

**Adopted
AMENDMENT NO 2 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 require school districts to provide notice to all incoming middle
215 school students and junior high students of the career technical
216 education pathways offered by local school boards. Such notice
217 shall include the career technical education pathways available,
218 the course requirements of each pathways, how to enroll in the
219 pathway and any other necessary information as determined by the
220 State Board of 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) Students pursuing a career technical education
247 pathway must complete the * * * twenty-four (24) course unit
248 requirements for * * * a regular high school diploma, which may
249 include, but not be limited to * * * the following course content:

250 * * *

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



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

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

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

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

285 * * *



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

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

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



311 the Mississippi Community College Board; one (1) local school
312 board member; and four (4) laypersons. Three (3) members of the
313 commission, at the sole discretion of the State Board of
314 Education, shall be appointed from the state at large.

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

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

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



336 (b) An Office of Educator Misconduct Evaluations shall
337 be established within the State Department of Education to assist
338 the commission in responding to infractions and violations, and in
339 conducting hearings and enforcing the provisions of subsections
340 (11), (12), (13), (14) and (15) of this section, and violations of
341 the Mississippi Educator Code of Ethics.

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

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

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

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

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

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

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



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

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

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

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

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

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

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



386 teacher is employed shall compensate such assistant teachers at
387 the required salary level during the period of time such
388 individual is completing student teaching requirements.

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

390 (i) An application on a department form;

391 (ii) An official transcript of completion of a
392 teacher education program approved by the department or a
393 nationally accredited program, subject to the following:

394 Licensure to teach in Mississippi prekindergarten through
395 kindergarten classrooms shall require completion of a teacher
396 education program or a Bachelor of Science degree with child
397 development emphasis from a program accredited by the American
398 Association of Family and Consumer Sciences (AAFCS) or by the
399 National Association for Education of Young Children (NAEYC) or by
400 the National Council for Accreditation of Teacher Education
401 (NCATE). Licensure to teach in Mississippi kindergarten, for
402 those applicants who have completed a teacher education program,
403 and in Grade 1 through Grade 4 shall require the completion of an
404 interdisciplinary program of studies. Licenses for Grades 4
405 through 8 shall require the completion of an interdisciplinary
406 program of studies with two (2) or more areas of concentration.
407 Licensure to teach in Mississippi Grades 7 through 12 shall
408 require a major in an academic field other than education, or a
409 combination of disciplines other than education. Students
410 preparing to teach a subject shall complete a major in the



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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



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

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

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



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

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

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

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

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



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

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

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

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



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

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



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

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

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



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

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



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

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

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

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

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

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



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

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

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



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

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

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



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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

908 (19) In addition to the reasons specified in subsections
909 (12) and (13) of this section, the board shall be authorized to
910 suspend the license of any licensee for being out of compliance
911 with an order for support, as defined in Section 93-11-153. The
912 procedure for suspension of a license for being out of compliance
913 with an order for support, and the procedure for the reissuance or
914 reinstatement of a license suspended for that purpose, and the
915 payment of any fees for the reissuance or reinstatement of a
916 license suspended for that purpose, shall be governed by Section
917 93-11-157 or 93-11-163, as the case may be. Actions taken by the
918 board in suspending a license when required by Section 93-11-157
919 or 93-11-163 are not actions from which an appeal may be taken
920 under this section. Any appeal of a license suspension that is
921 required by Section 93-11-157 or 93-11-163 shall be taken in
922 accordance with the appeal procedure specified in Section
923 93-11-157 or 93-11-163, as the case may be, rather than the
924 procedure specified in this section. If there is any conflict
925 between any provision of Section 93-11-157 or 93-11-163 and any
926 provision of this chapter, the provisions of Section 93-11-157 or
927 93-11-163, as the case may be, shall control.



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

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

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

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

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



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

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

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

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



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

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

993 (3) Within five (5) days of completing the administration of
994 a statewide test, the principal of the school where the test was
995 administered shall certify under oath to the State Department of
996 Education that the statewide test was administered in strict
997 accordance with the Requirements of the Mississippi Statewide
998 Assessment System as adopted by the State Board of Education. The
999 principal's sworn certification shall be set forth on a form
1000 developed and approved by the Department of Education. If,
1001 following the administration of a statewide test, the principal
1002 has reason to believe that the test was not administered in strict



1003 accordance with the Requirements of the Mississippi Statewide
1004 Assessment System as adopted by the State Board of Education, the
1005 principal shall submit a sworn certification to the Department of
1006 Education setting forth all information known or believed by the
1007 principal about all potential violations of the Requirements of
1008 the Mississippi Statewide Assessment System as adopted by the
1009 State Board of Education. The submission of false information or
1010 false certification to the Department of Education by any licensed
1011 educator may result in licensure disciplinary action pursuant to
1012 Section 37-3-2 and criminal prosecution pursuant to Section
1013 37-16-4.

1014 **SECTION 8.** Section 37-17-6, Mississippi Code of 1972, is
1015 amended as follows:

1016 37-17-6. (1) The State Board of Education, acting through
1017 the Commission on School Accreditation, shall establish and
1018 implement a permanent performance-based accreditation system, and
1019 all noncharter public elementary and secondary schools shall be
1020 accredited under this system.

1021 (2) No later than June 30, 1995, the State Board of
1022 Education, acting through the Commission on School Accreditation,
1023 shall require school districts to provide school classroom space
1024 that is air-conditioned as a minimum requirement for
1025 accreditation.

1026 (3) (a) Beginning with the 1994-1995 school year, the State
1027 Board of Education, acting through the Commission on School



1028 Accreditation, shall require that school districts employ
1029 certified school librarians according to the following formula:

1030	Number of Students	Number of Certified
1031	Per School Library	School Librarians
1032	0 - 499 Students	1/2 Full-time Equivalent
1033		Certified Librarian
1034	500 or More Students	1 Full-time Certified
1035		Librarian

1036 (b) The State Board of Education, however, may increase
1037 the number of positions beyond the above requirements.

1038 (c) The assignment of certified school librarians to
1039 the particular schools shall be at the discretion of the local
1040 school district. No individual shall be employed as a certified
1041 school librarian without appropriate training and certification as
1042 a school librarian by the State Department of Education.

1043 (d) School librarians in the district shall spend at
1044 least fifty percent (50%) of direct work time in a school library
1045 and shall devote no more than one-fourth (1/4) of the workday to
1046 administrative activities that are library related.

1047 (e) Nothing in this subsection shall prohibit any
1048 school district from employing more certified school librarians
1049 than are provided for in this section.

1050 (f) Any additional millage levied to fund school
1051 librarians required for accreditation under this subsection shall
1052 be included in the tax increase limitation set forth in Sections



1053 37-57-105 and 37-57-107 and shall not be deemed a new program for
1054 purposes of the limitation.

1055 (4) On or before December 31, 2002, the State Board of
1056 Education shall implement the performance-based accreditation
1057 system for school districts and for individual noncharter public
1058 schools which shall include the following:

1059 (a) High expectations for students and high standards
1060 for all schools, with a focus on the basic curriculum;

1061 (b) Strong accountability for results with appropriate
1062 local flexibility for local implementation;

1063 (c) A process to implement accountability at both the
1064 school district level and the school level;

1065 (d) Individual schools shall be held accountable for
1066 student growth and performance;

1067 (e) Set annual performance standards for each of the
1068 schools of the state and measure the performance of each school
1069 against itself through the standard that has been set for it;

1070 (f) A determination of which schools exceed their
1071 standards and a plan for providing recognition and rewards to
1072 those schools;

1073 (g) A determination of which schools are failing to
1074 meet their standards and a determination of the appropriate role
1075 of the State Board of Education and the State Department of
1076 Education in providing assistance and initiating possible
1077 intervention. A failing district is a district that fails to meet



1078 both the absolute student achievement standards and the rate of
1079 annual growth expectation standards as set by the State Board of
1080 Education for two (2) consecutive years. The State Board of
1081 Education shall establish the level of benchmarks by which
1082 absolute student achievement and growth expectations shall be
1083 assessed. In setting the benchmarks for school districts, the
1084 State Board of Education may also take into account such factors
1085 as graduation rates, dropout rates, completion rates, the extent
1086 to which the school or district employs qualified teachers in
1087 every classroom, and any other factors deemed appropriate by the
1088 State Board of Education. The State Board of Education, acting
1089 through the State Department of Education, shall apply a simple
1090 "A," "B," "C," "D" and "F" designation to the current school and
1091 school district statewide accountability performance
1092 classification labels beginning with the State Accountability
1093 Results for the 2011-2012 school year and following, and in the
1094 school, district and state report cards required under state and
1095 federal law. Under the new designations, a school or school
1096 district that has earned a "Star" rating shall be designated an
1097 "A" school or school district; a school or school district that
1098 has earned a "High-Performing" rating shall be designated a "B"
1099 school or school district; a school or school district that has
1100 earned a "Successful" rating shall be designated a "C" school or
1101 school district; a school or school district that has earned an
1102 "Academic Watch" rating shall be designated a "D" school or school



1103 district; a school or school district that has earned a
1104 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
1105 be designated an "F" school or school district. Effective with
1106 the implementation of any new curriculum and assessment standards,
1107 the State Board of Education, acting through the State Department
1108 of Education, is further authorized and directed to change the
1109 school and school district accreditation rating system to a simple
1110 "A," "B," "C," "D," and "F" designation based on a combination of
1111 student achievement scores and student growth as measured by the
1112 statewide testing programs developed by the State Board of
1113 Education pursuant to Chapter 16, Title 37, Mississippi Code of
1114 1972. In any statute or regulation containing the former
1115 accreditation designations, the new designations shall be
1116 applicable;

1117 (h) Development of a comprehensive student assessment
1118 system to implement these requirements; and

1119 (i) The State Board of Education may, based on a
1120 written request that contains specific reasons for requesting a
1121 waiver from the school districts affected by Hurricane Katrina of
1122 2005, hold harmless school districts from assignment of district
1123 and school level accountability ratings for the 2005-2006 school
1124 year. The State Board of Education upon finding an extreme
1125 hardship in the school district may grant the request. It is the
1126 intent of the Legislature that all school districts maintain the



1127 highest possible academic standards and instructional programs in
1128 all schools as required by law and the State Board of Education.

1129 (5) (a) Effective with the 2013-2014 school year, the State
1130 Department of Education, acting through the Mississippi Commission
1131 on School Accreditation, shall revise and implement a single "A"
1132 through "F" school and school district accountability system
1133 complying with applicable federal and state requirements in order
1134 to reach the following educational goals:

1135 (i) To mobilize resources and supplies to ensure
1136 that all students exit third grade reading on grade level by 2015;

1137 (ii) To reduce the student dropout rate to
1138 thirteen percent (13%) by 2015; and

1139 (iii) To have sixty percent (60%) of students
1140 scoring proficient and advanced on the assessments of the Common
1141 Core State Standards by 2016 with incremental increases of three
1142 percent (3%) each year thereafter.

1143 (b) The State Department of Education shall combine the
1144 state school and school district accountability system with the
1145 federal system in order to have a single system.

1146 (c) The State Department of Education shall establish
1147 five (5) performance categories ("A," "B," "C," "D" and "F") for
1148 the accountability system based on the following criteria:

1149 (i) Student Achievement: the percent of students
1150 proficient and advanced on the current state assessments;



1151 (ii) Individual student growth: the percent of
1152 students making one (1) year's progress in one (1) year's time on
1153 the state assessment, with an emphasis on the progress of the
1154 lowest twenty-five percent (25%) of students in the school or
1155 district;

1156 (iii) Four-year graduation rate: the percent of
1157 students graduating with a standard high school diploma in four
1158 (4) years, as defined by federal regulations;

1159 (iv) Categories shall identify schools as Reward
1160 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
1161 at least five percent (5%) of schools in the state are not graded
1162 as "F" schools, the lowest five percent (5%) of school grade point
1163 designees will be identified as Priority schools. If at least ten
1164 percent (10%) of schools in the state are not graded as "D"
1165 schools, the lowest ten percent (10%) of school grade point
1166 designees will be identified as Focus schools;

1167 (v) The State Department of Education shall
1168 discontinue the use of Star School, High-Performing, Successful,
1169 Academic Watch, Low-Performing, At-Risk of Failing and Failing
1170 school accountability designations;

1171 (vi) The system shall include the federally
1172 compliant four-year graduation rate in school and school district
1173 accountability system calculations. Graduation rate will apply to
1174 high school and school district accountability ratings as a



1175 compensatory component. The system shall discontinue the use of
1176 the High School Completer Index (HSCI);

1177 (vii) The school and school district
1178 accountability system shall incorporate a standards-based growth
1179 model, in order to support improvement of individual student
1180 learning;

1181 (viii) The State Department of Education shall
1182 discontinue the use of the Quality Distribution Index (QDI);

1183 (ix) The State Department of Education shall
1184 determine feeder patterns of schools that do not earn a school
1185 grade because the grades and subjects taught at the school do not
1186 have statewide standardized assessments needed to calculate a
1187 school grade. Upon determination of the feeder pattern, the
1188 department shall notify schools and school districts prior to the
1189 release of the school grades beginning in 2013. Feeder schools
1190 will be assigned the accountability designation of the school to
1191 which they provide students;

1192 (x) Standards for student, school and school
1193 district performance will be increased when student proficiency is
1194 at a seventy-five percent (75%) and/or when sixty-five percent
1195 (65%) of the schools and/or school districts are earning a grade
1196 of "B" or higher, in order to raise the standard on performance
1197 after targets are met * * *; and

1198 (xi) The system shall include student performance
1199 on the administration of the ACT WorkKeys Assessment, which shall



1200 be weighted in the same percentage as the standard ACT Assessment
1201 as administered to students in Grade 11, for inclusion in the
1202 college and career readiness portion of the accountability rating
1203 system. The State Department of Education shall ensure equitable
1204 distribution of points under the accountability rating, in
1205 comparison to the ACT Assessment, for a Silver Status on the ACT
1206 WorkKeys Assessment. A student shall not be required to complete
1207 all of the courses within his or her career pathway for his or her
1208 performance on the ACT WorkKeys Assessment to be included in the
1209 system.

1210 (6) Nothing in this section shall be deemed to require a
1211 nonpublic school that receives no local, state or federal funds
1212 for support to become accredited by the State Board of Education.

1213 (7) The State Board of Education shall create an
1214 accreditation audit unit under the Commission on School
1215 Accreditation to determine whether schools are complying with
1216 accreditation standards.

1217 (8) The State Board of Education shall be specifically
1218 authorized and empowered to withhold adequate education program
1219 fund allocations, whichever is applicable, to any public school
1220 district for failure to timely report student, school personnel
1221 and fiscal data necessary to meet state and/or federal
1222 requirements.

1223 (9) [Deleted]



1224 (10) The State Board of Education shall establish, for those
1225 school districts failing to meet accreditation standards, a
1226 program of development to be complied with in order to receive
1227 state funds, except as otherwise provided in subsection (15) of
1228 this section when the Governor has declared a state of emergency
1229 in a school district or as otherwise provided in Section 206,
1230 Mississippi Constitution of 1890. The state board, in
1231 establishing these standards, shall provide for notice to schools
1232 and sufficient time and aid to enable schools to attempt to meet
1233 these standards, unless procedures under subsection (15) of this
1234 section have been invoked.

1235 (11) Beginning July 1, 1998, the State Board of Education
1236 shall be charged with the implementation of the program of
1237 development in each applicable school district as follows:

1238 (a) Develop an impairment report for each district
1239 failing to meet accreditation standards in conjunction with school
1240 district officials;

1241 (b) Notify any applicable school district failing to
1242 meet accreditation standards that it is on probation until
1243 corrective actions are taken or until the deficiencies have been
1244 removed. The local school district shall develop a corrective
1245 action plan to improve its deficiencies. For district academic
1246 deficiencies, the corrective action plan for each such school
1247 district shall be based upon a complete analysis of the following:
1248 student test data, student grades, student attendance reports,



1249 student dropout data, existence and other relevant data. The
1250 corrective action plan shall describe the specific measures to be
1251 taken by the particular school district and school to improve:
1252 (i) instruction; (ii) curriculum; (iii) professional development;
1253 (iv) personnel and classroom organization; (v) student incentives
1254 for performance; (vi) process deficiencies; and (vii) reporting to
1255 the local school board, parents and the community. The corrective
1256 action plan shall describe the specific individuals responsible
1257 for implementing each component of the recommendation and how each
1258 will be evaluated. All corrective action plans shall be provided
1259 to the State Board of Education as may be required. The decision
1260 of the State Board of Education establishing the probationary
1261 period of time shall be final;

1262 (c) Offer, during the probationary period, technical
1263 assistance to the school district in making corrective actions.
1264 Beginning July 1, 1998, subject to the availability of funds, the
1265 State Department of Education shall provide technical and/or
1266 financial assistance to all such school districts in order to
1267 implement each measure identified in that district's corrective
1268 action plan through professional development and on-site
1269 assistance. Each such school district shall apply for and utilize
1270 all available federal funding in order to support its corrective
1271 action plan in addition to state funds made available under this
1272 paragraph;



1273 (d) Assign department personnel or contract, in its
1274 discretion, with the institutions of higher learning or other
1275 appropriate private entities with experience in the academic,
1276 finance and other operational functions of schools to assist
1277 school districts;

1278 (e) Provide for publication of public notice at least
1279 one time during the probationary period, in a newspaper published
1280 within the jurisdiction of the school district failing to meet
1281 accreditation standards, or if no newspaper is published therein,
1282 then in a newspaper having a general circulation therein. The
1283 publication shall include the following: declaration of school
1284 system's status as being on probation; all details relating to the
1285 impairment report; and other information as the State Board of
1286 Education deems appropriate. Public notices issued under this
1287 section shall be subject to Section 13-3-31 and not contrary to
1288 other laws regarding newspaper publication.

1289 (12) (a) If the recommendations for corrective action are
1290 not taken by the local school district or if the deficiencies are
1291 not removed by the end of the probationary period, the Commission
1292 on School Accreditation shall conduct a hearing to allow the
1293 affected school district to present evidence or other reasons why
1294 its accreditation should not be withdrawn. Additionally, if the
1295 local school district violates accreditation standards that have
1296 been determined by the policies and procedures of the State Board
1297 of Education to be a basis for withdrawal of school district's



1298 accreditation without a probationary period, the Commission on
1299 School Accreditation shall conduct a hearing to allow the affected
1300 school district to present evidence or other reasons why its
1301 accreditation should not be withdrawn. After its consideration of
1302 the results of the hearing, the Commission on School Accreditation
1303 shall be authorized, with the approval of the State Board of
1304 Education, to withdraw the accreditation of a public school
1305 district, and issue a request to the Governor that a state of
1306 emergency be declared in that district.

1307 (b) If the State Board of Education and the Commission
1308 on School Accreditation determine that an extreme emergency
1309 situation exists in a school district that jeopardizes the safety,
1310 security or educational interests of the children enrolled in the
1311 schools in that district and that emergency situation is believed
1312 to be related to a serious violation or violations of
1313 accreditation standards or state or federal law, or when a school
1314 district meets the State Board of Education's definition of a
1315 failing school district for two (2) consecutive full school years,
1316 or if more than fifty percent (50%) of the schools within the
1317 school district are designated as Schools At-Risk in any one (1)
1318 year, the State Board of Education may request the Governor to
1319 declare a state of emergency in that school district. For
1320 purposes of this paragraph, the declarations of a state of
1321 emergency shall not be limited to those instances when a school
1322 district's impairments are related to a lack of financial



1323 resources, but also shall include serious failure to meet minimum
1324 academic standards, as evidenced by a continued pattern of poor
1325 student performance.

1326 (c) Whenever the Governor declares a state of emergency
1327 in a school district in response to a request made under paragraph
1328 (a) or (b) of this subsection, the State Board of Education may
1329 take one or more of the following actions:

1330 (i) Declare a state of emergency, under which some
1331 or all of state funds can be escrowed except as otherwise provided
1332 in Section 206, Constitution of 1890, until the board determines
1333 corrective actions are being taken or the deficiencies have been
1334 removed, or that the needs of students warrant the release of
1335 funds. The funds may be released from escrow for any program
1336 which the board determines to have been restored to standard even
1337 though the state of emergency may not as yet be terminated for the
1338 district as a whole;

1339 (ii) Override any decision of the local school
1340 board or superintendent of education, or both, concerning the
1341 management and operation of the school district, or initiate and
1342 make decisions concerning the management and operation of the
1343 school district;

1344 (iii) Assign an interim superintendent, or in its
1345 discretion, contract with a private entity with experience in the
1346 academic, finance and other operational functions of schools and



1347 school districts, who will have those powers and duties prescribed
1348 in subsection (15) of this section;

1349 (iv) Grant transfers to students who attend this
1350 school district so that they may attend other accredited schools
1351 or districts in a manner that is not in violation of state or
1352 federal law;

1353 (v) For states of emergency declared under
1354 paragraph (a) only, if the accreditation deficiencies are related
1355 to the fact that the school district is too small, with too few
1356 resources, to meet the required standards and if another school
1357 district is willing to accept those students, abolish that
1358 district and assign that territory to another school district or
1359 districts. If the school district has proposed a voluntary
1360 consolidation with another school district or districts, then if
1361 the State Board of Education finds that it is in the best interest
1362 of the pupils of the district for the consolidation to proceed,
1363 the voluntary consolidation shall have priority over any such
1364 assignment of territory by the State Board of Education;

1365 (vi) For states of emergency declared under
1366 paragraph (b) only, reduce local supplements paid to school
1367 district employees, including, but not limited to, instructional
1368 personnel, assistant teachers and extracurricular activities
1369 personnel, if the district's impairment is related to a lack of
1370 financial resources, but only to an extent that will result in the



1371 salaries being comparable to districts similarly situated, as
1372 determined by the State Board of Education;

1373 (vii) For states of emergency declared under
1374 paragraph (b) only, the State Board of Education may take any
1375 action as prescribed in Section 37-17-13.

1376 (d) At the time that satisfactory corrective action has
1377 been taken in a school district in which a state of emergency has
1378 been declared, the State Board of Education may request the
1379 Governor to declare that the state of emergency no longer exists
1380 in the district.

1381 (e) The parent or legal guardian of a school-age child
1382 who is enrolled in a school district whose accreditation has been
1383 withdrawn by the Commission on School Accreditation and without
1384 approval of that school district may file a petition in writing to
1385 a school district accredited by the Commission on School
1386 Accreditation for a legal transfer. The school district
1387 accredited by the Commission on School Accreditation may grant the
1388 transfer according to the procedures of Section 37-15-31(1)(b).
1389 In the event the accreditation of the student's home district is
1390 restored after a transfer has been approved, the student may
1391 continue to attend the transferee school district. The per-pupil
1392 amount of the adequate education program allotment, including the
1393 collective "add-on program" costs for the student's home school
1394 district shall be transferred monthly to the school district



1395 accredited by the Commission on School Accreditation that has
1396 granted the transfer of the school-age child.

1397 (f) Upon the declaration of a state of emergency for
1398 any school district in which the Governor has previously declared
1399 a state of emergency, the State Board of Education may either:

1400 (i) Place the school district into district
1401 transformation, in which the school district shall remain until it
1402 has fulfilled all conditions related to district transformation.
1403 If the district was assigned an accreditation rating of "D" or "F"
1404 when placed into district transformation, the district shall be
1405 eligible to return to local control when the school district has
1406 attained a "C" rating or higher for five (5) consecutive years,
1407 unless the State Board of Education determines that the district
1408 is eligible to return to local control in less than the five-year
1409 period;

1410 (ii) Abolish the school district and
1411 administratively consolidate the school district with one or more
1412 existing school districts;

1413 (iii) Reduce the size of the district and
1414 administratively consolidate parts of the district, as determined
1415 by the State Board of Education. However, no school district
1416 which is not in district transformation shall be required to
1417 accept additional territory over the objection of the district; or

1418 (iv) Require the school district to develop and
1419 implement a district improvement plan with prescriptive guidance



1420 and support from the State Department of Education, with the goal
1421 of helping the district improve student achievement. Failure of
1422 the school board, superintendent and school district staff to
1423 implement the plan with fidelity and participate in the activities
1424 provided as support by the department shall result in the school
1425 district retaining its eligibility for district transformation.

1426 (g) There is established a Mississippi Recovery School
1427 District within the State Department of Education under the
1428 supervision of a deputy superintendent appointed by the State
1429 Superintendent of Public Education, who is subject to the approval
1430 by the State Board of Education. The Mississippi Recovery School
1431 District shall provide leadership and oversight of all school
1432 districts that are subject to district transformation status, as
1433 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1434 and shall have all the authority granted under these two (2)
1435 chapters. The Mississippi Department of Education, with the
1436 approval of the State Board of Education, shall develop policies
1437 for the operation and management of the Mississippi Recovery
1438 School District. The deputy state superintendent is responsible
1439 for the Mississippi Recovery School District and shall be
1440 authorized to oversee the administration of the Mississippi
1441 Recovery School District, oversee the interim superintendent
1442 assigned by the State Board of Education to a local school
1443 district, hear appeals that would normally be filed by students,
1444 parents or employees and heard by a local school board, which



1445 hearings on appeal shall be conducted in a prompt and timely
1446 manner in the school district from which the appeal originated in
1447 order to ensure the ability of appellants, other parties and
1448 witnesses to appeal without undue burden of travel costs or loss
1449 of time from work, and perform other related duties as assigned by
1450 the State Superintendent of Public Education. The deputy state
1451 superintendent is responsible for the Mississippi Recovery School
1452 District and shall determine, based on rigorous professional
1453 qualifications set by the State Board of Education, the
1454 appropriate individuals to be engaged to be interim
1455 superintendents and financial advisors, if applicable, of all
1456 school districts subject to district transformation status. After
1457 State Board of Education approval, these individuals shall be
1458 deemed independent contractors.

1459 (13) Upon the declaration of a state of emergency in a
1460 school district under subsection (12) of this section, the
1461 Commission on School Accreditation shall be responsible for public
1462 notice at least once a week for at least three (3) consecutive
1463 weeks in a newspaper published within the jurisdiction of the
1464 school district failing to meet accreditation standards, or if no
1465 newspaper is published therein, then in a newspaper having a
1466 general circulation therein. The size of the notice shall be no
1467 smaller than one-fourth (1/4) of a standard newspaper page and
1468 shall be printed in bold print. If an interim superintendent has
1469 been appointed for the school district, the notice shall begin as



1470 follows: "By authority of Section 37-17-6, Mississippi Code of
1471 1972, as amended, adopted by the Mississippi Legislature during
1472 the 1991 Regular Session, this school district (name of school
1473 district) is hereby placed under the jurisdiction of the State
1474 Department of Education acting through its appointed interim
1475 superintendent (name of interim superintendent)."

1476 The notice also shall include, in the discretion of the State
1477 Board of Education, any or all details relating to the school
1478 district's emergency status, including the declaration of a state
1479 of emergency in the school district and a description of the
1480 district's impairment deficiencies, conditions of any district
1481 transformation status and corrective actions recommended and being
1482 taken. Public notices issued under this section shall be subject
1483 to Section 13-3-31 and not contrary to other laws regarding
1484 newspaper publication.

1485 Upon termination of the state of emergency in a school
1486 district, the Commission on School Accreditation shall cause
1487 notice to be published in the school district in the same manner
1488 provided in this section, to include any or all details relating
1489 to the corrective action taken in the school district that
1490 resulted in the termination of the state of emergency.

1491 (14) The State Board of Education or the Commission on
1492 School Accreditation shall have the authority to require school
1493 districts to produce the necessary reports, correspondence,



1494 financial statements, and any other documents and information
1495 necessary to fulfill the requirements of this section.

1496 Nothing in this section shall be construed to grant any
1497 individual, corporation, board or interim superintendent the
1498 authority to levy taxes except in accordance with presently
1499 existing statutory provisions.

1500 (15) (a) Whenever the Governor declares a state of
1501 emergency in a school district in response to a request made under
1502 subsection (12) of this section, the State Board of Education, in
1503 its discretion, may assign an interim superintendent to the school
1504 district, or in its discretion, may contract with an appropriate
1505 private entity with experience in the academic, finance and other
1506 operational functions of schools and school districts, who will be
1507 responsible for the administration, management and operation of
1508 the school district, including, but not limited to, the following
1509 activities:

1510 (i) Approving or disapproving all financial
1511 obligations of the district, including, but not limited to, the
1512 employment, termination, nonrenewal and reassignment of all
1513 licensed and nonlicensed personnel, contractual agreements and
1514 purchase orders, and approving or disapproving all claim dockets
1515 and the issuance of checks; in approving or disapproving
1516 employment contracts of superintendents, assistant superintendents
1517 or principals, the interim superintendent shall not be required to



1518 comply with the time limitations prescribed in Sections 37-9-15
1519 and 37-9-105;

1520 (ii) Supervising the day-to-day activities of the
1521 district's staff, including reassigning the duties and
1522 responsibilities of personnel in a manner which, in the
1523 determination of the interim superintendent, will best suit the
1524 needs of the district;

1525 (iii) Reviewing the district's total financial
1526 obligations and operations and making recommendations to the
1527 district for cost savings, including, but not limited to,
1528 reassigning the duties and responsibilities of staff;

1529 (iv) Attending all meetings of the district's
1530 school board and administrative staff;

1531 (v) Approving or disapproving all athletic, band
1532 and other extracurricular activities and any matters related to
1533 those activities;

1534 (vi) Maintaining a detailed account of
1535 recommendations made to the district and actions taken in response
1536 to those recommendations;

1537 (vii) Reporting periodically to the State Board of
1538 Education on the progress or lack of progress being made in the
1539 district to improve the district's impairments during the state of
1540 emergency; and

1541 (viii) Appointing a parent advisory committee,
1542 comprised of parents of students in the school district that may



1543 make recommendations to the interim superintendent concerning the
1544 administration, management and operation of the school district.

1545 The cost of the salary of the interim superintendent and any
1546 other actual and necessary costs related to district
1547 transformation status paid by the State Department of Education
1548 shall be reimbursed by the local school district from funds other
1549 than adequate education program funds. The department shall
1550 submit an itemized statement to the superintendent of the local
1551 school district for reimbursement purposes, and any unpaid balance
1552 may be withheld from the district's adequate education program
1553 funds.

1554 At the time that the Governor, in accordance with the request
1555 of the State Board of Education, declares that the state of
1556 emergency no longer exists in a school district, the powers and
1557 responsibilities of the interim superintendent assigned to the
1558 district shall cease.

1559 (b) In order to provide loans to school districts under
1560 a state of emergency or in district transformation status that
1561 have impairments related to a lack of financial resources, the
1562 School District Emergency Assistance Fund is created as a special
1563 fund in the State Treasury into which monies may be transferred or
1564 appropriated by the Legislature from any available public
1565 education funds. Funds in the School District Emergency
1566 Assistance Fund up to a maximum balance of Three Million Dollars
1567 (\$3,000,000.00) annually shall not lapse but shall be available



1568 for expenditure in subsequent years subject to approval of the
1569 State Board of Education. Any amount in the fund in excess of
1570 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1571 year shall lapse into the State General Fund or the Education
1572 Enhancement Fund, depending on the source of the fund.

1573 The State Board of Education may loan monies from the School
1574 District Emergency Assistance Fund to a school district that is
1575 under a state of emergency or in district transformation status,
1576 in those amounts, as determined by the board, that are necessary
1577 to correct the district's impairments related to a lack of
1578 financial resources. The loans shall be evidenced by an agreement
1579 between the school district and the State Board of Education and
1580 shall be repayable in principal, without necessity of interest, to
1581 the School District Emergency Assistance Fund by the school
1582 district from any allowable funds that are available. The total
1583 amount loaned to the district shall be due and payable within five
1584 (5) years after the impairments related to a lack of financial
1585 resources are corrected. If a school district fails to make
1586 payments on the loan in accordance with the terms of the agreement
1587 between the district and the State Board of Education, the State
1588 Department of Education, in accordance with rules and regulations
1589 established by the State Board of Education, may withhold that
1590 district's adequate education program funds in an amount and
1591 manner that will effectuate repayment consistent with the terms of



1592 the agreement; the funds withheld by the department shall be
1593 deposited into the School District Emergency Assistance Fund.

1594 The State Board of Education shall develop a protocol that
1595 will outline the performance standards and requisite timeline
1596 deemed necessary for extreme emergency measures. If the State
1597 Board of Education determines that an extreme emergency exists,
1598 simultaneous with the powers exercised in this subsection, it
1599 shall take immediate action against all parties responsible for
1600 the affected school districts having been determined to be in an
1601 extreme emergency. The action shall include, but not be limited
1602 to, initiating civil actions to recover funds and criminal actions
1603 to account for criminal activity. Any funds recovered by the
1604 State Auditor or the State Board of Education from the surety
1605 bonds of school officials or from any civil action brought under
1606 this subsection shall be applied toward the repayment of any loan
1607 made to a school district hereunder.

1608 (16) If a majority of the membership of the school board of
1609 any school district resigns from office, the State Board of
1610 Education shall be authorized to assign an interim superintendent,
1611 who shall be responsible for the administration, management and
1612 operation of the school district until the time as new board
1613 members are selected or the Governor declares a state of emergency
1614 in that school district under subsection (12), whichever occurs
1615 first. In that case, the State Board of Education, acting through
1616 the interim superintendent, shall have all powers which were held



1617 by the previously existing school board, and may take any action
1618 as prescribed in Section 37-17-13 and/or one or more of the
1619 actions authorized in this section.

1620 (17) (a) If the Governor declares a state of emergency in a
1621 school district, the State Board of Education may take all such
1622 action pertaining to that school district as is authorized under
1623 subsection (12) or (15) of this section, including the appointment
1624 of an interim superintendent. The State Board of Education shall
1625 also have the authority to issue a written request with
1626 documentation to the Governor asking that the office of the
1627 superintendent of the school district be subject to recall. If
1628 the Governor declares that the office of the superintendent of the
1629 school district is subject to recall, the local school board or
1630 the county election commission, as the case may be, shall take the
1631 following action:

1632 (i) If the office of superintendent is an elected
1633 office, in those years in which there is no general election, the
1634 name shall be submitted by the State Board of Education to the
1635 county election commission, and the county election commission
1636 shall submit the question at a special election to the voters
1637 eligible to vote for the office of superintendent within the
1638 county, and the special election shall be held within sixty (60)
1639 days from notification by the State Board of Education. The
1640 ballot shall read substantially as follows:



1641 "Shall County Superintendent of Education _____ (here the
1642 name of the superintendent shall be inserted) of the _____
1643 (here the title of the school district shall be inserted) be
1644 retained in office? Yes _____ No _____"

1645 If a majority of those voting on the question votes against
1646 retaining the superintendent in office, a vacancy shall exist
1647 which shall be filled in the manner provided by law; otherwise,
1648 the superintendent shall remain in office for the term of that
1649 office, and at the expiration of the term shall be eligible for
1650 qualification and election to another term or terms.

1651 (ii) If the office of superintendent is an
1652 appointive office, the name of the superintendent shall be
1653 submitted by the president of the local school board at the next
1654 regular meeting of the school board for retention in office or
1655 dismissal from office. If a majority of the school board voting
1656 on the question vote against retaining the superintendent in
1657 office, a vacancy shall exist which shall be filled as provided by
1658 law, otherwise the superintendent shall remain in office for the
1659 duration of his employment contract.

1660 (b) The State Board of Education may issue a written
1661 request with documentation to the Governor asking that the
1662 membership of the school board of the school district shall be
1663 subject to recall. Whenever the Governor declares that the
1664 membership of the school board is subject to recall, the county



1665 election commission or the local governing authorities, as the
1666 case may be, shall take the following action:

1667 (i) If the members of the local school board are
1668 elected to office, in those years in which the specific member's
1669 office is not up for election, the name of the school board member
1670 shall be submitted by the State Board of Education to the county
1671 election commission, and the county election commission at a
1672 special election shall submit the question to the voters eligible
1673 to vote for the particular member's office within the county or
1674 school district, as the case may be, and the special election
1675 shall be held within sixty (60) days from notification by the
1676 State Board of Education. The ballot shall read substantially as
1677 follows:

1678 "Members of the _____ (here the title of the school
1679 district shall be inserted) School Board who are not up for
1680 election this year are subject to recall because of the school
1681 district's failure to meet critical accountability standards as
1682 defined in the letter of notification to the Governor from the
1683 State Board of Education. Shall the member of the school board
1684 representing this area, _____ (here the name of the school
1685 board member holding the office shall be inserted), be retained in
1686 office? Yes _____ No _____"

1687 If a majority of those voting on the question vote against
1688 retaining the member of the school board in office, a vacancy in
1689 that board member's office shall exist, which shall be filled in



1690 the manner provided by law; otherwise, the school board member
1691 shall remain in office for the term of that office, and at the
1692 expiration of the term of office, the member shall be eligible for
1693 qualification and election to another term or terms of office.
1694 However, if a majority of the school board members are recalled in
1695 the special election, the Governor shall authorize the board of
1696 supervisors of the county in which the school district is situated
1697 to appoint members to fill the offices of the members recalled.
1698 The board of supervisors shall make those appointments in the
1699 manner provided by law for filling vacancies on the school board,
1700 and the appointed members shall serve until the office is filled
1701 at the next regular special election or general election.

1702 (ii) If the local school board is an appointed
1703 school board, the name of all school board members shall be
1704 submitted as a collective board by the president of the municipal
1705 or county governing authority, as the case may be, at the next
1706 regular meeting of the governing authority for retention in office
1707 or dismissal from office. If a majority of the governing
1708 authority voting on the question vote against retaining the board
1709 in office, a vacancy shall exist in each school board member's
1710 office, which shall be filled as provided by law; otherwise, the
1711 members of the appointed school board shall remain in office for
1712 the duration of their term of appointment, and those members may
1713 be reappointed.



1714 (iii) If the local school board is comprised of
1715 both elected and appointed members, the elected members shall be
1716 subject to recall in the manner provided in subparagraph (i) of
1717 this paragraph (b), and the appointed members shall be subject to
1718 recall in the manner provided in subparagraph (ii).

1719 (18) Beginning with the school district audits conducted for
1720 the 1997-1998 fiscal year, the State Board of Education, acting
1721 through the Commission on School Accreditation, shall require each
1722 school district to comply with standards established by the State
1723 Department of Audit for the verification of fixed assets and the
1724 auditing of fixed assets records as a minimum requirement for
1725 accreditation.

1726 (19) Before December 1, 1999, the State Board of Education
1727 shall recommend a program to the Education Committees of the House
1728 of Representatives and the Senate for identifying and rewarding
1729 public schools that improve or are high performing. The program
1730 shall be described by the board in a written report, which shall
1731 include criteria and a process through which improving schools and
1732 high-performing schools will be identified and rewarded.

1733 The State Superintendent of Public Education and the State
1734 Board of Education also shall develop a comprehensive
1735 accountability plan to ensure that local school boards,
1736 superintendents, principals and teachers are held accountable for
1737 student achievement. A written report on the accountability plan
1738 shall be submitted to the Education Committees of both houses of



1739 the Legislature before December 1, 1999, with any necessary
1740 legislative recommendations.

1741 (20) Before January 1, 2008, the State Board of Education
1742 shall evaluate and submit a recommendation to the Education
1743 Committees of the House of Representatives and the Senate on
1744 inclusion of graduation rate and dropout rate in the school level
1745 accountability system.

1746 (21) If a local school district is determined as failing and
1747 placed into district transformation status for reasons authorized
1748 by the provisions of this section, the interim superintendent
1749 appointed to the district shall, within forty-five (45) days after
1750 being appointed, present a detailed and structured corrective
1751 action plan to move the local school district out of district
1752 transformation status to the deputy superintendent. A copy of the
1753 interim superintendent's corrective action plan shall also be
1754 filed with the State Board of Education.

1755 **SECTION 9.** Beginning with the 2021-2022 academic year, the
1756 State Board of Education, acting through the Commission on Teacher
1757 and Administrator Education, Certification and Licensure and
1758 Development, and in conjunction with the Board of Trustees of
1759 State Institutions of Higher Learning, shall require each educator
1760 preparation program in the state to include, as part of its
1761 curriculum, a Praxis Core Academic Skills for Educators
1762 examination and a Praxis II examination course of study, which
1763 shall serve as a preparatory review course with emphasis on the



1764 concepts and exam skills necessary for success on the exam, and
1765 reinforces students' knowledge through thought-provoking examples
1766 and Praxis exam questions. Upon completion of the course,
1767 students shall have mastered concepts as they are tested so that
1768 students can excel within the time constraints of the exam."

