



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

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

702 (10) All controversies involving the issuance, revocation,
703 suspension or any change whatsoever in the licensure of an
704 educator required to hold a license shall be initially heard in a
705 hearing de novo, by the commission or by a subcommittee
706 established by the commission and composed of commission members,



707 or by a hearing officer retained and appointed by the commission,
708 for the purpose of holding hearings. Any complaint seeking the
709 denial of issuance, revocation or suspension of a license shall be
710 by sworn affidavit filed with the Commission on Teacher and
711 Administrator Education, Certification and Licensure and
712 Development. The decision thereon by the commission, its
713 subcommittee or hearing officer, shall be final, unless the
714 aggrieved party shall appeal to the State Board of Education,
715 within ten (10) days, of the decision of the commission, its
716 subcommittee or hearing officer. An appeal to the State Board of
717 Education shall be perfected upon filing a notice of the appeal
718 and by the prepayment of the costs of the preparation of the
719 record of proceedings by the commission, its subcommittee or
720 hearing officer. An appeal shall be on the record previously made
721 before the commission, its subcommittee or hearing officer, unless
722 otherwise provided by rules and regulations adopted by the board.
723 The decision of the commission, its subcommittee or hearing
724 officer shall not be disturbed on appeal if supported by
725 substantial evidence, was not arbitrary or capricious, within the
726 authority of the commission, and did not violate some statutory or
727 constitutional right. The State Board of Education in its
728 authority may reverse, or remand with instructions, the decision
729 of the commission, its subcommittee or hearing officer. The
730 decision of the State Board of Education shall be final.



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

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

736 (ii) The applicant has a physical, emotional or
737 mental disability that renders the applicant unfit to perform the
738 duties authorized by the license, as certified by a licensed
739 psychologist or psychiatrist;

740 (iii) The applicant is actively addicted to or
741 actively dependent on alcohol or other habit-forming drugs or is a
742 habitual user of narcotics, barbiturates, amphetamines,
743 hallucinogens or other drugs having similar effect, at the time of
744 application for a license;

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

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

749 (vi) The applicant has been convicted, has pled
750 guilty or entered a plea of nolo contendere to a felony, as
751 defined by federal or state law. For purposes of this
752 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
753 a plea of guilty, entry of a plea of nolo contendere, or entry of
754 an order granting pretrial or judicial diversion;



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

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

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

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

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

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

778 (12) The State Board of Education, acting through the
779 commission, may revoke, suspend or refuse to renew any teacher or



780 administrator license for specified periods of time or may place
781 on probation, reprimand a licensee, or take other disciplinary
782 action with regard to any license issued under this chapter for
783 one or more of the following:

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

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

790 (c) Suspension or revocation of a certificate or
791 license by another state shall result in immediate suspension or
792 revocation and shall continue until records in the prior state
793 have been cleared;

794 (d) The license holder has been convicted, has pled
795 guilty or entered a plea of nolo contendere to a felony, as
796 defined by federal or state law. For purposes of this paragraph,
797 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
798 contendere, or entry of an order granting pretrial or judicial
799 diversion;

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



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

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

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

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

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

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



828 shall be determined by the commission and based upon the severity
829 of the offense.

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

833 (c) A person may voluntarily surrender a license. The
834 surrender of such license may result in the commission
835 recommending any of the above penalties without the necessity of a
836 hearing. However, any such license which has voluntarily been
837 surrendered by a licensed employee may only be reinstated by a
838 majority vote of all members of the commission present at the
839 meeting called for such purpose.

840 (14) (a) A person whose license has been suspended or
841 surrendered on any grounds except criminal grounds may petition
842 for reinstatement of the license after one (1) year from the date
843 of suspension or surrender, or after one-half (1/2) of the
844 suspended or surrendered time has lapsed, whichever is greater. A
845 person whose license has been suspended or revoked on any grounds
846 or violations under subsection (12) of this section may be
847 reinstated automatically or approved for a reinstatement hearing,
848 upon submission of a written request to the commission. A license
849 suspended, revoked or surrendered on criminal grounds may be
850 reinstated upon petition to the commission filed after expiration
851 of the sentence and parole or probationary period imposed upon
852 conviction. A revoked, suspended or surrendered license may be



853 reinstated upon satisfactory showing of evidence of
854 rehabilitation. The commission shall require all who petition for
855 reinstatement to furnish evidence satisfactory to the commission
856 of good character, good mental, emotional and physical health and
857 such other evidence as the commission may deem necessary to
858 establish the petitioner's rehabilitation and fitness to perform
859 the duties authorized by the license.

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

864 (15) Reporting procedures and hearing procedures for dealing
865 with infractions under this section shall be promulgated by the
866 commission, subject to the approval of the State Board of
867 Education. The revocation or suspension of a license shall be
868 effected at the time indicated on the notice of suspension or
869 revocation. The commission shall immediately notify the
870 superintendent of the school district or school board where the
871 teacher or administrator is employed of any disciplinary action
872 and also notify the teacher or administrator of such revocation or
873 suspension and shall maintain records of action taken. The State
874 Board of Education may reverse or remand with instructions any
875 decision of the commission, its subcommittee or hearing officer
876 regarding a petition for reinstatement of a license, and any such
877 decision of the State Board of Education shall be final.



878 (16) An appeal from the action of the State Board of
879 Education in denying an application, revoking or suspending a
880 license or otherwise disciplining any person under the provisions
881 of this section shall be filed in the Chancery Court of the First
882 Judicial District of Hinds County, Mississippi, on the record
883 made, including a verbatim transcript of the testimony at the
884 hearing. The appeal shall be filed within thirty (30) days after
885 notification of the action of the board is mailed or served and
886 the proceedings in chancery court shall be conducted as other
887 matters coming before the court. The appeal shall be perfected
888 upon filing notice of the appeal and by the prepayment of all
889 costs, including the cost of preparation of the record of the
890 proceedings by the State Board of Education, and the filing of a
891 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
892 if the action of the board be affirmed by the chancery court, the
893 applicant or license holder shall pay the costs of the appeal and
894 the action of the chancery court.

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

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



903 section shall in no way alter or abridge the authority of local
904 school districts to require greater qualifications or standards of
905 performance as a prerequisite of initial or continued employment
906 in such districts.

907 (19) In addition to the reasons specified in subsections
908 (12) and (13) of this section, the board shall be authorized to
909 suspend the license of any licensee for being out of compliance
910 with an order for support, as defined in Section 93-11-153. The
911 procedure for suspension of a license for being out of compliance
912 with an order for support, and the procedure for the reissuance or
913 reinstatement of a license suspended for that purpose, and the
914 payment of any fees for the reissuance or reinstatement of a
915 license suspended for that purpose, shall be governed by Section
916 93-11-157 or 93-11-163, as the case may be. Actions taken by the
917 board in suspending a license when required by Section 93-11-157
918 or 93-11-163 are not actions from which an appeal may be taken
919 under this section. Any appeal of a license suspension that is
920 required by Section 93-11-157 or 93-11-163 shall be taken in
921 accordance with the appeal procedure specified in Section
922 93-11-157 or 93-11-163, as the case may be, rather than the
923 procedure specified in this section. If there is any conflict
924 between any provision of Section 93-11-157 or 93-11-163 and any
925 provision of this chapter, the provisions of Section 93-11-157 or
926 93-11-163, as the case may be, shall control.



927 **SECTION 7.** Section 37-16-3, Mississippi Code of 1972, is
928 amended as follows:

929 37-16-3. (1) The State Department of Education is directed
930 to implement a program of statewide assessment testing which shall
931 provide for the improvement of the operation and management of the
932 public schools. The statewide program shall be timed, as far as
933 possible, so as not to conflict with ongoing district assessment
934 programs. As part of the program, the department shall:

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

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

949 (c) Monitor the results of the assessment program and,
950 at any time the composite student performance of a school or basic
951 program is found to be below the established minimum standards,



952 notify the district superintendent or the governing board of the
953 charter school, as the case may be, the school principal and the
954 school advisory committee or other existing parent group of the
955 situation within thirty (30) days of its determination. The
956 department shall further provide technical assistance to a school
957 district in the identification of the causes of this deficiency
958 and shall recommend courses of action for its correction.

959 (d) Provide technical assistance to the school
960 districts, when requested, in the development of student
961 performance standards in addition to the established minimum
962 statewide standards.

963 (e) Issue security procedure regulations providing for
964 the security and integrity of the tests that are administered
965 under the basic skills assessment program.

966 (f) In case of an allegation of a testing irregularity
967 that prompts a need for an investigation by the Department of
968 Education, the department may, in its discretion, take complete
969 control of the statewide test administration in a school district
970 or any part thereof, including, but not limited to, obtaining
971 control of the test booklets and answer documents. In the case of
972 any verified testing irregularity that jeopardized the security
973 and integrity of the test(s), validity or the accuracy of the test
974 results, the cost of the investigation and any other actual and
975 necessary costs related to the investigation paid by the
976 Department of Education shall be reimbursed by the local school



977 district from funds other than federal funds, Mississippi Adequate
978 Education Program funds, or any other state funds within six (6)
979 months from the date of notice by the department to the school
980 district to make reimbursement to the department.

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

992 (3) Within five (5) days of completing the administration of
993 a statewide test, the principal of the school where the test was
994 administered shall certify under oath to the State Department of
995 Education that the statewide test was administered in strict
996 accordance with the Requirements of the Mississippi Statewide
997 Assessment System as adopted by the State Board of Education. The
998 principal's sworn certification shall be set forth on a form
999 developed and approved by the Department of Education. If,
1000 following the administration of a statewide test, the principal
1001 has reason to believe that the test was not administered in strict



1002 accordance with the Requirements of the Mississippi Statewide
1003 Assessment System as adopted by the State Board of Education, the
1004 principal shall submit a sworn certification to the Department of
1005 Education setting forth all information known or believed by the
1006 principal about all potential violations of the Requirements of
1007 the Mississippi Statewide Assessment System as adopted by the
1008 State Board of Education. The submission of false information or
1009 false certification to the Department of Education by any licensed
1010 educator may result in licensure disciplinary action pursuant to
1011 Section 37-3-2 and criminal prosecution pursuant to Section
1012 37-16-4.

1013 **SECTION 8.** Section 37-17-6, Mississippi Code of 1972, is
1014 amended as follows:

1015 37-17-6. (1) The State Board of Education, acting through
1016 the Commission on School Accreditation, shall establish and
1017 implement a permanent performance-based accreditation system, and
1018 all noncharter public elementary and secondary schools shall be
1019 accredited under this system.

1020 (2) No later than June 30, 1995, the State Board of
1021 Education, acting through the Commission on School Accreditation,
1022 shall require school districts to provide school classroom space
1023 that is air-conditioned as a minimum requirement for
1024 accreditation.

1025 (3) (a) Beginning with the 1994-1995 school year, the State
1026 Board of Education, acting through the Commission on School



1027 Accreditation, shall require that school districts employ
1028 certified school librarians according to the following formula:

1029	Number of Students	Number of Certified
1030	Per School Library	School Librarians
1031	0 - 499 Students	1/2 Full-time Equivalent
1032		Certified Librarian
1033	500 or More Students	1 Full-time Certified
1034		Librarian

1035 (b) The State Board of Education, however, may increase
1036 the number of positions beyond the above requirements.

1037 (c) The assignment of certified school librarians to
1038 the particular schools shall be at the discretion of the local
1039 school district. No individual shall be employed as a certified
1040 school librarian without appropriate training and certification as
1041 a school librarian by the State Department of Education.

1042 (d) School librarians in the district shall spend at
1043 least fifty percent (50%) of direct work time in a school library
1044 and shall devote no more than one-fourth (1/4) of the workday to
1045 administrative activities that are library related.

1046 (e) Nothing in this subsection shall prohibit any
1047 school district from employing more certified school librarians
1048 than are provided for in this section.

1049 (f) Any additional millage levied to fund school
1050 librarians required for accreditation under this subsection shall
1051 be included in the tax increase limitation set forth in Sections



1052 37-57-105 and 37-57-107 and shall not be deemed a new program for
1053 purposes of the limitation.

1054 (4) On or before December 31, 2002, the State Board of
1055 Education shall implement the performance-based accreditation
1056 system for school districts and for individual noncharter public
1057 schools which shall include the following:

1058 (a) High expectations for students and high standards
1059 for all schools, with a focus on the basic curriculum;

1060 (b) Strong accountability for results with appropriate
1061 local flexibility for local implementation;

1062 (c) A process to implement accountability at both the
1063 school district level and the school level;

1064 (d) Individual schools shall be held accountable for
1065 student growth and performance;

1066 (e) Set annual performance standards for each of the
1067 schools of the state and measure the performance of each school
1068 against itself through the standard that has been set for it;

1069 (f) A determination of which schools exceed their
1070 standards and a plan for providing recognition and rewards to
1071 those schools;

1072 (g) A determination of which schools are failing to
1073 meet their standards and a determination of the appropriate role
1074 of the State Board of Education and the State Department of
1075 Education in providing assistance and initiating possible
1076 intervention. A failing district is a district that fails to meet



1077 both the absolute student achievement standards and the rate of
1078 annual growth expectation standards as set by the State Board of
1079 Education for two (2) consecutive years. The State Board of
1080 Education shall establish the level of benchmarks by which
1081 absolute student achievement and growth expectations shall be
1082 assessed. In setting the benchmarks for school districts, the
1083 State Board of Education may also take into account such factors
1084 as graduation rates, dropout rates, completion rates, the extent
1085 to which the school or district employs qualified teachers in
1086 every classroom, and any other factors deemed appropriate by the
1087 State Board of Education. The State Board of Education, acting
1088 through the State Department of Education, shall apply a simple
1089 "A," "B," "C," "D" and "F" designation to the current school and
1090 school district statewide accountability performance
1091 classification labels beginning with the State Accountability
1092 Results for the 2011-2012 school year and following, and in the
1093 school, district and state report cards required under state and
1094 federal law. Under the new designations, a school or school
1095 district that has earned a "Star" rating shall be designated an
1096 "A" school or school district; a school or school district that
1097 has earned a "High-Performing" rating shall be designated a "B"
1098 school or school district; a school or school district that has
1099 earned a "Successful" rating shall be designated a "C" school or
1100 school district; a school or school district that has earned an
1101 "Academic Watch" rating shall be designated a "D" school or school



1102 district; a school or school district that has earned a
1103 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
1104 be designated an "F" school or school district. Effective with
1105 the implementation of any new curriculum and assessment standards,
1106 the State Board of Education, acting through the State Department
1107 of Education, is further authorized and directed to change the
1108 school and school district accreditation rating system to a simple
1109 "A," "B," "C," "D," and "F" designation based on a combination of
1110 student achievement scores and student growth as measured by the
1111 statewide testing programs developed by the State Board of
1112 Education pursuant to Chapter 16, Title 37, Mississippi Code of
1113 1972. In any statute or regulation containing the former
1114 accreditation designations, the new designations shall be
1115 applicable;

1116 (h) Development of a comprehensive student assessment
1117 system to implement these requirements; and

1118 (i) The State Board of Education may, based on a
1119 written request that contains specific reasons for requesting a
1120 waiver from the school districts affected by Hurricane Katrina of
1121 2005, hold harmless school districts from assignment of district
1122 and school level accountability ratings for the 2005-2006 school
1123 year. The State Board of Education upon finding an extreme
1124 hardship in the school district may grant the request. It is the
1125 intent of the Legislature that all school districts maintain the



1126 highest possible academic standards and instructional programs in
1127 all schools as required by law and the State Board of Education.

1128 (5) (a) Effective with the 2013-2014 school year, the State
1129 Department of Education, acting through the Mississippi Commission
1130 on School Accreditation, shall revise and implement a single "A"
1131 through "F" school and school district accountability system
1132 complying with applicable federal and state requirements in order
1133 to reach the following educational goals:

1134 (i) To mobilize resources and supplies to ensure
1135 that all students exit third grade reading on grade level by 2015;

1136 (ii) To reduce the student dropout rate to
1137 thirteen percent (13%) by 2015; and

1138 (iii) To have sixty percent (60%) of students
1139 scoring proficient and advanced on the assessments of the Common
1140 Core State Standards by 2016 with incremental increases of three
1141 percent (3%) each year thereafter.

1142 (b) The State Department of Education shall combine the
1143 state school and school district accountability system with the
1144 federal system in order to have a single system.

1145 (c) The State Department of Education shall establish
1146 five (5) performance categories ("A," "B," "C," "D" and "F") for
1147 the accountability system based on the following criteria:

1148 (i) Student Achievement: the percent of students
1149 proficient and advanced on the current state assessments;



1150 (ii) Individual student growth: the percent of
1151 students making one (1) year's progress in one (1) year's time on
1152 the state assessment, with an emphasis on the progress of the
1153 lowest twenty-five percent (25%) of students in the school or
1154 district;

1155 (iii) Four-year graduation rate: the percent of
1156 students graduating with a standard high school diploma in four
1157 (4) years, as defined by federal regulations;

1158 (iv) Categories shall identify schools as Reward
1159 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
1160 at least five percent (5%) of schools in the state are not graded
1161 as "F" schools, the lowest five percent (5%) of school grade point
1162 designees will be identified as Priority schools. If at least ten
1163 percent (10%) of schools in the state are not graded as "D"
1164 schools, the lowest ten percent (10%) of school grade point
1165 designees will be identified as Focus schools;

1166 (v) The State Department of Education shall
1167 discontinue the use of Star School, High-Performing, Successful,
1168 Academic Watch, Low-Performing, At-Risk of Failing and Failing
1169 school accountability designations;

1170 (vi) The system shall include the federally
1171 compliant four-year graduation rate in school and school district
1172 accountability system calculations. Graduation rate will apply to
1173 high school and school district accountability ratings as a



1174 compensatory component. The system shall discontinue the use of
1175 the High School Completer Index (HSCI);

1176 (vii) The school and school district
1177 accountability system shall incorporate a standards-based growth
1178 model, in order to support improvement of individual student
1179 learning;

1180 (viii) The State Department of Education shall
1181 discontinue the use of the Quality Distribution Index (QDI);

1182 (ix) The State Department of Education shall
1183 determine feeder patterns of schools that do not earn a school
1184 grade because the grades and subjects taught at the school do not
1185 have statewide standardized assessments needed to calculate a
1186 school grade. Upon determination of the feeder pattern, the
1187 department shall notify schools and school districts prior to the
1188 release of the school grades beginning in 2013. Feeder schools
1189 will be assigned the accountability designation of the school to
1190 which they provide students;

1191 (x) Standards for student, school and school
1192 district performance will be increased when student proficiency is
1193 at a seventy-five percent (75%) and/or when sixty-five percent
1194 (65%) of the schools and/or school districts are earning a grade
1195 of "B" or higher, in order to raise the standard on performance
1196 after targets are met * * *; and

1197 (xi) The system shall include student performance
1198 on the administration of the ACT WorkKeys Assessment, which shall



1199 be weighted in the same percentage as the standard ACT Assessment
1200 as administered to students in Grade 11, for inclusion in the
1201 college and career readiness portion of the accountability rating
1202 system. The State Department of Education shall ensure equitable
1203 distribution of points under the accountability rating, in
1204 comparison to the ACT Assessment, for a Silver Status on the ACT
1205 WorkKeys Assessment. A student shall not be required to complete
1206 all of the courses within his or her career pathway for his or her
1207 performance on the ACT WorkKeys Assessment to be included in the
1208 system.

1209 (6) Nothing in this section shall be deemed to require a
1210 nonpublic school that receives no local, state or federal funds
1211 for support to become accredited by the State Board of Education.

1212 (7) The State Board of Education shall create an
1213 accreditation audit unit under the Commission on School
1214 Accreditation to determine whether schools are complying with
1215 accreditation standards.

1216 (8) The State Board of Education shall be specifically
1217 authorized and empowered to withhold adequate education program
1218 fund allocations, whichever is applicable, to any public school
1219 district for failure to timely report student, school personnel
1220 and fiscal data necessary to meet state and/or federal
1221 requirements.

1222 (9) [Deleted]



1223 (10) The State Board of Education shall establish, for those
1224 school districts failing to meet accreditation standards, a
1225 program of development to be complied with in order to receive
1226 state funds, except as otherwise provided in subsection (15) of
1227 this section when the Governor has declared a state of emergency
1228 in a school district or as otherwise provided in Section 206,
1229 Mississippi Constitution of 1890. The state board, in
1230 establishing these standards, shall provide for notice to schools
1231 and sufficient time and aid to enable schools to attempt to meet
1232 these standards, unless procedures under subsection (15) of this
1233 section have been invoked.

1234 (11) Beginning July 1, 1998, the State Board of Education
1235 shall be charged with the implementation of the program of
1236 development in each applicable school district as follows:

1237 (a) Develop an impairment report for each district
1238 failing to meet accreditation standards in conjunction with school
1239 district officials;

1240 (b) Notify any applicable school district failing to
1241 meet accreditation standards that it is on probation until
1242 corrective actions are taken or until the deficiencies have been
1243 removed. The local school district shall develop a corrective
1244 action plan to improve its deficiencies. For district academic
1245 deficiencies, the corrective action plan for each such school
1246 district shall be based upon a complete analysis of the following:
1247 student test data, student grades, student attendance reports,



1248 student dropout data, existence and other relevant data. The
1249 corrective action plan shall describe the specific measures to be
1250 taken by the particular school district and school to improve:
1251 (i) instruction; (ii) curriculum; (iii) professional development;
1252 (iv) personnel and classroom organization; (v) student incentives
1253 for performance; (vi) process deficiencies; and (vii) reporting to
1254 the local school board, parents and the community. The corrective
1255 action plan shall describe the specific individuals responsible
1256 for implementing each component of the recommendation and how each
1257 will be evaluated. All corrective action plans shall be provided
1258 to the State Board of Education as may be required. The decision
1259 of the State Board of Education establishing the probationary
1260 period of time shall be final;

1261 (c) Offer, during the probationary period, technical
1262 assistance to the school district in making corrective actions.
1263 Beginning July 1, 1998, subject to the availability of funds, the
1264 State Department of Education shall provide technical and/or
1265 financial assistance to all such school districts in order to
1266 implement each measure identified in that district's corrective
1267 action plan through professional development and on-site
1268 assistance. Each such school district shall apply for and utilize
1269 all available federal funding in order to support its corrective
1270 action plan in addition to state funds made available under this
1271 paragraph;



1272 (d) Assign department personnel or contract, in its
1273 discretion, with the institutions of higher learning or other
1274 appropriate private entities with experience in the academic,
1275 finance and other operational functions of schools to assist
1276 school districts;

1277 (e) Provide for publication of public notice at least
1278 one time during the probationary period, in a newspaper published
1279 within the jurisdiction of the school district failing to meet
1280 accreditation standards, or if no newspaper is published therein,
1281 then in a newspaper having a general circulation therein. The
1282 publication shall include the following: declaration of school
1283 system's status as being on probation; all details relating to the
1284 impairment report; and other information as the State Board of
1285 Education deems appropriate. Public notices issued under this
1286 section shall be subject to Section 13-3-31 and not contrary to
1287 other laws regarding newspaper publication.

1288 (12) (a) If the recommendations for corrective action are
1289 not taken by the local school district or if the deficiencies are
1290 not removed by the end of the probationary period, the Commission
1291 on School Accreditation shall conduct a hearing to allow the
1292 affected school district to present evidence or other reasons why
1293 its accreditation should not be withdrawn. Additionally, if the
1294 local school district violates accreditation standards that have
1295 been determined by the policies and procedures of the State Board
1296 of Education to be a basis for withdrawal of school district's



1297 accreditation without a probationary period, the Commission on
1298 School Accreditation shall conduct a hearing to allow the affected
1299 school district to present evidence or other reasons why its
1300 accreditation should not be withdrawn. After its consideration of
1301 the results of the hearing, the Commission on School Accreditation
1302 shall be authorized, with the approval of the State Board of
1303 Education, to withdraw the accreditation of a public school
1304 district, and issue a request to the Governor that a state of
1305 emergency be declared in that district.

1306 (b) If the State Board of Education and the Commission
1307 on School Accreditation determine that an extreme emergency
1308 situation exists in a school district that jeopardizes the safety,
1309 security or educational interests of the children enrolled in the
1310 schools in that district and that emergency situation is believed
1311 to be related to a serious violation or violations of
1312 accreditation standards or state or federal law, or when a school
1313 district meets the State Board of Education's definition of a
1314 failing school district for two (2) consecutive full school years,
1315 or if more than fifty percent (50%) of the schools within the
1316 school district are designated as Schools At-Risk in any one (1)
1317 year, the State Board of Education may request the Governor to
1318 declare a state of emergency in that school district. For
1319 purposes of this paragraph, the declarations of a state of
1320 emergency shall not be limited to those instances when a school
1321 district's impairments are related to a lack of financial



1322 resources, but also shall include serious failure to meet minimum
1323 academic standards, as evidenced by a continued pattern of poor
1324 student performance.

1325 (c) Whenever the Governor declares a state of emergency
1326 in a school district in response to a request made under paragraph
1327 (a) or (b) of this subsection, the State Board of Education may
1328 take one or more of the following actions:

1329 (i) Declare a state of emergency, under which some
1330 or all of state funds can be escrowed except as otherwise provided
1331 in Section 206, Constitution of 1890, until the board determines
1332 corrective actions are being taken or the deficiencies have been
1333 removed, or that the needs of students warrant the release of
1334 funds. The funds may be released from escrow for any program
1335 which the board determines to have been restored to standard even
1336 though the state of emergency may not as yet be terminated for the
1337 district as a whole;

1338 (ii) Override any decision of the local school
1339 board or superintendent of education, or both, concerning the
1340 management and operation of the school district, or initiate and
1341 make decisions concerning the management and operation of the
1342 school district;

1343 (iii) Assign an interim superintendent, or in its
1344 discretion, contract with a private entity with experience in the
1345 academic, finance and other operational functions of schools and



1346 school districts, who will have those powers and duties prescribed
1347 in subsection (15) of this section;

1348 (iv) Grant transfers to students who attend this
1349 school district so that they may attend other accredited schools
1350 or districts in a manner that is not in violation of state or
1351 federal law;

1352 (v) For states of emergency declared under
1353 paragraph (a) only, if the accreditation deficiencies are related
1354 to the fact that the school district is too small, with too few
1355 resources, to meet the required standards and if another school
1356 district is willing to accept those students, abolish that
1357 district and assign that territory to another school district or
1358 districts. If the school district has proposed a voluntary
1359 consolidation with another school district or districts, then if
1360 the State Board of Education finds that it is in the best interest
1361 of the pupils of the district for the consolidation to proceed,
1362 the voluntary consolidation shall have priority over any such
1363 assignment of territory by the State Board of Education;

1364 (vi) For states of emergency declared under
1365 paragraph (b) only, reduce local supplements paid to school
1366 district employees, including, but not limited to, instructional
1367 personnel, assistant teachers and extracurricular activities
1368 personnel, if the district's impairment is related to a lack of
1369 financial resources, but only to an extent that will result in the



1370 salaries being comparable to districts similarly situated, as
1371 determined by the State Board of Education;

1372 (vii) For states of emergency declared under
1373 paragraph (b) only, the State Board of Education may take any
1374 action as prescribed in Section 37-17-13.

1375 (d) At the time that satisfactory corrective action has
1376 been taken in a school district in which a state of emergency has
1377 been declared, the State Board of Education may request the
1378 Governor to declare that the state of emergency no longer exists
1379 in the district.

1380 (e) The parent or legal guardian of a school-age child
1381 who is enrolled in a school district whose accreditation has been
1382 withdrawn by the Commission on School Accreditation and without
1383 approval of that school district may file a petition in writing to
1384 a school district accredited by the Commission on School
1385 Accreditation for a legal transfer. The school district
1386 accredited by the Commission on School Accreditation may grant the
1387 transfer according to the procedures of Section 37-15-31(1)(b).
1388 In the event the accreditation of the student's home district is
1389 restored after a transfer has been approved, the student may
1390 continue to attend the transferee school district. The per-pupil
1391 amount of the adequate education program allotment, including the
1392 collective "add-on program" costs for the student's home school
1393 district shall be transferred monthly to the school district



1394 accredited by the Commission on School Accreditation that has
1395 granted the transfer of the school-age child.

1396 (f) Upon the declaration of a state of emergency for
1397 any school district in which the Governor has previously declared
1398 a state of emergency, the State Board of Education may either:

1399 (i) Place the school district into district
1400 transformation, in which the school district shall remain until it
1401 has fulfilled all conditions related to district transformation.
1402 If the district was assigned an accreditation rating of "D" or "F"
1403 when placed into district transformation, the district shall be
1404 eligible to return to local control when the school district has
1405 attained a "C" rating or higher for five (5) consecutive years,
1406 unless the State Board of Education determines that the district
1407 is eligible to return to local control in less than the five-year
1408 period;

1409 (ii) Abolish the school district and
1410 administratively consolidate the school district with one or more
1411 existing school districts;

1412 (iii) Reduce the size of the district and
1413 administratively consolidate parts of the district, as determined
1414 by the State Board of Education. However, no school district
1415 which is not in district transformation shall be required to
1416 accept additional territory over the objection of the district; or

1417 (iv) Require the school district to develop and
1418 implement a district improvement plan with prescriptive guidance



1419 and support from the State Department of Education, with the goal
1420 of helping the district improve student achievement. Failure of
1421 the school board, superintendent and school district staff to
1422 implement the plan with fidelity and participate in the activities
1423 provided as support by the department shall result in the school
1424 district retaining its eligibility for district transformation.

1425 (g) There is established a Mississippi Recovery School
1426 District within the State Department of Education under the
1427 supervision of a deputy superintendent appointed by the State
1428 Superintendent of Public Education, who is subject to the approval
1429 by the State Board of Education. The Mississippi Recovery School
1430 District shall provide leadership and oversight of all school
1431 districts that are subject to district transformation status, as
1432 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1433 and shall have all the authority granted under these two (2)
1434 chapters. The Mississippi Department of Education, with the
1435 approval of the State Board of Education, shall develop policies
1436 for the operation and management of the Mississippi Recovery
1437 School District. The deputy state superintendent is responsible
1438 for the Mississippi Recovery School District and shall be
1439 authorized to oversee the administration of the Mississippi
1440 Recovery School District, oversee the interim superintendent
1441 assigned by the State Board of Education to a local school
1442 district, hear appeals that would normally be filed by students,
1443 parents or employees and heard by a local school board, which



1444 hearings on appeal shall be conducted in a prompt and timely
1445 manner in the school district from which the appeal originated in
1446 order to ensure the ability of appellants, other parties and
1447 witnesses to appeal without undue burden of travel costs or loss
1448 of time from work, and perform other related duties as assigned by
1449 the State Superintendent of Public Education. The deputy state
1450 superintendent is responsible for the Mississippi Recovery School
1451 District and shall determine, based on rigorous professional
1452 qualifications set by the State Board of Education, the
1453 appropriate individuals to be engaged to be interim
1454 superintendents and financial advisors, if applicable, of all
1455 school districts subject to district transformation status. After
1456 State Board of Education approval, these individuals shall be
1457 deemed independent contractors.

1458 (13) Upon the declaration of a state of emergency in a
1459 school district under subsection (12) of this section, the
1460 Commission on School Accreditation shall be responsible for public
1461 notice at least once a week for at least three (3) consecutive
1462 weeks in a newspaper published within the jurisdiction of the
1463 school district failing to meet accreditation standards, or if no
1464 newspaper is published therein, then in a newspaper having a
1465 general circulation therein. The size of the notice shall be no
1466 smaller than one-fourth (1/4) of a standard newspaper page and
1467 shall be printed in bold print. If an interim superintendent has
1468 been appointed for the school district, the notice shall begin as



1469 follows: "By authority of Section 37-17-6, Mississippi Code of
1470 1972, as amended, adopted by the Mississippi Legislature during
1471 the 1991 Regular Session, this school district (name of school
1472 district) is hereby placed under the jurisdiction of the State
1473 Department of Education acting through its appointed interim
1474 superintendent (name of interim superintendent)."

1475 The notice also shall include, in the discretion of the State
1476 Board of Education, any or all details relating to the school
1477 district's emergency status, including the declaration of a state
1478 of emergency in the school district and a description of the
1479 district's impairment deficiencies, conditions of any district
1480 transformation status and corrective actions recommended and being
1481 taken. Public notices issued under this section shall be subject
1482 to Section 13-3-31 and not contrary to other laws regarding
1483 newspaper publication.

1484 Upon termination of the state of emergency in a school
1485 district, the Commission on School Accreditation shall cause
1486 notice to be published in the school district in the same manner
1487 provided in this section, to include any or all details relating
1488 to the corrective action taken in the school district that
1489 resulted in the termination of the state of emergency.

1490 (14) The State Board of Education or the Commission on
1491 School Accreditation shall have the authority to require school
1492 districts to produce the necessary reports, correspondence,



1493 financial statements, and any other documents and information
1494 necessary to fulfill the requirements of this section.

1495 Nothing in this section shall be construed to grant any
1496 individual, corporation, board or interim superintendent the
1497 authority to levy taxes except in accordance with presently
1498 existing statutory provisions.

1499 (15) (a) Whenever the Governor declares a state of
1500 emergency in a school district in response to a request made under
1501 subsection (12) of this section, the State Board of Education, in
1502 its discretion, may assign an interim superintendent to the school
1503 district, or in its discretion, may contract with an appropriate
1504 private entity with experience in the academic, finance and other
1505 operational functions of schools and school districts, who will be
1506 responsible for the administration, management and operation of
1507 the school district, including, but not limited to, the following
1508 activities:

1509 (i) Approving or disapproving all financial
1510 obligations of the district, including, but not limited to, the
1511 employment, termination, nonrenewal and reassignment of all
1512 licensed and nonlicensed personnel, contractual agreements and
1513 purchase orders, and approving or disapproving all claim dockets
1514 and the issuance of checks; in approving or disapproving
1515 employment contracts of superintendents, assistant superintendents
1516 or principals, the interim superintendent shall not be required to



1517 comply with the time limitations prescribed in Sections 37-9-15
1518 and 37-9-105;

1519 (ii) Supervising the day-to-day activities of the
1520 district's staff, including reassigning the duties and
1521 responsibilities of personnel in a manner which, in the
1522 determination of the interim superintendent, will best suit the
1523 needs of the district;

1524 (iii) Reviewing the district's total financial
1525 obligations and operations and making recommendations to the
1526 district for cost savings, including, but not limited to,
1527 reassigning the duties and responsibilities of staff;

1528 (iv) Attending all meetings of the district's
1529 school board and administrative staff;

1530 (v) Approving or disapproving all athletic, band
1531 and other extracurricular activities and any matters related to
1532 those activities;

1533 (vi) Maintaining a detailed account of
1534 recommendations made to the district and actions taken in response
1535 to those recommendations;

1536 (vii) Reporting periodically to the State Board of
1537 Education on the progress or lack of progress being made in the
1538 district to improve the district's impairments during the state of
1539 emergency; and

1540 (viii) Appointing a parent advisory committee,
1541 comprised of parents of students in the school district that may



1542 make recommendations to the interim superintendent concerning the
1543 administration, management and operation of the school district.

1544 The cost of the salary of the interim superintendent and any
1545 other actual and necessary costs related to district
1546 transformation status paid by the State Department of Education
1547 shall be reimbursed by the local school district from funds other
1548 than adequate education program funds. The department shall
1549 submit an itemized statement to the superintendent of the local
1550 school district for reimbursement purposes, and any unpaid balance
1551 may be withheld from the district's adequate education program
1552 funds.

1553 At the time that the Governor, in accordance with the request
1554 of the State Board of Education, declares that the state of
1555 emergency no longer exists in a school district, the powers and
1556 responsibilities of the interim superintendent assigned to the
1557 district shall cease.

1558 (b) In order to provide loans to school districts under
1559 a state of emergency or in district transformation status that
1560 have impairments related to a lack of financial resources, the
1561 School District Emergency Assistance Fund is created as a special
1562 fund in the State Treasury into which monies may be transferred or
1563 appropriated by the Legislature from any available public
1564 education funds. Funds in the School District Emergency
1565 Assistance Fund up to a maximum balance of Three Million Dollars
1566 (\$3,000,000.00) annually shall not lapse but shall be available



1567 for expenditure in subsequent years subject to approval of the
1568 State Board of Education. Any amount in the fund in excess of
1569 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1570 year shall lapse into the State General Fund or the Education
1571 Enhancement Fund, depending on the source of the fund.

1572 The State Board of Education may loan monies from the School
1573 District Emergency Assistance Fund to a school district that is
1574 under a state of emergency or in district transformation status,
1575 in those amounts, as determined by the board, that are necessary
1576 to correct the district's impairments related to a lack of
1577 financial resources. The loans shall be evidenced by an agreement
1578 between the school district and the State Board of Education and
1579 shall be repayable in principal, without necessity of interest, to
1580 the School District Emergency Assistance Fund by the school
1581 district from any allowable funds that are available. The total
1582 amount loaned to the district shall be due and payable within five
1583 (5) years after the impairments related to a lack of financial
1584 resources are corrected. If a school district fails to make
1585 payments on the loan in accordance with the terms of the agreement
1586 between the district and the State Board of Education, the State
1587 Department of Education, in accordance with rules and regulations
1588 established by the State Board of Education, may withhold that
1589 district's adequate education program funds in an amount and
1590 manner that will effectuate repayment consistent with the terms of



1591 the agreement; the funds withheld by the department shall be
1592 deposited into the School District Emergency Assistance Fund.

1593 The State Board of Education shall develop a protocol that
1594 will outline the performance standards and requisite timeline
1595 deemed necessary for extreme emergency measures. If the State
1596 Board of Education determines that an extreme emergency exists,
1597 simultaneous with the powers exercised in this subsection, it
1598 shall take immediate action against all parties responsible for
1599 the affected school districts having been determined to be in an
1600 extreme emergency. The action shall include, but not be limited
1601 to, initiating civil actions to recover funds and criminal actions
1602 to account for criminal activity. Any funds recovered by the
1603 State Auditor or the State Board of Education from the surety
1604 bonds of school officials or from any civil action brought under
1605 this subsection shall be applied toward the repayment of any loan
1606 made to a school district hereunder.

1607 (16) If a majority of the membership of the school board of
1608 any school district resigns from office, the State Board of
1609 Education shall be authorized to assign an interim superintendent,
1610 who shall be responsible for the administration, management and
1611 operation of the school district until the time as new board
1612 members are selected or the Governor declares a state of emergency
1613 in that school district under subsection (12), whichever occurs
1614 first. In that case, the State Board of Education, acting through
1615 the interim superintendent, shall have all powers which were held



1616 by the previously existing school board, and may take any action
1617 as prescribed in Section 37-17-13 and/or one or more of the
1618 actions authorized in this section.

1619 (17) (a) If the Governor declares a state of emergency in a
1620 school district, the State Board of Education may take all such
1621 action pertaining to that school district as is authorized under
1622 subsection (12) or (15) of this section, including the appointment
1623 of an interim superintendent. The State Board of Education shall
1624 also have the authority to issue a written request with
1625 documentation to the Governor asking that the office of the
1626 superintendent of the school district be subject to recall. If
1627 the Governor declares that the office of the superintendent of the
1628 school district is subject to recall, the local school board or
1629 the county election commission, as the case may be, shall take the
1630 following action:

1631 (i) If the office of superintendent is an elected
1632 office, in those years in which there is no general election, the
1633 name shall be submitted by the State Board of Education to the
1634 county election commission, and the county election commission
1635 shall submit the question at a special election to the voters
1636 eligible to vote for the office of superintendent within the
1637 county, and the special election shall be held within sixty (60)
1638 days from notification by the State Board of Education. The
1639 ballot shall read substantially as follows:



1640 "Shall County Superintendent of Education _____ (here the
1641 name of the superintendent shall be inserted) of the _____
1642 (here the title of the school district shall be inserted) be
1643 retained in office? Yes _____ No _____"

1644 If a majority of those voting on the question votes against
1645 retaining the superintendent in office, a vacancy shall exist
1646 which shall be filled in the manner provided by law; otherwise,
1647 the superintendent shall remain in office for the term of that
1648 office, and at the expiration of the term shall be eligible for
1649 qualification and election to another term or terms.

1650 (ii) If the office of superintendent is an
1651 appointive office, the name of the superintendent shall be
1652 submitted by the president of the local school board at the next
1653 regular meeting of the school board for retention in office or
1654 dismissal from office. If a majority of the school board voting
1655 on the question vote against retaining the superintendent in
1656 office, a vacancy shall exist which shall be filled as provided by
1657 law, otherwise the superintendent shall remain in office for the
1658 duration of his employment contract.

1659 (b) The State Board of Education may issue a written
1660 request with documentation to the Governor asking that the
1661 membership of the school board of the school district shall be
1662 subject to recall. Whenever the Governor declares that the
1663 membership of the school board is subject to recall, the county



1664 election commission or the local governing authorities, as the
1665 case may be, shall take the following action:

1666 (i) If the members of the local school board are
1667 elected to office, in those years in which the specific member's
1668 office is not up for election, the name of the school board member
1669 shall be submitted by the State Board of Education to the county
1670 election commission, and the county election commission at a
1671 special election shall submit the question to the voters eligible
1672 to vote for the particular member's office within the county or
1673 school district, as the case may be, and the special election
1674 shall be held within sixty (60) days from notification by the
1675 State Board of Education. The ballot shall read substantially as
1676 follows:

1677 "Members of the _____ (here the title of the school
1678 district shall be inserted) School Board who are not up for
1679 election this year are subject to recall because of the school
1680 district's failure to meet critical accountability standards as
1681 defined in the letter of notification to the Governor from the
1682 State Board of Education. Shall the member of the school board
1683 representing this area, _____ (here the name of the school
1684 board member holding the office shall be inserted), be retained in
1685 office? Yes _____ No _____"

1686 If a majority of those voting on the question vote against
1687 retaining the member of the school board in office, a vacancy in
1688 that board member's office shall exist, which shall be filled in



1689 the manner provided by law; otherwise, the school board member
1690 shall remain in office for the term of that office, and at the
1691 expiration of the term of office, the member shall be eligible for
1692 qualification and election to another term or terms of office.
1693 However, if a majority of the school board members are recalled in
1694 the special election, the Governor shall authorize the board of
1695 supervisors of the county in which the school district is situated
1696 to appoint members to fill the offices of the members recalled.
1697 The board of supervisors shall make those appointments in the
1698 manner provided by law for filling vacancies on the school board,
1699 and the appointed members shall serve until the office is filled
1700 at the next regular special election or general election.

1701 (ii) If the local school board is an appointed
1702 school board, the name of all school board members shall be
1703 submitted as a collective board by the president of the municipal
1704 or county governing authority, as the case may be, at the next
1705 regular meeting of the governing authority for retention in office
1706 or dismissal from office. If a majority of the governing
1707 authority voting on the question vote against retaining the board
1708 in office, a vacancy shall exist in each school board member's
1709 office, which shall be filled as provided by law; otherwise, the
1710 members of the appointed school board shall remain in office for
1711 the duration of their term of appointment, and those members may
1712 be reappointed.



1713 (iii) If the local school board is comprised of
1714 both elected and appointed members, the elected members shall be
1715 subject to recall in the manner provided in subparagraph (i) of
1716 this paragraph (b), and the appointed members shall be subject to
1717 recall in the manner provided in subparagraph (ii).

1718 (18) Beginning with the school district audits conducted for
1719 the 1997-1998 fiscal year, the State Board of Education, acting
1720 through the Commission on School Accreditation, shall require each
1721 school district to comply with standards established by the State
1722 Department of Audit for the verification of fixed assets and the
1723 auditing of fixed assets records as a minimum requirement for
1724 accreditation.

1725 (19) Before December 1, 1999, the State Board of Education
1726 shall recommend a program to the Education Committees of the House
1727 of Representatives and the Senate for identifying and rewarding
1728 public schools that improve or are high performing. The program
1729 shall be described by the board in a written report, which shall
1730 include criteria and a process through which improving schools and
1731 high-performing schools will be identified and rewarded.

1732 The State Superintendent of Public Education and the State
1733 Board of Education also shall develop a comprehensive
1734 accountability plan to ensure that local school boards,
1735 superintendents, principals and teachers are held accountable for
1736 student achievement. A written report on the accountability plan
1737 shall be submitted to the Education Committees of both houses of



1738 the Legislature before December 1, 1999, with any necessary
1739 legislative recommendations.

1740 (20) Before January 1, 2008, the State Board of Education
1741 shall evaluate and submit a recommendation to the Education
1742 Committees of the House of Representatives and the Senate on
1743 inclusion of graduation rate and dropout rate in the school level
1744 accountability system.

1745 (21) If a local school district is determined as failing and
1746 placed into district transformation status for reasons authorized
1747 by the provisions of this section, the interim superintendent
1748 appointed to the district shall, within forty-five (45) days after
1749 being appointed, present a detailed and structured corrective
1750 action plan to move the local school district out of district
1751 transformation status to the deputy superintendent. A copy of the
1752 interim superintendent's corrective action plan shall also be
1753 filed with the State Board of Education.

1754 **SECTION 9.** Beginning with the 2021-2022 academic year, the
1755 State Board of Education, acting through the Commission on Teacher
1756 and Administrator Education, Certification and Licensure and
1757 Development, and in conjunction with the Board of Trustees of
1758 State Institutions of Higher Learning, shall require each educator
1759 preparation program in the state to include, as part of its
1760 curriculum, a Praxis Core Academic Skills for Educators
1761 examination and a Praxis II examination course of study, which
1762 shall serve as a preparatory review course with emphasis on the



1763 concepts and exam skills necessary for success on the exam, and
1764 reinforces students' knowledge through thought-provoking examples
1765 and Praxis exam questions. Upon completion of the course,
1766 students shall have mastered concepts as they are tested so that
1767 students can excel within the time constraints of the exam."

