

By: Representative Roberson

To: Education

HOUSE BILL NO. 1434

1 AN ACT TO BRING FORWARD SECTIONS 37-1-2, 37-3-2, 37-3-4,  
 2 37-3-46, 37-3-49, 37-7-337, 37-7-1001, 37-9-13, 37-9-18, 37-11-64,  
 3 37-13-80.1, 37-13-92, 37-17-1, 37-17-3, 37-17-5, 37-17-6, 37-17-8,  
 4 37-17-11, 37-17-12, 37-17-13, 37-17-15, 37-17-17, 37-18-1,  
 5 37-18-3, 37-18-7, 37-19-10, 37-23-1, 37-28-7, 37-28-23, 37-28-33  
 6 AND 37-37-13, MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS  
 7 RELATED TO SCHOOL ACCREDITATION, THE STATE SCHOOL ACCOUNTABILITY  
 8 MODEL AND THE ACCOUNTABILITY RATINGS OF SCHOOLS AND DISTRICT, FOR  
 9 THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

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

13 37-1-2. The Legislature finds and determines that the  
 14 quality of public education and its effect upon the social,  
 15 cultural and economic enhancement of the people of Mississippi is  
 16 a matter of public policy, the object of which is the education  
 17 and performance of its children and youth. The Legislature hereby  
 18 declares the following to be the policy of the State of  
 19 Mississippi:

20 (a) That the students, parents, general citizenry,  
 21 local schoolteachers and administrators, local governments, local



22 school boards, and state government have a joint and shared  
23 responsibility for the quality of education delivered through the  
24 public education system in the State of Mississippi;

25 (b) To produce a functionally literate school  
26 population;

27 (c) To ensure that all students master the most  
28 essential parts of a basic education;

29 (d) To establish, raise and maintain educational  
30 standards;

31 (e) To improve the quality of education by  
32 strengthening it and elevating its goals;

33 (f) To provide quality education for all school-age  
34 children in the state;

35 (g) That excellence and high achievement of all  
36 students should be the ultimate goal;

37 (h) To encourage the common efforts of students,  
38 parents, teachers, administrators and business and professional  
39 leaders for the establishment of specific goals for performance;

40 (i) To improve instructional and administrative  
41 quality, to relate the education community to other policymakers,  
42 to achieve increased competency among students, teachers and  
43 administrators, to provide for continuing professional development  
44 for teachers, counselors and administrators, to assure that the  
45 budget process, the planning function and the allocation of



46 personnel of the State Department of Education are commensurate  
47 with its educational goals;

48 (j) That the return on public education which is the  
49 single largest investment for the state be the effectiveness of  
50 the delivery system and the product it is designed to produce;

51 (k) That the investment in public education can be  
52 justified on the basis of the economic benefits that will accrue  
53 both to the individual and to society, recognizing that the return  
54 on such investment is long term and dramatic progress is not  
55 immediate;

56 (l) That emphasis must be placed upon early mastery of  
57 the skills necessary to success in school and that quality,  
58 performance-based early childhood education programs are an  
59 essential element of a comprehensive education system;

60 (m) That local school districts and their public  
61 schools be required to account for the product of their efforts;

62 (n) That the children of this state receive a period of  
63 instruction sufficient to train each in the basic educational  
64 skills adequate for the student to take his or her place in  
65 society and make a contribution as a citizen of this state, and  
66 that all children be encouraged to continue their education until  
67 they have completed high school;

68 (o) To establish an accreditation system based upon  
69 measurable elements in school known to be related to instructional  
70 effectiveness, to establish a credible process for measuring and



71 rating schools, to establish a method for monitoring continued  
72 performance, and to provide for a state response when performance  
73 is inadequate;

74 (p) That the teachers of this state, to the extent  
75 possible, receive salaries that are at least equal to the average  
76 of the salaries received by teachers in the southeastern United  
77 States.

78 **SECTION 2.** Section 37-3-2, Mississippi Code of 1972, is  
79 brought forward as follows:

80 37-3-2. (1) There is established within the State  
81 Department of Education the Commission on Teacher and  
82 Administrator Education, Certification and Licensure and  
83 Development. It shall be the purpose and duty of the commission  
84 to make recommendations to the State Board of Education regarding  
85 standards for the certification and licensure and continuing  
86 professional development of those who teach or perform tasks of an  
87 educational nature in the public schools of Mississippi.

88 (2) (a) The commission shall be composed of fifteen (15)  
89 qualified members. The membership of the commission shall be  
90 composed of the following members to be appointed, three (3) from  
91 each of the four (4) congressional districts, as such districts  
92 existed on January 1, 2011, in accordance with the population  
93 calculations determined by the 2010 federal decennial census,  
94 including: four (4) classroom teachers; three (3) school  
95 administrators; one (1) representative of schools of education of



96 public institutions of higher learning located within the state to  
97 be recommended by the Board of Trustees of State Institutions of  
98 Higher Learning; one (1) representative from the schools of  
99 education of independent institutions of higher learning to be  
100 recommended by the Board of the Mississippi Association of  
101 Independent Colleges; one (1) representative from public community  
102 and junior colleges located within the state to be recommended by  
103 the Mississippi Community College Board; one (1) local school  
104 board member; and four (4) laypersons. Three (3) members of the  
105 commission, at the sole discretion of the State Board of  
106 Education, shall be appointed from the state at large.

107 (b) All appointments shall be made by the State Board  
108 of Education after consultation with the State Superintendent of  
109 Public Education. The first appointments by the State Board of  
110 Education shall be made as follows: five (5) members shall be  
111 appointed for a term of one (1) year; five (5) members shall be  
112 appointed for a term of two (2) years; and five (5) members shall  
113 be appointed for a term of three (3) years. Thereafter, all  
114 members shall be appointed for a term of four (4) years.

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



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

128           (b)   An Office of Educator Misconduct Evaluations shall  
129 be established within the State Department of Education to assist  
130 the commission in responding to infractions and violations, and in  
131 conducting hearings and enforcing the provisions of subsections  
132 (11), (12), (13), (14) and (15) of this section, and violations of  
133 the Mississippi Educator Code of Ethics.

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

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

138           (b)   Recommend to the State Board of Education each year  
139 approval or disapproval of each educator preparation program in  
140 the state, subject to a process and schedule determined by the  
141 State Board of Education;

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



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

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

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

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

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

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

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

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

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

168 (m) Establish standards, subject to the approval of the  
169 State Board of Education, for supplemental endorsements, provided



170 that the standards allow teachers as many options as possible to  
171 receive a supplemental endorsement, including, but not limited to,  
172 the option of taking additional coursework or earning at least the  
173 minimum qualifying score or higher on the required licensure  
174 subject assessment relevant to the endorsement area for which the  
175 licensure is sought. The subject assessment option shall not  
176 apply to certain subject areas, including, but not limited to,  
177 Early/Primary Education PreK-3, Elementary Education, or Special  
178 Education, except by special approval by the State Board of  
179 Education.

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

194 (i) An application on a department form;





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



220 Education and Certification (NASDTEC) or, for those applicants who  
221 have a Bachelor of Science degree with child development emphasis,  
222 the American Association of Family and Consumer Sciences (AAFCS).  
223 Effective July 1, 2016, for initial elementary education  
224 licensure, a teacher candidate must earn a passing score on a  
225 rigorous test of scientifically research-based reading instruction  
226 and intervention and data-based decision-making principles as  
227 approved by the State Board of Education;

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

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

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

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

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

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



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

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

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

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

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

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



269                   1. The Teach Mississippi Institute (TMI)  
270 shall include an intensive eight-week, nine-semester-hour summer  
271 program or a curriculum of study in which the student matriculates  
272 in the fall or spring semester, which shall include, but not be  
273 limited to, instruction in education, effective teaching  
274 strategies, classroom management, state curriculum requirements,  
275 planning and instruction, instructional methods and pedagogy,  
276 using test results to improve instruction, and a one (1) semester  
277 three-hour supervised internship to be completed while the teacher  
278 is employed as a full-time teacher intern in a local school  
279 district. The TMI shall be implemented on a pilot program basis,  
280 with courses to be offered at up to four (4) locations in the  
281 state, with one (1) TMI site to be located in each of the three  
282 (3) Mississippi Supreme Court districts.

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



294                   3. Upon completion of the nine-semester-hour  
295 TMI or the fall or spring semester option, the individual shall  
296 submit his transcript to the commission for provisional licensure  
297 of the intern teacher, and the intern teacher shall be issued a  
298 provisional teaching license by the commission, which will allow  
299 the individual to legally serve as a teacher while the person  
300 completes a nontraditional teacher preparation internship program.

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

315                   5. An individual issued a provisional  
316 teaching license under this nontraditional route shall  
317 successfully complete, at a minimum, a one-year beginning teacher  
318 mentoring and induction program administered by the employing



319 school district with the assistance of the State Department of  
320 Education.

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

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

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



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

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

358 (c) **Special License - Expert Citizen.** In order to  
359 allow a school district to offer specialized or technical courses,  
360 the State Department of Education, in accordance with rules and  
361 regulations established by the State Board of Education, may grant  
362 a five-year expert citizen-teacher license to local business or  
363 other professional personnel to teach in a public school or  
364 nonpublic school accredited or approved by the state. Such person  
365 shall be required to have a high school diploma, an  
366 industry-recognized certification related to the subject area in  
367 which they are teaching and a minimum of five (5) years of



368 relevant experience but shall not be required to hold an associate  
369 or bachelor's degree, provided that he or she possesses the  
370 minimum qualifications required for his or her profession, and may  
371 begin teaching upon his employment by the local school board and  
372 licensure by the Mississippi Department of Education. If a school  
373 board hires a career technical education pathway instructor who  
374 does not have an industry certification in his or her area of  
375 expertise but does have the required experience, the school board  
376 shall spread their decision on the minutes at their next meeting  
377 and provide a detailed explanation for why they hired the  
378 instructor. Such instructor shall present the minutes of the  
379 school board to the State Department of Education when he or she  
380 applies for an expert citizen license. The board shall adopt  
381 rules and regulations to administer the expert citizen-teacher  
382 license. A Special License - Expert Citizen may be renewed in  
383 accordance with the established rules and regulations of the State  
384 Department of Education.

385 (d) **Special License - Nonrenewable.** The State Board of  
386 Education is authorized to establish rules and regulations to  
387 allow those educators not meeting requirements in paragraph (a),  
388 (b) or (c) of this subsection (6) to be licensed for a period of  
389 not more than three (3) years, except by special approval of the  
390 State Board of Education.

391 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
392 person may teach for a maximum of three (3) periods per teaching





393 day in a public school district or a nonpublic school  
394 accredited/approved by the state. Such person shall submit to the  
395 department a transcript or record of his education and experience  
396 which substantiates his preparation for the subject to be taught  
397 and shall meet other qualifications specified by the commission  
398 and approved by the State Board of Education. In no case shall  
399 any local school board hire nonlicensed personnel as authorized  
400 under this paragraph in excess of five percent (5%) of the total  
401 number of licensed personnel in any single school.

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

403 Beginning July 1, 2003, the commission shall grant special  
404 licenses to teachers of transitional bilingual education who  
405 possess such qualifications as are prescribed in this section.  
406 Teachers of transitional bilingual education shall be compensated  
407 by local school boards at not less than one (1) step on the  
408 regular salary schedule applicable to permanent teachers licensed  
409 under this section. The commission shall grant special licenses  
410 to teachers of transitional bilingual education who present the  
411 commission with satisfactory evidence that they (i) possess a  
412 speaking and reading ability in a language, other than English, in  
413 which bilingual education is offered and communicative skills in  
414 English; (ii) are in good health and sound moral character; (iii)  
415 possess a bachelor's degree or an associate's degree in teacher  
416 education from an accredited institution of higher education; (iv)  
417 meet such requirements as to courses of study, semester hours



418 therein, experience and training as may be required by the  
419 commission; and (v) are legally present in the United States and  
420 possess legal authorization for employment. A teacher of  
421 transitional bilingual education serving under a special license  
422 shall be under an exemption from standard licensure if he achieves  
423 the requisite qualifications therefor. Two (2) years of service  
424 by a teacher of transitional bilingual education under such an  
425 exemption shall be credited to the teacher in acquiring a Standard  
426 Educator License. Nothing in this paragraph shall be deemed to  
427 prohibit a local school board from employing a teacher licensed in  
428 an appropriate field as approved by the State Department of  
429 Education to teach in a program in transitional bilingual  
430 education.

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

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



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

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

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

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

460           (d) **Administrator License - Nontraditional Route.** The  
461 board may establish a nontraditional route for licensing  
462 administrative personnel. Such nontraditional route for  
463 administrative licensure shall be available for persons holding,  
464 but not limited to, a master of business administration degree, a  
465 master of public administration degree, a master of public  
466 planning and policy degree or a doctor of jurisprudence degree



467 from an accredited college or university, with five (5) years of  
468 administrative or supervisory experience. Successful completion  
469 of the requirements of alternate route licensure for  
470 administrators shall qualify the person for a standard  
471 administrator license.

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

479 (8) **Reciprocity.** The department shall grant a standard  
480 five-year license to any individual who possesses a valid standard  
481 license from another state, or another country or political  
482 subdivision thereof, within a period of twenty-one (21) days from  
483 the date of a completed application. The issuance of a license by  
484 reciprocity to a military-trained applicant, military spouse or  
485 person who establishes residence in this state shall be subject to  
486 the provisions of Section 73-50-1 or 73-50-2, as applicable.

487 (9) **Renewal and Reinstatement of Licenses.** The State Board  
488 of Education is authorized to establish rules and regulations for  
489 the renewal and reinstatement of educator and administrator  
490 licenses. Effective May 15, 1997, the valid standard license held  
491 by an educator shall be extended five (5) years beyond the



492 expiration date of the license in order to afford the educator  
493 adequate time to fulfill new renewal requirements established  
494 pursuant to this subsection. An educator completing a master of  
495 education, educational specialist or doctor of education degree in  
496 May 1997 for the purpose of upgrading the educator's license to a  
497 higher class shall be given this extension of five (5) years plus  
498 five (5) additional years for completion of a higher degree. For  
499 all license types with a current valid expiration date of June 30,  
500 2021, the State Department of Education shall grant a one-year  
501 extension to June 30, 2022. Beginning July 1, 2022, and  
502 thereafter, applicants for licensure renewal shall meet all  
503 requirements in effect on the date that the complete application  
504 is received by the State Department of Education.

505 (10) All controversies involving the issuance, revocation,  
506 suspension or any change whatsoever in the licensure of an  
507 educator required to hold a license shall be initially heard in a  
508 hearing de novo, by the commission or by a subcommittee  
509 established by the commission and composed of commission members,  
510 or by a hearing officer retained and appointed by the commission,  
511 for the purpose of holding hearings. Any complaint seeking the  
512 denial of issuance, revocation or suspension of a license shall be  
513 by sworn affidavit filed with the Commission on Teacher and  
514 Administrator Education, Certification and Licensure and  
515 Development. The decision thereon by the commission, its  
516 subcommittee or hearing officer, shall be final, unless the



517 aggrieved party shall appeal to the State Board of Education,  
518 within ten (10) days, of the decision of the commission, its  
519 subcommittee or hearing officer. An appeal to the State Board of  
520 Education shall be perfected upon filing a notice of the appeal  
521 and by the prepayment of the costs of the preparation of the  
522 record of proceedings by the commission, its subcommittee or  
523 hearing officer. An appeal shall be on the record previously made  
524 before the commission, its subcommittee or hearing officer, unless  
525 otherwise provided by rules and regulations adopted by the board.  
526 The decision of the commission, its subcommittee or hearing  
527 officer shall not be disturbed on appeal if supported by  
528 substantial evidence, was not arbitrary or capricious, within the  
529 authority of the commission, and did not violate some statutory or  
530 constitutional right. The State Board of Education in its  
531 authority may reverse, or remand with instructions, the decision  
532 of the commission, its subcommittee or hearing officer. The  
533 decision of the State Board of Education shall be final.

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

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

539 (ii) The applicant has a physical, emotional or  
540 mental disability that renders the applicant unfit to perform the



541 duties authorized by the license, as certified by a licensed  
542 psychologist or psychiatrist;

543 (iii) The applicant is actively addicted to or  
544 actively dependent on alcohol or other habit-forming drugs or is a  
545 habitual user of narcotics, barbiturates, amphetamines,  
546 hallucinogens or other drugs having similar effect, at the time of  
547 application for a license;

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

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

552 (vi) The applicant has been convicted, has pled  
553 guilty or entered a plea of nolo contendere to a felony, as  
554 defined by federal or state law. For purposes of this  
555 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
556 a plea of guilty, entry of a plea of nolo contendere, or entry of  
557 an order granting pretrial or judicial diversion;

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

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



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

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

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

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

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

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





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

593 (c) Suspension or revocation of a certificate or  
594 license by another state shall result in immediate suspension or  
595 revocation and shall continue until records in the prior state  
596 have been cleared;

597 (d) The license holder has been convicted, has pled  
598 guilty or entered a plea of nolo contendere to a felony, as  
599 defined by federal or state law. For purposes of this paragraph,  
600 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
601 contendere, or entry of an order granting pretrial or judicial  
602 diversion;

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

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

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

613 (h) The license holder submitted a false certification  
614 to the State Department of Education that a statewide test was



615 administered in strict accordance with the Requirements of the  
616 Mississippi Statewide Assessment System; or

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

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

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

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

636 (c) A person may voluntarily surrender a license. The  
637 surrender of such license may result in the commission  
638 recommending any of the above penalties without the necessity of a  
639 hearing. However, any such license which has voluntarily been



640 surrendered by a licensed employee may only be reinstated by a  
641 majority vote of all members of the commission present at the  
642 meeting called for such purpose.

643 (14) (a) A person whose license has been suspended or  
644 surrendered on any grounds except criminal grounds may petition  
645 for reinstatement of the license after one (1) year from the date  
646 of suspension or surrender, or after one-half (1/2) of the  
647 suspended or surrendered time has lapsed, whichever is greater. A  
648 person whose license has been suspended or revoked on any grounds  
649 or violations under subsection (12) of this section may be  
650 reinstated automatically or approved for a reinstatement hearing,  
651 upon submission of a written request to the commission. A license  
652 suspended, revoked or surrendered on criminal grounds may be  
653 reinstated upon petition to the commission filed after expiration  
654 of the sentence and parole or probationary period imposed upon  
655 conviction. A revoked, suspended or surrendered license may be  
656 reinstated upon satisfactory showing of evidence of  
657 rehabilitation. The commission shall require all who petition for  
658 reinstatement to furnish evidence satisfactory to the commission  
659 of good character, good mental, emotional and physical health and  
660 such other evidence as the commission may deem necessary to  
661 establish the petitioner's rehabilitation and fitness to perform  
662 the duties authorized by the license.

663 (b) A person whose license expires while under  
664 investigation by the Office of Educator Misconduct for an alleged



665 violation may not be reinstated without a hearing before the  
666 commission if required based on the results of the investigation.

667 (15) Reporting procedures and hearing procedures for dealing  
668 with infractions under this section shall be promulgated by the  
669 commission, subject to the approval of the State Board of  
670 Education. The revocation or suspension of a license shall be  
671 effected at the time indicated on the notice of suspension or  
672 revocation. The commission shall immediately notify the  
673 superintendent of the school district or school board where the  
674 teacher or administrator is employed of any disciplinary action  
675 and also notify the teacher or administrator of such revocation or  
676 suspension and shall maintain records of action taken. The State  
677 Board of Education may reverse or remand with instructions any  
678 decision of the commission, its subcommittee or hearing officer  
679 regarding a petition for reinstatement of a license, and any such  
680 decision of the State Board of Education shall be final.

681 (16) An appeal from the action of the State Board of  
682 Education in denying an application, revoking or suspending a  
683 license or otherwise disciplining any person under the provisions  
684 of this section shall be filed in the Chancery Court of the First  
685 Judicial District of Hinds County, Mississippi, on the record  
686 made, including a verbatim transcript of the testimony at the  
687 hearing. The appeal shall be filed within thirty (30) days after  
688 notification of the action of the board is mailed or served and  
689 the proceedings in chancery court shall be conducted as other



690 matters coming before the court. The appeal shall be perfected  
691 upon filing notice of the appeal and by the prepayment of all  
692 costs, including the cost of preparation of the record of the  
693 proceedings by the State Board of Education, and the filing of a  
694 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
695 if the action of the board be affirmed by the chancery court, the  
696 applicant or license holder shall pay the costs of the appeal and  
697 the action of the chancery court.

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

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

710 (19) In addition to the reasons specified in subsections  
711 (12) and (13) of this section, the board shall be authorized to  
712 suspend the license of any licensee for being out of compliance  
713 with an order for support, as defined in Section 93-11-153. The  
714 procedure for suspension of a license for being out of compliance



715 with an order for support, and the procedure for the reissuance or  
716 reinstatement of a license suspended for that purpose, and the  
717 payment of any fees for the reissuance or reinstatement of a  
718 license suspended for that purpose, shall be governed by Section  
719 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
720 board in suspending a license when required by Section 93-11-157  
721 or 93-11-163 are not actions from which an appeal may be taken  
722 under this section. Any appeal of a license suspension that is  
723 required by Section 93-11-157 or 93-11-163 shall be taken in  
724 accordance with the appeal procedure specified in Section  
725 93-11-157 or 93-11-163, as the case may be, rather than the  
726 procedure specified in this section. If there is any conflict  
727 between any provision of Section 93-11-157 or 93-11-163 and any  
728 provision of this chapter, the provisions of Section 93-11-157 or  
729 93-11-163, as the case may be, shall control.

730 (20) The Department of Education shall grant and renew all  
731 licenses and certifications of teachers and administrators within  
732 twenty-one (21) days from the date of a completed application if  
733 the applicant has otherwise met all established requirements for  
734 the license or certification.

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

737 37-3-4. (1) There is established within the State  
738 Department of Education, the School Executive Management  
739 Institute. The director shall be appointed by the State Board of



740 Education upon recommendation by the State Superintendent of  
741 Public Education. The State Superintendent of Public Education,  
742 with the approval of the State Board of Education, shall assign  
743 sufficient staff members from the State Department of Education to  
744 the institute.

745 (2) It shall be the purpose and duty of the institute to  
746 conduct thorough empirical studies and analyses of the school  
747 management needs of the local school districts throughout the  
748 state, to make recommendations to the State Board of Education  
749 regarding standards and programs of training that aid in the  
750 development of administrative and management skills of local  
751 school administrators, and to conduct such programs related to  
752 these purposes as they are implemented under guidelines  
753 established by the State Board of Education.

754 (3) The State Board of Education shall develop and implement  
755 through the School Executive Management Institute a program for  
756 the development of administrative and management skills of local  
757 school administrators under which all local school administrators  
758 employed by a school district shall be required to participate.  
759 Subject to the extent of appropriations available for such  
760 purpose, the School Executive Management Institute or the  
761 Mississippi School Boards Association shall be required to offer  
762 courses at least twice a year on the uses of technology to school  
763 district principals, superintendents and other administrative



764 personnel. These courses shall relate to the application of  
765 technology to learning, as well as administrative problems.

766 (4) (a) The institute shall have an advisory board composed  
767 of ten (10) qualified members appointed by the State Board of  
768 Education after consultation with the State Superintendent of  
769 Public Education. This advisory board will offer recommendations  
770 to the institute on the types of training to be instituted and  
771 supported. The membership of the advisory board shall be composed  
772 of the following members, two (2) to be appointed from each  
773 congressional district: three (3) school administrators; one (1)  
774 representative of public community/junior colleges within the  
775 state; one (1) representative of a school of education in an  
776 institution of higher learning within the state; two (2) local  
777 school board members; one (1) classroom teacher; and two (2)  
778 laypersons. In making the initial appointments, three (3) members  
779 shall be appointed for a term of one (1) year, three (3) members  
780 shall be appointed for a term of two (2) years, two (2) members  
781 shall be appointed for a term of three (3) years, and two (2)  
782 members shall be appointed for a term of four (4) years.  
783 Thereafter, all members shall be appointed for a term of four (4)  
784 years. The advisory board shall meet when called by the director,  
785 but in no event fewer than three (3) times per year. The members  
786 of the advisory board shall be compensated at the per diem rate  
787 authorized by Section 25-3-69 and reimbursed for actual and  
788 necessary expenses as authorized by Section 25-3-41.





789           (b) Board members of the Oxford-Lafayette Business and  
790 Industrial Complex shall be paid per diem and reimbursed for  
791 expenses and mileage from local funds in accordance with Section  
792 37-6-13.

793           (5) (a) Basic Education Course. The Mississippi School  
794 Boards Association shall be responsible for preparing and  
795 conducting a course of training for basic education for the local  
796 school board members of this state, in order for board members to  
797 carry out their duties more effectively and be exposed to new  
798 ideas involving school restructuring. The basic course shall be  
799 known as the "School Board Member Training Course" and shall  
800 consist of at least twelve (12) hours of training. The  
801 Mississippi School Boards Association shall issue certificates of  
802 completion to those school board members who complete the basic  
803 education course.

804           (b) Continuing Education Course. The Mississippi  
805 School Boards Association shall be responsible for preparing and  
806 conducting a course of training for continuing education for the  
807 local school board members of this state, in order for board  
808 members to carry out their duties more effectively and be exposed  
809 to new ideas involving school restructuring. The continuing  
810 education course shall be known as the "Continuing Education  
811 Course for School Board Members" and shall consist of at least six  
812 (6) hours of training.



813 (c) Additional Required Training. Effective July 1,  
814 2009, local school board members and the local superintendent that  
815 serve in a district with one or more failing schools as determined  
816 by the Mississippi Board of Education accountability system as  
817 provided for in Section 37-17-6, or serving in a school district  
818 that has a serious financial condition as determined by the State  
819 Auditor as provided for in Section 37-9-18, shall annually attend  
820 additional training provided by the Mississippi School Boards  
821 Association.

822 The Mississippi School Boards Association shall, subject to  
823 appropriation, develop and conduct training specific to the local  
824 boards' role in improving learning outcomes and effective  
825 financial management. Such training shall be known as "Improving  
826 Student Outcomes and Academic Success" which shall consist of not  
827 less than six (6) hours of training and "Effective Financial  
828 Management In Local School Districts" which shall consist of not  
829 less than six (6) hours of training. Any local board members and  
830 the local superintendent that serve in a school district that  
831 meets the criteria for both of the training modules shall annually  
832 attend both training sessions for a total of not less than twelve  
833 (12) hours of training. At such time the school district is  
834 determined to no longer have failing schools; or no longer has a  
835 serious financial condition, such board member and the local  
836 superintendent shall no longer be required to attend the training  
837 as provided herein. The training as required under subsection (c)



838 shall not replace, but is in addition to, the training required  
839 for new school board members and continuing board members as  
840 required under Section 37-7-306.

841 The Mississippi School Boards Association shall issue  
842 certificates of completion to those school board members who  
843 complete the continuing education course. All costs and expenses  
844 for preparing and conducting the basic education course and the  
845 continuing education course provided for in this paragraph shall  
846 be paid out of any funds which are made available to the  
847 Mississippi School Boards Association upon authorization and  
848 appropriation by the Legislature to the State Department of  
849 Education.

850 (6) The Mississippi School Boards Association shall prepare  
851 and submit a report each year to the State Board of Education and  
852 to the respective Chairs of the House and Senate Education  
853 Committees describing the activities and providing an evaluation  
854 of the continuing education programs offered by the association  
855 each year.

856 (7) The School Executive Management Institute of the State  
857 Department of Education, or the Mississippi School Boards  
858 Association with the oversight of the State Board of Education, at  
859 least twice a year, shall prepare and conduct required courses of  
860 training for continuing education for the elementary and secondary  
861 school principals employed by the school districts of this state,  
862 in order for those principals to carry out their duties more



863 effectively and be exposed to new ideas involving school  
864 management. The continuing education course shall be known as the  
865 "Continuing Education Course for Principals" and shall consist of  
866 at least six (6) hours of training. The content of the continuing  
867 education courses and the time and place such courses are to be  
868 conducted shall be determined by the School Executive Management  
869 Institute or the Mississippi School Boards Association; however,  
870 to the extent practicable, such training sessions shall be held  
871 within geographical proximity of local districts in order that  
872 travel times and costs shall not be prohibitive.

873 The institute shall issue certificates of completion to those  
874 principals who complete such courses. All costs and expenses for  
875 preparing and conducting the basic and continuing education  
876 courses provided for in this subsection shall be paid out of any  
877 funds which are made available to the institute upon authorization  
878 and appropriation by the Legislature.

879 (8) School district principals and other administrators with  
880 career level certifications at schools meeting the highest levels  
881 of accreditation standards, as defined by the State Board of  
882 Education, are exempt from the requirements of this section,  
883 subject to approval of the local school district superintendent.

884 **SECTION 4.** Section 37-3-46, Mississippi Code of 1972, is  
885 brought forward as follows:

886 37-3-46. (1) The State Department of Education, in regard  
887 to any school within a school district or any school district not



888 meeting adequate performance of accreditation standards, as  
889 defined by the State Board of Education, shall, subject to  
890 appropriation:

891           (a) Provide to local school districts, or specific  
892 schools within those districts, financial, training and other  
893 assistance to implement and maintain a state program of  
894 educational accountability and assessment of performance.

895           (b) Provide to local school districts, or specific  
896 schools within those districts, technical assistance and training  
897 in the development, implementation and administration of a  
898 personnel appraisal and compensation system for all school  
899 employees.

900           (c) Provide to local school districts, or specific  
901 schools within those districts, technical assistance in the  
902 development, implementation and administration of programs  
903 designed to keep children in school voluntarily and to prevent  
904 dropouts.

905           (2) Schools or school districts receiving assistance from  
906 the State Department of Education as outlined in subsection (1) of  
907 this section shall be required to implement any training,  
908 programs, and any other requirements as specified by the State  
909 Superintendent of Public Education.

910           **SECTION 5.** Section 37-3-49, Mississippi Code of 1972, is  
911 brought forward as follows:



912           37-3-49. (1) The State Department of Education shall  
913 provide an instructional program and establish guidelines and  
914 procedures for managing such program in the public schools within  
915 the school districts throughout the state as part of the State  
916 Program of Educational Accountability and Assessment of  
917 Performance as prescribed in Section 37-3-46. Public school  
918 districts may (a) elect to adopt the instructional program and  
919 management system provided by the State Department of Education,  
920 or (b) elect to adopt an instructional program and management  
921 system which meets or exceeds criteria established by the State  
922 Department of Education for such. This provision shall begin with  
923 the courses taught in Grades K-8 which contain skills tested  
924 through the Mississippi Basic Skills Assessment Program and shall  
925 proceed through all secondary school courses mandated for  
926 graduation and all secondary school courses in the Mississippi  
927 end-of-course testing program. Other state core objectives must  
928 be included in the district's instructional program as they are  
929 provided by the State Department of Education along with  
930 instructional practices, resources, evaluation items and  
931 management procedures. Districts are encouraged to adapt this  
932 program and accompanying procedures to all other instructional  
933 areas. The department shall provide that such program and  
934 guidelines, or a program and guidelines developed by a local  
935 school district which incorporates the core objectives from the  
936 curriculum structure are enforced through the performance-based



937 accreditation system. It is the intent of the Legislature that  
938 every effort be made to protect the instructional time in the  
939 classroom and reduce the amount of paperwork which must be  
940 completed by teachers. The State Department of Education shall  
941 take steps to insure that school districts properly use staff  
942 development time to work on the districts' instructional  
943 management plans.

944 (2) The State Department of Education shall provide such  
945 instructional program and management guidelines which shall  
946 require for every public school district that:

947 (a) All courses taught in Grades K-8 which contain  
948 skills which are tested through the Mississippi Basic Skills  
949 Assessment Program, all secondary school courses mandated for  
950 graduation, and all courses in the end-of-course testing program  
951 shall include the State Department of Education's written list of  
952 learning objectives.

953 (b) The local school board must adopt the objectives  
954 that will form the core curriculum which will be systematically  
955 delivered throughout the district.

956 (c) The set of objectives provided by the State  
957 Department of Education must be accompanied by suggested  
958 instructional practices and resources that would help teachers  
959 organize instruction so as to promote student learning of the  
960 objectives. Objectives added by the school district must also be  
961 accompanied by suggested instructional practices and resources



962 that would help teachers organize instruction. The instructional  
963 practices and resources that are identified are to be used as  
964 suggestions and not as requirements that teachers must follow.  
965 The goal of the program is to have students to achieve the desired  
966 objective and not to limit teachers in the way they teach.

967 (d) Standards for student performance must be  
968 established for each core objective in the local program and those  
969 standards establish the district's definition of mastery for each  
970 objective.

971 (e) There shall be an annual review of student  
972 performance in the instructional program against locally  
973 established standards. When weaknesses exist in the local  
974 instructional program, the district shall take action to improve  
975 student performance.

976 (3) The State Board of Education and the board of trustees  
977 of each school district shall adopt policies to limit and reduce  
978 the number and length of written reports that classroom teachers  
979 are required to prepare.

980 (4) This section shall not be construed to limit teachers  
981 from using their own professional skills to help students master  
982 instructional objectives, nor shall it be construed as a call for  
983 more detailed or complex lesson plans or any increase in testing  
984 at the local school district level.





985 (5) Districts meeting the highest levels of accreditation  
986 standards, as defined by the State Board of Education, shall be  
987 exempted from the provisions of subsection (2) of this section.

988 **SECTION 6.** Section 37-7-337, Mississippi Code of 1972, is  
989 brought forward as follows:

990 37-7-337. (1) The governing authorities of the county,  
991 counties or city in which a school district is located and the  
992 school board of each school district shall develop a five-year  
993 plan to encourage community involvement with the schools in such  
994 district.

995 (2) Districts meeting the highest levels of accreditation  
996 standards, as defined by the State Board of Education, shall be  
997 exempted from the mandatory provisions of this section.

998 **SECTION 7.** Section 37-7-1001, Mississippi Code of 1972, is  
999 brought forward as follows:

1000 37-7-1001. The State Board of Education is hereby authorized  
1001 to establish a Standing Commission on School District Efficiency.  
1002 The commission shall meet and study the operations, rules,  
1003 policies and regulations in school districts on an ongoing basis  
1004 for the purpose of identifying opportunities to increase  
1005 efficiencies, and to determine appropriate efficiency standards  
1006 that should be considered for accreditation standards. The  
1007 commission shall report annually its findings and recommendations  
1008 to the State Board of Education, and the State Board of Education  
1009 may make its report and recommendations annually to the



1010 Legislature seeking legislative support to achieve efficiencies in  
1011 school districts. In establishing the Standing Commission on  
1012 School District Efficiency the State Board of Education shall  
1013 provide that the membership not be less than six (6) members. The  
1014 State Board of Education shall appoint school district employees  
1015 proficient in the areas of fiscal management, procurement, data  
1016 processing or other fields of school business, with at least one  
1017 (1) member being appointed from each congressional district. The  
1018 commission shall meet on a date designated by the State  
1019 Superintendent of Education and organize by selecting a chairman  
1020 and adopt rules for conducting business. Members of the  
1021 commission shall serve without compensation, but may be reimbursed  
1022 for necessary travel expenses from any available funds for  
1023 attending official meetings of the commission. The State  
1024 Department of Education shall provide necessary administrative and  
1025 clerical support for the functions of the commission.

1026       **SECTION 8.** Section 37-9-13, Mississippi Code of 1972, is  
1027 brought forward as follows:

1028       37-9-13. (1) (a) Each school district shall have a  
1029 superintendent of schools, selected in the manner provided by law.  
1030 No person shall be eligible to the office of superintendent of  
1031 schools unless such person shall hold a valid administrator's  
1032 license issued by the State Department of Education and shall have  
1033 classroom or administrative experience of not less than six (6)  
1034 years which shall include at least three (3) years of



1035 administrative experience as a school building principal (a) in a  
1036 school with an "A" or "B" accountability rating, or (b) in a  
1037 school that increased its accountability rating by a letter grade  
1038 during the period in which the principal was employed as principal  
1039 at the school, or (c) in a school with comparable accountability  
1040 rating or improvement in another state which shall be verified by  
1041 the Mississippi Department of Education.

1042 (b) Notwithstanding the provisions of subsection (4) of  
1043 this section, no person shall be eligible to the office of  
1044 superintendent of schools if the person has pled guilty to or been  
1045 convicted of any state or federal offense in which he or she  
1046 unlawfully took, obtained or misappropriated funds received by or  
1047 entrusted to the person by virtue of his or her public office or  
1048 employment.

1049 (2) From and after January 1, 2019, in all public school  
1050 districts, the local school board shall appoint the superintendent  
1051 of schools of such district. At the expiration of the term of any  
1052 county superintendent of education elected at the November 2015  
1053 general election, the county superintendent of education of said  
1054 county shall not be elected but shall thereafter be appointed by  
1055 the local school board in the manner provided in Section 37-9-25.  
1056 However, in the event that a vacancy in the office of the  
1057 superintendent of schools elected at the November 2015 general  
1058 election shall occur before January 1, 2019, the office of  
1059 superintendent of schools shall immediately become an appointed



1060 position, and the local school board shall appoint the  
1061 superintendent of the school district. The superintendent of  
1062 schools shall have the general powers and duties to administer the  
1063 schools within his district as prescribed in Section 37-9-14 et  
1064 seq., Mississippi Code of 1972.

1065 (3) As an alternative to the qualifications prescribed in  
1066 subsection (1)(a) of this section, the State Board of Education is  
1067 authorized and directed to issue regulations by January 1, 2018,  
1068 which include minimum credentials, educational prerequisites, and  
1069 relevant best practice experience requirements that will qualify a  
1070 person to serve as a superintendent without having the direct  
1071 experience or certification as an educator specified in subsection  
1072 (1)(a) of this section.

1073 (4) The provisions of this section shall be applicable to  
1074 any superintendent of schools selected on or after July 1, 2017,  
1075 who has not previously served as a superintendent or assistant  
1076 superintendent within the last five (5) years.

1077 **SECTION 9.** Section 37-9-18, Mississippi Code of 1972, is  
1078 brought forward as follows:

1079 37-9-18. (1) (a) The State Board of Education shall  
1080 promulgate rules and regulations concerning the type of financial  
1081 reports required to be submitted by the superintendent of schools  
1082 to the local school board, and the frequency with which the  
1083 reports shall be submitted. The rules and regulations promulgated  
1084 by the board shall include:



1085 (i) A requirement that the reports be listed as an  
1086 agenda item for discussion at a regularly scheduled meeting of the  
1087 board;

1088 (ii) A requirement that the minutes of the board  
1089 meeting reflect that the reports were discussed;

1090 (iii) A requirement that each board member present  
1091 be provided a copy of all required reports; and

1092 (iv) A requirement that a copy of all required  
1093 reports be included in the official minutes of the board meeting  
1094 at which the reports were discussed.

1095 (b) The State Board of Education is authorized to  
1096 require school districts to submit any of the required reports to  
1097 the State Department of Education on a basis determined by the  
1098 department.

1099 (c) Failure to comply with any of the rules and  
1100 regulations established by the State Board of Education with  
1101 regard to reporting requirements shall constitute a violation of  
1102 the Mississippi Public School Accountability Standards.

1103 (2) The State Auditor shall audit the financial records of  
1104 school districts in accordance with Section 7-7-211(e). The State  
1105 Auditor shall give reasonable notice to school districts regarding  
1106 the times during which the State Auditor will perform such audits.  
1107 In any fiscal year in which the State Auditor is not scheduled to  
1108 perform an audit, the school board shall cause all the financial  
1109 records of the superintendent of schools to be audited in



1110 accordance with Section 7-7-211(e). If the school board so elects  
1111 by resolution adopted each year, the audit shall be performed by  
1112 the State Auditor. Contracts for the audit of public school  
1113 districts shall be let by the school board in the manner  
1114 prescribed by the State Auditor. The audit shall be conducted in  
1115 accordance with generally accepted auditing standards and  
1116 generally accepted accounting principles, and the report presented  
1117 thereon shall be in accordance with generally accepted accounting  
1118 principles. If the Auditor's opinion on the general purpose  
1119 financial statements is a disclaimer, as that term is defined by  
1120 generally accepted auditing standards, or if the State Auditor  
1121 determines the existence of serious financial conditions in the  
1122 district, the State Auditor shall immediately notify the State  
1123 Board of Education. Upon receiving the notice, the State  
1124 Superintendent of Public Education shall direct the school  
1125 district to immediately cease all expenditures until a financial  
1126 advisor is appointed by the state superintendent. However, if the  
1127 disclaimer is a result of conditions caused by Hurricane Katrina  
1128 2005 and applies to fiscal years 2005 and/or 2006, then the  
1129 Superintendent of Education may appoint a financial advisor, and  
1130 may direct the school district to immediately cease all  
1131 expenditures until a financial advisor is appointed. The  
1132 financial advisor shall be an agent of the State Board of  
1133 Education and shall be a certified public accountant or a  
1134 qualified business officer. Unless the financial advisor is an



1135 employee of the State of Mississippi, they shall be deemed an  
1136 independent contractor. The financial advisor shall, with the  
1137 approval of the State Board of Education:

1138 (a) Approve or disapprove all expenditures and all  
1139 financial obligations of the district;

1140 (b) Ensure compliance with any statutes and State Board  
1141 of Education rules or regulations concerning expenditures by  
1142 school districts;

1143 (c) Review salaries and the number of all district  
1144 personnel and make recommendations to the local school board of  
1145 any needed adjustments. Should such recommendations necessitate  
1146 the reduction in local salary supplement, such recommended  
1147 reductions shall be only to the extent which will result in the  
1148 salaries being comparable to districts similarly situated, as  
1149 determined by the State Board of Education. The local school  
1150 board, in considering either a reduction in personnel or a  
1151 reduction in local supplements, shall not be required to comply  
1152 with the time limitations prescribed in Sections 37-9-15 and  
1153 37-9-105 and, further, shall not be required to comply with  
1154 Sections 37-19-11 and 37-19-7(1) in regard to reducing local  
1155 supplements and the number of personnel;

1156 (d) Work with the school district's business office to  
1157 correct all inappropriate accounting procedures and/or uses of  
1158 school district funds and to prepare the school district's budget  
1159 for the next fiscal year;



1160           (e) Report frequently to the State Board of Education  
1161 on the corrective actions being taken and the progress being made  
1162 in the school district. The financial advisor shall serve until  
1163 such time as corrective action and progress is being made in such  
1164 school district as determined by the State Board of Education with  
1165 the concurrence of the State Auditor, or until such time as an  
1166 interim conservator is assigned to such district by the State  
1167 Board of Education under Section 37-17-6. The school district  
1168 shall be responsible for all expenses associated with the use of  
1169 the financial advisor. If the audit report reflects a failure by  
1170 the school district to meet accreditation standards, the State  
1171 Board of Education shall proceed under Section 37-17-6; and

1172           (f) If a financial advisor is appointed to a school  
1173 district in accordance with this subsection and it is determined  
1174 by the financial advisor and/or any other official of the school  
1175 district that an audit by a certified public accountant for that  
1176 district was deficient in any manner, the financial advisor and/or  
1177 any other official of the school district shall, within thirty  
1178 (30) days, refer the matter to the State Board of Public  
1179 Accountancy for follow-up and possible disciplinary action. Any  
1180 disciplinary action by the State Board of Public Accountancy with  
1181 regard to the certified public accountant shall, within thirty  
1182 (30) days after notifying such certified public accountant, be  
1183 reported to the Office of State Auditor.





1184           (3)   (a)   When conducting an audit of a public school  
1185 district, the State Auditor shall test to insure that the school  
1186 district is complying with the requirements of Section  
1187 37-61-33(3)(a)(iii) relating to classroom supply funds. The audit  
1188 must include a report of all classroom supply funds carried over  
1189 from previous years. Based upon the audit report, the State  
1190 Auditor shall compile a report on the compliance or noncompliance  
1191 by all school districts with the requirements of Section  
1192 37-61-33(3)(a)(iii), which report must be submitted to the  
1193 Chairmen of the Education and Appropriations Committees of the  
1194 House of Representatives and Senate.

1195           (b)   When conducting an audit of a public school  
1196 district, the State Auditor shall test to insure correct and  
1197 appropriate coding at the function level. The audit must include  
1198 a report showing correct and appropriate functional level  
1199 expenditure codes in expenditures by the school district.  
1200 Compliance standards for this audit provision shall be established  
1201 by the Office of the State Auditor. Based upon the audit report,  
1202 the State Auditor shall compile a report on the compliance or  
1203 noncompliance by all public school districts with correct and  
1204 appropriate coding at the function level, which report must be  
1205 submitted to the Chairmen of the Education and Appropriations  
1206 Committees of the House of Representatives and Senate.

1207           (4)   In the event the State Auditor does not perform the  
1208 audit examination, then the audit report of the school district



1209 shall be reviewed by the State Auditor for compliance with  
1210 applicable state laws before final payment is made on the audit by  
1211 the school board. All financial records, books, vouchers,  
1212 cancelled checks and other financial records required by law to be  
1213 kept and maintained in the case of municipalities shall be  
1214 faithfully kept and maintained in the office of the superintendent  
1215 of schools under the same provisions and penalties provided by law  
1216 in the case of municipal officials.

1217         **SECTION 10.** Section 37-11-64, Mississippi Code of 1972, is  
1218 brought forward as follows:

1219         37-11-64. (1) No school board member, school  
1220 superintendent, assistant superintendent, principal, guidance  
1221 counselor, other teachers, coaches, or other administrative staff  
1222 members of the school or the central staff of a local school board  
1223 shall attempt, directly or indirectly, to change, alter, or  
1224 otherwise affect the grade received by a student from his teacher  
1225 except as otherwise specifically allowed by this section.

1226         (2) (a) A teacher's determination of a student's grade as a  
1227 measure of the academic achievement or proficiency of the student  
1228 shall not be altered or changed in any manner by any school  
1229 official or employee other than the teacher except as provided in  
1230 this subsection.

1231         (b) A school official or employee having authority  
1232 provided under formally adopted written rules and procedures  
1233 adopted by the local school board to change a student's grade can



1234 take such action only upon it being determined that the grade is  
1235 an error or that the grade is demonstrably inconsistent with the  
1236 teacher's grading policy.

1237 (3) Any local school district or personnel employed by the  
1238 school district who violates the provisions of this section shall  
1239 cause the local school district or school to be subject to losing  
1240 its accreditation in the manner determined by the policies and  
1241 procedures of the State Board of Education.

1242 **SECTION 11.** Section 37-13-80.1, Mississippi Code of 1972, is  
1243 brought forward as follows:

1244 37-13-80.1. (1) The State Board of Education shall  
1245 implement a Middle School Dropout Prevention and Recovery Pilot  
1246 Program in select "D" and "F" rated school districts selected by  
1247 the State Board of Education. The purpose of the pilot program is  
1248 to reengage students and increase the graduation rates in  
1249 Mississippi through an educational program that provides  
1250 vocational technology, flexible scheduling and a blended learning  
1251 environment with individualized and self-paced learning options.

1252 (2) Under the pilot program, the educational services and  
1253 programming shall be provided by an education partner that is a  
1254 nonprofit or for-profit entity approved by the State Board of  
1255 Education. The local school board of the districts selected to  
1256 participate in the pilot program shall be responsible for  
1257 reporting enrollment to the State Department of Education, working  
1258 with the education partner to align graduation requirements. The



1259 participating schools district shall be accredited by the Southern  
1260 Association of Colleges and Schools as an indicator of quality  
1261 instructional programming.

1262 (3) The pilot program shall provide at least the following:

1263 (a) Facilities that are easily accessible to the  
1264 students being served;

1265 (b) Flexible scheduling, including at least two (2)  
1266 different program schedules;

1267 (c) Differentiated instruction that shall include  
1268 individualized, group and online instructional components;

1269 (d) The capacity for assessing, recording and  
1270 responding to the students' academic progress on a daily basis  
1271 using assessments that are aligned with state and local standards  
1272 and requirements;

1273 (e) A focus on serving a defined population of at-risk  
1274 students who have dropped out or are likely to drop out of school  
1275 in the foreseeable future without some type of intervention;

1276 (f) Support services, including social workers and  
1277 crisis intervention professionals who are trained to assist  
1278 students in removing barriers to attending school and graduating;

1279 (g) Vocational technology and other instructional  
1280 models that are self-paced and mastery-based; and

1281 (h) Individualized graduation plans to guide students  
1282 to graduation with a standard high school diploma.



1283 (4) Before the State Board of Education approves an  
1284 applicant as an education partner, the applicant must demonstrate  
1285 the following:

1286 (a) A history providing dropout recovery services to  
1287 high school students in public schools;

1288 (b) At least two (2) years of relevant experience  
1289 operating and providing services to brick-and-mortar public  
1290 schools;

1291 (c) At least two (2) years of relevant experience  
1292 providing comprehensive online learning or vocational technology  
1293 programs;

1294 (d) Relevant experience serving diverse student  
1295 populations, including socioeconomically disadvantaged students;

1296 (e) An explanation of the steps taken by the applicant  
1297 to ensure that its proposed instructional content is aligned with  
1298 state standards;

1299 (f) A plan for the recruitment and hiring of  
1300 state-certified teachers, including hiring criteria;

1301 (g) A plan for the recruitment and hiring of qualified  
1302 administrators, including hiring criteria;

1303 (h) A detailed description of the applicant's plan to  
1304 work with the participating local school districts and the State  
1305 Board of Education to identify students who need to be served, to  
1306 reengage those students, and to provide alternative education  
1307 options for students at risk of dropping out. Students at risk of



1308 dropping out from their current schools may be transferred into  
1309 the pilot program; and

1310 (i) An operational plan that includes the following:

1311 (i) The number and physical location of proposed  
1312 sites and a list of the equipment required;

1313 (ii) A proposed program calendar and daily  
1314 schedule and an explanation of how the calendar and schedule meet  
1315 the needs of prospective students. The schedule must include at  
1316 least four (4) hours per school day of on-site learning at a  
1317 physical location;

1318 (iii) The student-to-teacher ratio;

1319 (iv) A description of each of the instructional  
1320 methods to be used and number of hours per day for each method;

1321 (v) A plan for differentiated instruction that  
1322 must include individualized, group, and online instructional  
1323 components;

1324 (vi) Capacity for assessing, recording, and  
1325 responding to students' academic progress on a daily basis using  
1326 standard assessments;

1327 (vii) A detailed one-year budget;

1328 (viii) A system of competency-based credit; and

1329 (ix) A plan for aggregation and reporting of  
1330 student performance data and reporting of financial activity.

1331 (5) (a) The State Board of Education shall develop and  
1332 implement an alternative student performance accountability method



1333 to evaluate the performance and effectiveness of pilot program  
1334 school districts that solely provide dropout prevention services  
1335 and dropout recovery programs to at-risk students who have dropped  
1336 out of or are likely to drop out of their base high school. Data  
1337 and student results collected and compiled from the pilot program  
1338 districts shall inform the State Board of Education in developing  
1339 an alternative accountability method to apply statewide and in  
1340 evaluating the success of the pilot program as a whole.

1341 (b) The alternative accountability method shall only  
1342 measure academic growth of students who have been continuously  
1343 enrolled for a period of one hundred twenty (120) days. Students  
1344 shall be assessed by pre-testing and post-testing at the beginning  
1345 and end of the one hundred twenty-day enrollment period to measure  
1346 student growth and shall apply beginning with the 2014-2015 school  
1347 year.

1348 **SECTION 12.** Section 37-13-92, Mississippi Code of 1972, is  
1349 brought forward as follows:

1350 37-13-92. (1) Beginning with the school year 2004-2005, the  
1351 school boards of all school districts shall establish, maintain  
1352 and operate, in connection with the regular programs of the school  
1353 district, an alternative school program or behavior modification  
1354 program as defined by the State Board of Education for, but not  
1355 limited to, the following categories of compulsory-school-age  
1356 students:



1357           (a) Any compulsory-school-age child who has been  
1358 suspended for more than ten (10) days or expelled from school,  
1359 except for any student expelled for possession of a weapon or  
1360 other felonious conduct;

1361           (b) Any compulsory-school-age child referred to such  
1362 alternative school based upon a documented need for placement in  
1363 the alternative school program by the parent, legal guardian or  
1364 custodian of such child due to disciplinary problems;

1365           (c) Any compulsory-school-age child referred to such  
1366 alternative school program by the dispositive order of a  
1367 chancellor or youth court judge, with the consent of the  
1368 superintendent of the child's school district;

1369           (d) Any compulsory-school-age child whose presence in  
1370 the classroom, in the determination of the school superintendent  
1371 or principal, is a disruption to the educational environment of  
1372 the school or a detriment to the interest and welfare of the  
1373 students and teachers of such class as a whole; and

1374           (e) No school district is required to place a child  
1375 returning from out-of-home placement in the mental health,  
1376 juvenile justice or foster care system in alternative school.  
1377 Placement of a child in the alternative school shall be done  
1378 consistently, and for students identified under the Individuals  
1379 with Disabilities Education Act (IDEA), shall adhere to the  
1380 requirements of the Individuals with Disabilities Education  
1381 Improvement Act of 2004. If a school district chooses to place a





1382 child in alternative school the district will make an individual  
1383 assessment and evaluation of that child in the following time  
1384 periods:

1385 (i) Five (5) days for a child transitioning from a  
1386 group home, mental health care system, and/or the custody of the  
1387 Department of Human Services, Division of Youth and Family  
1388 Services;

1389 (ii) Ten (10) days for a child transitioning from  
1390 a dispositional placement order by a youth court pursuant to  
1391 Section 43-21-605; and

1392 (iii) An individualized assessment for youth  
1393 transitioning from out-of-home placement to the alternative school  
1394 shall include:

1395 1. A strength needs assessment.

1396 2. A determination of the child's academic  
1397 strengths and deficiencies.

1398 3. A proposed plan for transitioning the  
1399 child to a regular education placement at the earliest possible  
1400 date.

1401 (2) The principal or program administrator of any such  
1402 alternative school program shall require verification from the  
1403 appropriate guidance counselor of any such child referred to the  
1404 alternative school program regarding the suitability of such child  
1405 for attendance at the alternative school program. Before a  
1406 student may be removed to an alternative school education program,



1407 the superintendent of the student's school district must determine  
1408 that the written and distributed disciplinary policy of the local  
1409 district is being followed. The policy shall include standards  
1410 for:

1411 (a) The removal of a student to an alternative  
1412 education program that will include a process of educational  
1413 review to develop the student's individual instruction plan and  
1414 the evaluation at regular intervals of the student's educational  
1415 progress; the process shall include classroom teachers and/or  
1416 other appropriate professional personnel, as defined in the  
1417 district policy, to ensure a continuing educational program for  
1418 the removed student;

1419 (b) The duration of alternative placement; and

1420 (c) The notification of parents or guardians, and their  
1421 appropriate inclusion in the removal and evaluation process, as  
1422 defined in the district policy. Nothing in this paragraph should  
1423 be defined in a manner to circumvent the principal's or the  
1424 superintendent's authority to remove a student to alternative  
1425 education.

1426 (3) The local school board or the superintendent shall  
1427 provide for the continuing education of a student who has been  
1428 removed to an alternative school program.

1429 (4) A school district, in its discretion, may provide a  
1430 program of High School Equivalency Diploma preparatory instruction  
1431 in the alternative school program. However, any High School



1432 Equivalency Diploma preparation program offered in an alternative  
1433 school program must be administered in compliance with the rules  
1434 and regulations established for such programs under Sections  
1435 37-35-1 through 37-35-11 and by the Mississippi Community College  
1436 Board. The school district may administer the High School  
1437 Equivalency Diploma Testing Program under the policies and  
1438 guidelines of the Testing Service of the American Council on  
1439 Education in the alternative school program or may authorize the  
1440 test to be administered through the community/junior college  
1441 district in which the alternative school is situated.

1442 (5) Any such alternative school program operated under the  
1443 authority of this section shall meet all appropriate accreditation  
1444 requirements of the State Department of Education.

1445 (6) The alternative school program may be held within such  
1446 school district or may be operated by two (2) or more adjacent  
1447 school districts, pursuant to a contract approved by the State  
1448 Board of Education. When two (2) or more school districts  
1449 contract to operate an alternative school program, the school  
1450 board of a district designated to be the lead district shall serve  
1451 as the governing board of the alternative school program.  
1452 Transportation for students attending the alternative school  
1453 program shall be the responsibility of the local school district.  
1454 The expense of establishing, maintaining and operating such  
1455 alternative school program may be paid from funds contributed or



1456 otherwise made available to the school district for such purpose  
1457 or from local district maintenance funds.

1458 (7) The State Board of Education shall promulgate minimum  
1459 guidelines for alternative school programs. The guidelines shall  
1460 require, at a minimum, the formulation of an individual  
1461 instruction plan for each student referred to the alternative  
1462 school program and, upon a determination that it is in a student's  
1463 best interest for that student to receive High School Equivalency  
1464 Diploma preparatory instruction, that the local school board  
1465 assign the student to a High School Equivalency Diploma  
1466 preparatory program established under subsection (4) of this  
1467 section. The minimum guidelines for alternative school programs  
1468 shall also require the following components:

1469 (a) Clear guidelines and procedures for placement of  
1470 students into alternative education programs which at a minimum  
1471 shall prescribe due process procedures for disciplinary and High  
1472 School Equivalency Diploma placement;

1473 (b) Clear and consistent goals for students and  
1474 parents;

1475 (c) Curricula addressing cultural and learning style  
1476 differences;

1477 (d) Direct supervision of all activities on a closed  
1478 campus;

1479 (e) Attendance requirements that allow for educational  
1480 and workforce development opportunities;



1481 (f) Selection of program from options provided by the  
1482 local school district, Division of Youth Services or the youth  
1483 court, including transfer to a community-based alternative school;

1484 (g) Continual monitoring and evaluation and formalized  
1485 passage from one (1) step or program to another;

1486 (h) A motivated and culturally diverse staff;

1487 (i) Counseling for parents and students;

1488 (j) Administrative and community support for the  
1489 program; and

1490 (k) Clear procedures for annual alternative school  
1491 program review and evaluation.

1492 (8) On request of a school district, the State Department of  
1493 Education shall provide the district informational material on  
1494 developing an alternative school program that takes into  
1495 consideration size, wealth and existing facilities in determining  
1496 a program best suited to a district.

1497 (9) Any compulsory-school-age child who becomes involved in  
1498 any criminal or violent behavior shall be removed from such  
1499 alternative school program and, if probable cause exists, a case  
1500 shall be referred to the youth court.

1501 (10) The State Board of Education shall promulgate  
1502 guidelines for alternative school programs which provide broad  
1503 authority to school boards of local school districts to establish  
1504 alternative education programs to meet the specific needs of the  
1505 school district.



1506           (11) Each school district having an alternative school  
1507 program shall submit a report by July 31 of each calendar year to  
1508 the State Department of Education describing the results of its  
1509 annual alternative school program review and evaluation undertaken  
1510 pursuant to subsection (7)(k). The report shall include a  
1511 detailed account of any actions taken by the school district  
1512 during the previous year to comply with substantive guidelines  
1513 promulgated by the State Board of Education under subsection  
1514 (7)(a) through (j). In the report to be implemented under this  
1515 section, the State Department of Education shall prescribe the  
1516 appropriate measures on school districts that fail to file the  
1517 annual report. The report should be made available online via the  
1518 department's website to ensure transparency, accountability and  
1519 efficiency.

1520           **SECTION 13.** Section 37-17-1, Mississippi Code of 1972, is  
1521 brought forward as follows:

1522           37-17-1. (1) The power and authority to prescribe standards  
1523 for the accreditation of noncharter public schools, to insure  
1524 compliance with such standards and to establish procedures for the  
1525 accreditation of noncharter public schools is hereby vested in the  
1526 State Board of Education. The board shall, by orders placed upon  
1527 its minutes, adopt all necessary rules and regulations to  
1528 effectuate the purposes of this chapter and shall provide, through  
1529 the State Department of Education, for the necessary personnel for  
1530 the enforcement of standards so established.



1531           (2) A charter school authorized by the Mississippi Charter  
1532 School Authorizer Board must be granted accreditation by the State  
1533 Board of Education based solely on the approval of the school by  
1534 the authorizer. If the authorizer, at any time, revokes a  
1535 school's charter, the State Board of Education shall withdraw the  
1536 accreditation of the charter school immediately.

1537           **SECTION 14.** Section 37-17-3, Mississippi Code of 1972, is  
1538 brought forward as follows:

1539           37-17-3. The Commission on School Accreditation created  
1540 under this section is hereby continued and reconstituted as  
1541 follows:

1542           The State Board of Education shall appoint a "Commission on  
1543 School Accreditation" to be composed of fifteen (15) qualified  
1544 members. The membership of said commission shall be composed of  
1545 the following: two (2) classroom teachers, two (2) principals of  
1546 schools, one (1) administrator with expertise in special education  
1547 representing exceptional schools and students, one (1)  
1548 superintendent of a separate school district, one (1)  
1549 superintendent of a county or other school district, one (1) local  
1550 school board member from a separate school district; one (1) local  
1551 school board member from a county or other school district; and  
1552 six (6) members who are not actively engaged in the education  
1553 profession. Members of the commission serving on July 1, 1994,  
1554 shall continue to serve until their term of office expires. No  
1555 new appointments shall be made until such time as the expiration



1556 of a member's term has reduced the commission to less than fifteen  
1557 (15) members, at which time new appointments shall be made from  
1558 the categories specified hereinabove. The membership of said  
1559 commission shall be appointed by the board upon recommendation of  
1560 the State Superintendent of Public Education. In making the first  
1561 appointments, five (5) members shall be appointed for a term of  
1562 one (1) year, five (5) members shall be appointed for a term of  
1563 two (2) years, five (5) members shall be appointed for a term of  
1564 three (3) years, and five (5) members shall be appointed for a  
1565 term of four (4) years. Thereafter, all members shall be  
1566 appointed for a term of four (4) years. Said commission shall  
1567 meet upon call of the State Superintendent of Public Education.  
1568 The commission shall consist of three (3) members from each of the  
1569 four (4) congressional districts, and three (3) members from the  
1570 state at large. Each member of said commission shall receive the  
1571 per diem authorized by Section 25-3-69, Mississippi Code of 1972,  
1572 plus actual and necessary expenses and mileage as authorized by  
1573 Section 25-3-41, Mississippi Code of 1972, for each day actually  
1574 spent in attending the meetings of the commission. The expenses  
1575 of said commission shall be paid out of any funds available for  
1576 the operation of the central office of the State Department of  
1577 Education.

1578         **SECTION 15.** Section 37-17-5, Mississippi Code of 1972, is  
1579 brought forward as follows:





1580           37-17-5. It shall be the purpose of the Commission on School  
1581 Accreditation to continually review the standards on accreditation  
1582 and the enforcement thereof and to make recommendations thereon to  
1583 the State Board of Education. All controversies involving the  
1584 accreditation of schools shall be initially heard by a duly  
1585 authorized representative of the commission before whom a complete  
1586 record shall be made. After the conclusion of the hearing, the  
1587 duly authorized representative of the commission shall make a  
1588 recommendation to the commission as to the resolution of the  
1589 controversies, and the commission, after considering the  
1590 transcribed record and the recommendation of its representative,  
1591 shall make its decision which becomes final unless the local  
1592 school board of the school district involved shall appeal to the  
1593 State Board of Education, which appeal shall be on the record  
1594 previously made before the commission's representative except as  
1595 may be provided by rules and regulations adopted by the State  
1596 Board of Education. Such rules and regulations may provide for  
1597 the submission of new factual evidence. All appeals from the  
1598 State Board of Education shall be on the record and shall be filed  
1599 in the Circuit Court of the First Judicial District of Hinds  
1600 County, Mississippi. The commission shall select a competent and  
1601 qualified court reporter to record and transcribe all hearings  
1602 held before its duly authorized representative whose fees and  
1603 costs of transcription shall be paid by the school district  
1604 involved within forty-five (45) days after having been notified of



1605 such costs and fees by the commission. An appropriate member of  
1606 the staff of the State Department of Education shall be designated  
1607 by the State Superintendent of Public Education to serve as  
1608 executive secretary of the commission.

1609 **SECTION 16.** Section 37-17-6, Mississippi Code of 1972, is  
1610 brought forward as follows:

1611 37-17-6. (1) The State Board of Education, acting through  
1612 the Commission on School Accreditation, shall establish and  
1613 implement a permanent performance-based accreditation system, and  
1614 all noncharter public elementary and secondary schools shall be  
1615 accredited under this system.

1616 (2) No later than June 30, 1995, the State Board of  
1617 Education, acting through the Commission on School Accreditation,  
1618 shall require school districts to provide school classroom space  
1619 that is air-conditioned as a minimum requirement for  
1620 accreditation.

1621 (3) (a) Beginning with the 1994-1995 school year, the State  
1622 Board of Education, acting through the Commission on School  
1623 Accreditation, shall require that school districts employ  
1624 certified school librarians according to the following formula:

1625	Number of Students	Number of Certified
1626	Per School Library	School Librarians
1627	0 - 499 Students	1/2 Full-time Equivalent
1628		Certified Librarian
1629	500 or More Students	1 Full-time Certified



1630

Librarian

1631

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

1633

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

1638

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

1642

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

1645

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

1650

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

1653



1654           (a) High expectations for students and high standards  
1655 for all schools, with a focus on the basic curriculum;  
1656           (b) Strong accountability for results with appropriate  
1657 local flexibility for local implementation;  
1658           (c) A process to implement accountability at both the  
1659 school district level and the school level;  
1660           (d) Individual schools shall be held accountable for  
1661 student growth and performance;  
1662           (e) Set annual performance standards for each of the  
1663 schools of the state and measure the performance of each school  
1664 against itself through the standard that has been set for it;  
1665           (f) A determination of which schools exceed their  
1666 standards and a plan for providing recognition and rewards to  
1667 those schools;  
1668           (g) A determination of which schools are failing to  
1669 meet their standards and a determination of the appropriate role  
1670 of the State Board of Education and the State Department of  
1671 Education in providing assistance and initiating possible  
1672 intervention. A failing district is a district that fails to meet  
1673 both the absolute student achievement standards and the rate of  
1674 annual growth expectation standards as set by the State Board of  
1675 Education for two (2) consecutive years. The State Board of  
1676 Education shall establish the level of benchmarks by which  
1677 absolute student achievement and growth expectations shall be  
1678 assessed. In setting the benchmarks for school districts, the



1679 State Board of Education may also take into account such factors  
1680 as graduation rates, dropout rates, completion rates, the extent  
1681 to which the school or district employs qualified teachers in  
1682 every classroom, and any other factors deemed appropriate by the  
1683 State Board of Education. The State Board of Education, acting  
1684 through the State Department of Education, shall apply a simple  
1685 "A," "B," "C," "D" and "F" designation to the current school and  
1686 school district statewide accountability performance  
1687 classification labels beginning with the State Accountability  
1688 Results for the 2011-2012 school year and following, and in the  
1689 school, district and state report cards required under state and  
1690 federal law. Under the new designations, a school or school  
1691 district that has earned a "Star" rating shall be designated an  
1692 "A" school or school district; a school or school district that  
1693 has earned a "High-Performing" rating shall be designated a "B"  
1694 school or school district; a school or school district that has  
1695 earned a "Successful" rating shall be designated a "C" school or  
1696 school district; a school or school district that has earned an  
1697 "Academic Watch" rating shall be designated a "D" school or school  
1698 district; a school or school district that has earned a  
1699 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
1700 be designated an "F" school or school district. Effective with  
1701 the implementation of any new curriculum and assessment standards,  
1702 the State Board of Education, acting through the State Department  
1703 of Education, is further authorized and directed to change the



1704 school and school district accreditation rating system to a simple  
1705 "A," "B," "C," "D," and "F" designation based on a combination of  
1706 student achievement scores and student growth as measured by the  
1707 statewide testing programs developed by the State Board of  
1708 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
1709 1972. In any statute or regulation containing the former  
1710 accreditation designations, the new designations shall be  
1711 applicable;

1712 (h) Development of a comprehensive student assessment  
1713 system to implement these requirements; and

1714 (i) The State Board of Education may, based on a  
1715 written request that contains specific reasons for requesting a  
1716 waiver from the school districts affected by Hurricane Katrina of  
1717 2005, hold harmless school districts from assignment of district  
1718 and school level accountability ratings for the 2005-2006 school  
1719 year. The State Board of Education upon finding an extreme  
1720 hardship in the school district may grant the request. It is the  
1721 intent of the Legislature that all school districts maintain the  
1722 highest possible academic standards and instructional programs in  
1723 all schools as required by law and the State Board of Education.

1724 (5) (a) Effective with the 2013-2014 school year, the State  
1725 Department of Education, acting through the Mississippi Commission  
1726 on School Accreditation, shall revise and implement a single "A"  
1727 through "F" school and school district accountability system



1728 complying with applicable federal and state requirements in order  
1729 to reach the following educational goals:

1730 (i) To mobilize resources and supplies to ensure  
1731 that all students exit third grade reading on grade level by 2015;

1732 (ii) To reduce the student dropout rate to  
1733 thirteen percent (13%) by 2015; and

1734 (iii) To have sixty percent (60%) of students  
1735 scoring proficient and advanced on the assessments of the Common  
1736 Core State Standards by 2016 with incremental increases of three  
1737 percent (3%) each year thereafter.

1738 (b) The State Department of Education shall combine the  
1739 state school and school district accountability system with the  
1740 federal system in order to have a single system.

1741 (c) The State Department of Education shall establish  
1742 five (5) performance categories ("A," "B," "C," "D" and "F") for  
1743 the accountability system based on the following criteria:

1744 (i) Student Achievement: the percent of students  
1745 proficient and advanced on the current state assessments;

1746 (ii) Individual student growth: the percent of  
1747 students making one (1) year's progress in one (1) year's time on  
1748 the state assessment, with an emphasis on the progress of the  
1749 lowest twenty-five percent (25%) of students in the school or  
1750 district;



1751 (iii) Four-year graduation rate: the percent of  
1752 students graduating with a standard high school diploma in four  
1753 (4) years, as defined by federal regulations;

1754 (iv) Categories shall identify schools as Reward  
1755 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
1756 at least five percent (5%) of schools in the state are not graded  
1757 as "F" schools, the lowest five percent (5%) of school grade point  
1758 designees will be identified as Priority schools. If at least ten  
1759 percent (10%) of schools in the state are not graded as "D"  
1760 schools, the lowest ten percent (10%) of school grade point  
1761 designees will be identified as Focus schools;

1762 (v) The State Department of Education shall  
1763 discontinue the use of Star School, High-Performing, Successful,  
1764 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
1765 school accountability designations;

1766 (vi) The system shall include the federally  
1767 compliant four-year graduation rate in school and school district  
1768 accountability system calculations. Graduation rate will apply to  
1769 high school and school district accountability ratings as a  
1770 compensatory component. The system shall discontinue the use of  
1771 the High School Completer Index (HSCI);

1772 (vii) The school and school district  
1773 accountability system shall incorporate a standards-based growth  
1774 model, in order to support improvement of individual student  
1775 learning;





1776 (viii) The State Department of Education shall  
1777 discontinue the use of the Quality Distribution Index (QDI);

1778 (ix) The State Department of Education shall  
1779 determine feeder patterns of schools that do not earn a school  
1780 grade because the grades and subjects taught at the school do not  
1781 have statewide standardized assessments needed to calculate a  
1782 school grade. Upon determination of the feeder pattern, the  
1783 department shall notify schools and school districts prior to the  
1784 release of the school grades beginning in 2013. Feeder schools  
1785 will be assigned the accountability designation of the school to  
1786 which they provide students;

1787 (x) Standards for student, school and school  
1788 district performance will be increased when student proficiency is  
1789 at a seventy-five percent (75%) and/or when sixty-five percent  
1790 (65%) of the schools and/or school districts are earning a grade  
1791 of "B" or higher, in order to raise the standard on performance  
1792 after targets are met;

1793 (xi) The system shall include student performance  
1794 on the administration of a career-readiness assessment, such as,  
1795 but not limited to, the ACT WorkKeys Assessment, deemed  
1796 appropriate by the Mississippi Department of Education working in  
1797 coordination with the Office of Workforce Development.

1798 (6) Nothing in this section shall be deemed to require a  
1799 nonpublic school that receives no local, state or federal funds  
1800 for support to become accredited by the State Board of Education.



1801           (7) The State Board of Education shall create an  
1802 accreditation audit unit under the Commission on School  
1803 Accreditation to determine whether schools are complying with  
1804 accreditation standards.

1805           (8) The State Board of Education shall be specifically  
1806 authorized and empowered to withhold adequate education program  
1807 fund allocations, whichever is applicable, to any public school  
1808 district for failure to timely report student, school personnel  
1809 and fiscal data necessary to meet state and/or federal  
1810 requirements.

1811           (9) [Deleted]

1812           (10) The State Board of Education shall establish, for those  
1813 school districts failing to meet accreditation standards, a  
1814 program of development to be complied with in order to receive  
1815 state funds, except as otherwise provided in subsection (15) of  
1816 this section when the Governor has declared a state of emergency  
1817 in a school district or as otherwise provided in Section 206,  
1818 Mississippi Constitution of 1890. The state board, in  
1819 establishing these standards, shall provide for notice to schools  
1820 and sufficient time and aid to enable schools to attempt to meet  
1821 these standards, unless procedures under subsection (15) of this  
1822 section have been invoked.

1823           (11) Beginning July 1, 1998, the State Board of Education  
1824 shall be charged with the implementation of the program of  
1825 development in each applicable school district as follows:



1826 (a) Develop an impairment report for each district  
1827 failing to meet accreditation standards in conjunction with school  
1828 district officials;

1829 (b) Notify any applicable school district failing to  
1830 meet accreditation standards that it is on probation until  
1831 corrective actions are taken or until the deficiencies have been  
1832 removed. The local school district shall develop a corrective  
1833 action plan to improve its deficiencies. For district academic  
1834 deficiencies, the corrective action plan for each such school  
1835 district shall be based upon a complete analysis of the following:  
1836 student test data, student grades, student attendance reports,  
1837 student dropout data, existence and other relevant data. The  
1838 corrective action plan shall describe the specific measures to be  
1839 taken by the particular school district and school to improve:  
1840 (i) instruction; (ii) curriculum; (iii) professional development;  
1841 (iv) personnel and classroom organization; (v) student incentives  
1842 for performance; (vi) process deficiencies; and (vii) reporting to  
1843 the local school board, parents and the community. The corrective  
1844 action plan shall describe the specific individuals responsible  
1845 for implementing each component of the recommendation and how each  
1846 will be evaluated. All corrective action plans shall be provided  
1847 to the State Board of Education as may be required. The decision  
1848 of the State Board of Education establishing the probationary  
1849 period of time shall be final;



1850           (c) Offer, during the probationary period, technical  
1851 assistance to the school district in making corrective actions.  
1852 Beginning July 1, 1998, subject to the availability of funds, the  
1853 State Department of Education shall provide technical and/or  
1854 financial assistance to all such school districts in order to  
1855 implement each measure identified in that district's corrective  
1856 action plan through professional development and on-site  
1857 assistance. Each such school district shall apply for and utilize  
1858 all available federal funding in order to support its corrective  
1859 action plan in addition to state funds made available under this  
1860 paragraph;

1861           (d) Assign department personnel or contract, in its  
1862 discretion, with the institutions of higher learning or other  
1863 appropriate private entities with experience in the academic,  
1864 finance and other operational functions of schools to assist  
1865 school districts;

1866           (e) Provide for publication of public notice at least  
1867 one time during the probationary period, in a newspaper published  
1868 within the jurisdiction of the school district failing to meet  
1869 accreditation standards, or if no newspaper is published therein,  
1870 then in a newspaper having a general circulation therein. The  
1871 publication shall include the following: declaration of school  
1872 system's status as being on probation; all details relating to the  
1873 impairment report; and other information as the State Board of  
1874 Education deems appropriate. Public notices issued under this



1875 section shall be subject to Section 13-3-31 and not contrary to  
1876 other laws regarding newspaper publication.

1877 (12) (a) If the recommendations for corrective action are  
1878 not taken by the local school district or if the deficiencies are  
1879 not removed by the end of the probationary period, the Commission  
1880 on School Accreditation shall conduct a hearing to allow the  
1881 affected school district to present evidence or other reasons why  
1882 its accreditation should not be withdrawn. Additionally, if the  
1883 local school district violates accreditation standards that have  
1884 been determined by the policies and procedures of the State Board  
1885 of Education to be a basis for withdrawal of school district's  
1886 accreditation without a probationary period, the Commission on  
1887 School Accreditation shall conduct a hearing to allow the affected  
1888 school district to present evidence or other reasons why its  
1889 accreditation should not be withdrawn. After its consideration of  
1890 the results of the hearing, the Commission on School Accreditation  
1891 shall be authorized, with the approval of the State Board of  
1892 Education, to withdraw the accreditation of a public school  
1893 district, and issue a request to the Governor that a state of  
1894 emergency be declared in that district.

1895 (b) If the State Board of Education and the Commission  
1896 on School Accreditation determine that an extreme emergency  
1897 situation exists in a school district that jeopardizes the safety,  
1898 security or educational interests of the children enrolled in the  
1899 schools in that district and that emergency situation is believed



1900 to be related to a serious violation or violations of  
1901 accreditation standards or state or federal law, or when a school  
1902 district meets the State Board of Education's definition of a  
1903 failing school district for two (2) consecutive full school years,  
1904 or if more than fifty percent (50%) of the schools within the  
1905 school district are designated as Schools At-Risk in any one (1)  
1906 year, the State Board of Education may request the Governor to  
1907 declare a state of emergency in that school district. For  
1908 purposes of this paragraph, the declarations of a state of  
1909 emergency shall not be limited to those instances when a school  
1910 district's impairments are related to a lack of financial  
1911 resources, but also shall include serious failure to meet minimum  
1912 academic standards, as evidenced by a continued pattern of poor  
1913 student performance.

1914 (c) Whenever the Governor declares a state of emergency  
1915 in a school district in response to a request made under paragraph  
1916 (a) or (b) of this subsection, the State Board of Education may  
1917 take one or more of the following actions:

1918 (i) Declare a state of emergency, under which some  
1919 or all of state funds can be escrowed except as otherwise provided  
1920 in Section 206, Constitution of 1890, until the board determines  
1921 corrective actions are being taken or the deficiencies have been  
1922 removed, or that the needs of students warrant the release of  
1923 funds. The funds may be released from escrow for any program  
1924 which the board determines to have been restored to standard even



1925 though the state of emergency may not as yet be terminated for the  
1926 district as a whole;

1927                   (ii) Override any decision of the local school  
1928 board or superintendent of education, or both, concerning the  
1929 management and operation of the school district, or initiate and  
1930 make decisions concerning the management and operation of the  
1931 school district;

1932                   (iii) Assign an interim superintendent, or in its  
1933 discretion, contract with a private entity with experience in the  
1934 academic, finance and other operational functions of schools and  
1935 school districts, who will have those powers and duties prescribed  
1936 in subsection (15) of this section;

1937                   (iv) Grant transfers to students who attend this  
1938 school district so that they may attend other accredited schools  
1939 or districts in a manner that is not in violation of state or  
1940 federal law;

1941                   (v) For states of emergency declared under  
1942 paragraph (a) only, if the accreditation deficiencies are related  
1943 to the fact that the school district is too small, with too few  
1944 resources, to meet the required standards and if another school  
1945 district is willing to accept those students, abolish that  
1946 district and assign that territory to another school district or  
1947 districts. If the school district has proposed a voluntary  
1948 consolidation with another school district or districts, then if  
1949 the State Board of Education finds that it is in the best interest



1950 of the pupils of the district for the consolidation to proceed,  
1951 the voluntary consolidation shall have priority over any such  
1952 assignment of territory by the State Board of Education;

1953 (vi) For states of emergency declared under  
1954 paragraph (b) only, reduce local supplements paid to school  
1955 district employees, including, but not limited to, instructional  
1956 personnel, assistant teachers and extracurricular activities  
1957 personnel, if the district's impairment is related to a lack of  
1958 financial resources, but only to an extent that will result in the  
1959 salaries being comparable to districts similarly situated, as  
1960 determined by the State Board of Education;

1961 (vii) For states of emergency declared under  
1962 paragraph (b) only, the State Board of Education may take any  
1963 action as prescribed in Section 37-17-13.

1964 (d) At the time that satisfactory corrective action has  
1965 been taken in a school district in which a state of emergency has  
1966 been declared, the State Board of Education may request the  
1967 Governor to declare that the state of emergency no longer exists  
1968 in the district.

1969 (e) The parent or legal guardian of a school-age child  
1970 who is enrolled in a school district whose accreditation has been  
1971 withdrawn by the Commission on School Accreditation and without  
1972 approval of that school district may file a petition in writing to  
1973 a school district accredited by the Commission on School  
1974 Accreditation for a legal transfer. The school district





1975 accredited by the Commission on School Accreditation may grant the  
1976 transfer according to the procedures of Section 37-15-31(1)(b).  
1977 In the event the accreditation of the student's home district is  
1978 restored after a transfer has been approved, the student may  
1979 continue to attend the transferee school district. The per-pupil  
1980 amount of the adequate education program allotment, including the  
1981 collective "add-on program" costs for the student's home school  
1982 district shall be transferred monthly to the school district  
1983 accredited by the Commission on School Accreditation that has  
1984 granted the transfer of the school-age child.

1985 (f) Upon the declaration of a state of emergency for  
1986 any school district in which the Governor has previously declared  
1987 a state of emergency, the State Board of Education may either:

1988 (i) Place the school district into district  
1989 transformation, in which the school district shall remain until it  
1990 has fulfilled all conditions related to district transformation.  
1991 If the district was assigned an accreditation rating of "D" or "F"  
1992 when placed into district transformation, the district shall be  
1993 eligible to return to local control when the school district has  
1994 attained a "C" rating or higher for five (5) consecutive years,  
1995 unless the State Board of Education determines that the district  
1996 is eligible to return to local control in less than the five-year  
1997 period;



1998 (ii) Abolish the school district and  
1999 administratively consolidate the school district with one or more  
2000 existing school districts;

2001 (iii) Reduce the size of the district and  
2002 administratively consolidate parts of the district, as determined  
2003 by the State Board of Education. However, no school district  
2004 which is not in district transformation shall be required to  
2005 accept additional territory over the objection of the district; or

2006 (iv) Require the school district to develop and  
2007 implement a district improvement plan with prescriptive guidance  
2008 and support from the State Department of Education, with the goal  
2009 of helping the district improve student achievement. Failure of  
2010 the school board, superintendent and school district staff to  
2011 implement the plan with fidelity and participate in the activities  
2012 provided as support by the department shall result in the school  
2013 district retaining its eligibility for district transformation.

2014 (g) There is established a Mississippi Recovery School  
2015 District within the State Department of Education under the  
2016 supervision of a deputy superintendent appointed by the State  
2017 Superintendent of Public Education, who is subject to the approval  
2018 by the State Board of Education. The Mississippi Recovery School  
2019 District shall provide leadership and oversight of all school  
2020 districts that are subject to district transformation status, as  
2021 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
2022 and shall have all the authority granted under these two (2)



2023 chapters. The Mississippi Department of Education, with the  
2024 approval of the State Board of Education, shall develop policies  
2025 for the operation and management of the Mississippi Recovery  
2026 School District. The deputy state superintendent is responsible  
2027 for the Mississippi Recovery School District and shall be  
2028 authorized to oversee the administration of the Mississippi  
2029 Recovery School District, oversee the interim superintendent  
2030 assigned by the State Board of Education to a local school  
2031 district, hear appeals that would normally be filed by students,  
2032 parents or employees and heard by a local school board, which  
2033 hearings on appeal shall be conducted in a prompt and timely  
2034 manner in the school district from which the appeal originated in  
2035 order to ensure the ability of appellants, other parties and  
2036 witnesses to appeal without undue burden of travel costs or loss  
2037 of time from work, and perform other related duties as assigned by  
2038 the State Superintendent of Public Education. The deputy state  
2039 superintendent is responsible for the Mississippi Recovery School  
2040 District and shall determine, based on rigorous professional  
2041 qualifications set by the State Board of Education, the  
2042 appropriate individuals to be engaged to be interim  
2043 superintendents and financial advisors, if applicable, of all  
2044 school districts subject to district transformation status. After  
2045 State Board of Education approval, these individuals shall be  
2046 deemed independent contractors.



2047           (13) Upon the declaration of a state of emergency in a  
2048 school district under subsection (12) of this section, the  
2049 Commission on School Accreditation shall be responsible for public  
2050 notice at least once a week for at least three (3) consecutive  
2051 weeks in a newspaper published within the jurisdiction of the  
2052 school district failing to meet accreditation standards, or if no  
2053 newspaper is published therein, then in a newspaper having a  
2054 general circulation therein. The size of the notice shall be no  
2055 smaller than one-fourth (1/4) of a standard newspaper page and  
2056 shall be printed in bold print. If an interim superintendent has  
2057 been appointed for the school district, the notice shall begin as  
2058 follows: "By authority of Section 37-17-6, Mississippi Code of  
2059 1972, as amended, adopted by the Mississippi Legislature during  
2060 the 1991 Regular Session, this school district (name of school  
2061 district) is hereby placed under the jurisdiction of the State  
2062 Department of Education acting through its appointed interim  
2063 superintendent (name of interim superintendent)."

2064           The notice also shall include, in the discretion of the State  
2065 Board of Education, any or all details relating to the school  
2066 district's emergency status, including the declaration of a state  
2067 of emergency in the school district and a description of the  
2068 district's impairment deficiencies, conditions of any district  
2069 transformation status and corrective actions recommended and being  
2070 taken. Public notices issued under this section shall be subject



2071 to Section 13-3-31 and not contrary to other laws regarding  
2072 newspaper publication.

2073       Upon termination of the state of emergency in a school  
2074 district, the Commission on School Accreditation shall cause  
2075 notice to be published in the school district in the same manner  
2076 provided in this section, to include any or all details relating  
2077 to the corrective action taken in the school district that  
2078 resulted in the termination of the state of emergency.

2079       (14) The State Board of Education or the Commission on  
2080 School Accreditation shall have the authority to require school  
2081 districts to produce the necessary reports, correspondence,  
2082 financial statements, and any other documents and information  
2083 necessary to fulfill the requirements of this section.

2084       Nothing in this section shall be construed to grant any  
2085 individual, corporation, board or interim superintendent the  
2086 authority to levy taxes except in accordance with presently  
2087 existing statutory provisions.

2088       (15) (a) Whenever the Governor declares a state of  
2089 emergency in a school district in response to a request made under  
2090 subsection (12) of this section, the State Board of Education, in  
2091 its discretion, may assign an interim superintendent to the school  
2092 district, or in its discretion, may contract with an appropriate  
2093 private entity with experience in the academic, finance and other  
2094 operational functions of schools and school districts, who will be  
2095 responsible for the administration, management and operation of



2096 the school district, including, but not limited to, the following  
2097 activities:

2098                   (i) Approving or disapproving all financial  
2099 obligations of the district, including, but not limited to, the  
2100 employment, termination, nonrenewal and reassignment of all  
2101 licensed and nonlicensed personnel, contractual agreements and  
2102 purchase orders, and approving or disapproving all claim dockets  
2103 and the issuance of checks; in approving or disapproving  
2104 employment contracts of superintendents, assistant superintendents  
2105 or principals, the interim superintendent shall not be required to  
2106 comply with the time limitations prescribed in Sections 37-9-15  
2107 and 37-9-105;

2108                   (ii) Supervising the day-to-day activities of the  
2109 district's staff, including reassigning the duties and  
2110 responsibilities of personnel in a manner which, in the  
2111 determination of the interim superintendent, will best suit the  
2112 needs of the district;

2113                   (iii) Reviewing the district's total financial  
2114 obligations and operations and making recommendations to the  
2115 district for cost savings, including, but not limited to,  
2116 reassigning the duties and responsibilities of staff;

2117                   (iv) Attending all meetings of the district's  
2118 school board and administrative staff;



2119 (v) Approving or disapproving all athletic, band  
2120 and other extracurricular activities and any matters related to  
2121 those activities;

2122 (vi) Maintaining a detailed account of  
2123 recommendations made to the district and actions taken in response  
2124 to those recommendations;

2125 (vii) Reporting periodically to the State Board of  
2126 Education on the progress or lack of progress being made in the  
2127 district to improve the district's impairments during the state of  
2128 emergency; and

2129 (viii) Appointing a parent advisory committee,  
2130 comprised of parents of students in the school district that may  
2131 make recommendations to the interim superintendent concerning the  
2132 administration, management and operation of the school district.

2133 The cost of the salary of the interim superintendent and any  
2134 other actual and necessary costs related to district  
2135 transformation status paid by the State Department of Education  
2136 shall be reimbursed by the local school district from funds other  
2137 than adequate education program funds. The department shall  
2138 submit an itemized statement to the superintendent of the local  
2139 school district for reimbursement purposes, and any unpaid balance  
2140 may be withheld from the district's adequate education program  
2141 funds.

2142 At the time that the Governor, in accordance with the request  
2143 of the State Board of Education, declares that the state of



2144 emergency no longer exists in a school district, the powers and  
2145 responsibilities of the interim superintendent assigned to the  
2146 district shall cease.

2147           (b) In order to provide loans to school districts under  
2148 a state of emergency or in district transformation status that  
2149 have impairments related to a lack of financial resources, the  
2150 School District Emergency Assistance Fund is created as a special  
2151 fund in the State Treasury into which monies may be transferred or  
2152 appropriated by the Legislature from any available public  
2153 education funds. Funds in the School District Emergency  
2154 Assistance Fund up to a maximum balance of Three Million Dollars  
2155 (\$3,000,000.00) annually shall not lapse but shall be available  
2156 for expenditure in subsequent years subject to approval of the  
2157 State Board of Education. Any amount in the fund in excess of  
2158 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
2159 year shall lapse into the State General Fund or the Education  
2160 Enhancement Fund, depending on the source of the fund.

2161           The State Board of Education may loan monies from the School  
2162 District Emergency Assistance Fund to a school district that is  
2163 under a state of emergency or in district transformation status,  
2164 in those amounts, as determined by the board, that are necessary  
2165 to correct the district's impairments related to a lack of  
2166 financial resources. The loans shall be evidenced by an agreement  
2167 between the school district and the State Board of Education and  
2168 shall be repayable in principal, without necessity of interest, to





2169 the School District Emergency Assistance Fund by the school  
2170 district from any allowable funds that are available. The total  
2171 amount loaned to the district shall be due and payable within five  
2172 (5) years after the impairments related to a lack of financial  
2173 resources are corrected. If a school district fails to make  
2174 payments on the loan in accordance with the terms of the agreement  
2175 between the district and the State Board of Education, the State  
2176 Department of Education, in accordance with rules and regulations  
2177 established by the State Board of Education, may withhold that  
2178 district's adequate education program funds in an amount and  
2179 manner that will effectuate repayment consistent with the terms of  
2180 the agreement; the funds withheld by the department shall be  
2181 deposited into the School District Emergency Assistance Fund.

2182 The State Board of Education shall develop a protocol that  
2183 will outline the performance standards and requisite timeline  
2184 deemed necessary for extreme emergency measures. If the State  
2185 Board of Education determines that an extreme emergency exists,  
2186 simultaneous with the powers exercised in this subsection, it  
2187 shall take immediate action against all parties responsible for  
2188 the affected school districts having been determined to be in an  
2189 extreme emergency. The action shall include, but not be limited  
2190 to, initiating civil actions to recover funds and criminal actions  
2191 to account for criminal activity. Any funds recovered by the  
2192 State Auditor or the State Board of Education from the surety  
2193 bonds of school officials or from any civil action brought under



2194 this subsection shall be applied toward the repayment of any loan  
2195 made to a school district hereunder.

2196 (16) If a majority of the membership of the school board of  
2197 any school district resigns from office, the State Board of  
2198 Education shall be authorized to assign an interim superintendent,  
2199 who shall be responsible for the administration, management and  
2200 operation of the school district until the time as new board  
2201 members are selected or the Governor declares a state of emergency  
2202 in that school district under subsection (12), whichever occurs  
2203 first. In that case, the State Board of Education, acting through  
2204 the interim superintendent, shall have all powers which were held  
2205 by the previously existing school board, and may take any action  
2206 as prescribed in Section 37-17-13 and/or one or more of the  
2207 actions authorized in this section.

2208 (17) (a) If the Governor declares a state of emergency in a  
2209 school district, the State Board of Education may take all such  
2210 action pertaining to that school district as is authorized under  
2211 subsection (12) or (15) of this section, including the appointment  
2212 of an interim superintendent. The State Board of Education shall  
2213 also have the authority to issue a written request with  
2214 documentation to the Governor asking that the office of the  
2215 superintendent of the school district be subject to recall. If  
2216 the Governor declares that the office of the superintendent of the  
2217 school district is subject to recall, the local school board or



2218 the county election commission, as the case may be, shall take the  
2219 following action:

2220 (i) If the office of superintendent is an elected  
2221 office, in those years in which there is no general election, the  
2222 name shall be submitted by the State Board of Education to the  
2223 county election commission, and the county election commission  
2224 shall submit the question at a special election to the voters  
2225 eligible to vote for the office of superintendent within the  
2226 county, and the special election shall be held within sixty (60)  
2227 days from notification by the State Board of Education. The  
2228 ballot shall read substantially as follows:

2229 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
2230 name of the superintendent shall be inserted) of the \_\_\_\_\_  
2231 (here the title of the school district shall be inserted) be  
2232 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

2233 If a majority of those voting on the question votes against  
2234 retaining the superintendent in office, a vacancy shall exist  
2235 which shall be filled in the manner provided by law; otherwise,  
2236 the superintendent shall remain in office for the term of that  
2237 office, and at the expiration of the term shall be eligible for  
2238 qualification and election to another term or terms.

2239 (ii) If the office of superintendent is an  
2240 appointive office, the name of the superintendent shall be  
2241 submitted by the president of the local school board at the next  
2242 regular meeting of the school board for retention in office or



2243 dismissal from office. If a majority of the school board voting  
2244 on the question vote against retaining the superintendent in  
2245 office, a vacancy shall exist which shall be filled as provided by  
2246 law, otherwise the superintendent shall remain in office for the  
2247 duration of his employment contract.

2248 (b) The State Board of Education may issue a written  
2249 request with documentation to the Governor asking that the  
2250 membership of the school board of the school district shall be  
2251 subject to recall. Whenever the Governor declares that the  
2252 membership of the school board is subject to recall, the county  
2253 election commission or the local governing authorities, as the  
2254 case may be, shall take the following action:

2255 (i) If the members of the local school board are  
2256 elected to office, in those years in which the specific member's  
2257 office is not up for election, the name of the school board member  
2258 shall be submitted by the State Board of Education to the county  
2259 election commission, and the county election commission at a  
2260 special election shall submit the question to the voters eligible  
2261 to vote for the particular member's office within the county or  
2262 school district, as the case may be, and the special election  
2263 shall be held within sixty (60) days from notification by the  
2264 State Board of Education. The ballot shall read substantially as  
2265 follows:

2266 "Members of the \_\_\_\_\_ (here the title of the school  
2267 district shall be inserted) School Board who are not up for



2268 election this year are subject to recall because of the school  
2269 district's failure to meet critical accountability standards as  
2270 defined in the letter of notification to the Governor from the  
2271 State Board of Education. Shall the member of the school board  
2272 representing this area, \_\_\_\_\_ (here the name of the school  
2273 board member holding the office shall be inserted), be retained in  
2274 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

2275 If a majority of those voting on the question vote against  
2276 retaining the member of the school board in office, a vacancy in  
2277 that board member's office shall exist, which shall be filled in  
2278 the manner provided by law; otherwise, the school board member  
2279 shall remain in office for the term of that office, and at the  
2280 expiration of the term of office, the member shall be eligible for  
2281 qualification and election to another term or terms of office.  
2282 However, if a majority of the school board members are recalled in  
2283 the special election, the Governor shall authorize the board of  
2284 supervisors of the county in which the school district is situated  
2285 to appoint members to fill the offices of the members recalled.  
2286 The board of supervisors shall make those appointments in the  
2287 manner provided by law for filling vacancies on the school board,  
2288 and the appointed members shall serve until the office is filled  
2289 at the next regular special election or general election.

2290 (ii) If the local school board is an appointed  
2291 school board, the name of all school board members shall be  
2292 submitted as a collective board by the president of the municipal



2293 or county governing authority, as the case may be, at the next  
2294 regular meeting of the governing authority for retention in office  
2295 or dismissal from office. If a majority of the governing  
2296 authority voting on the question vote against retaining the board  
2297 in office, a vacancy shall exist in each school board member's  
2298 office, which shall be filled as provided by law; otherwise, the  
2299 members of the appointed school board shall remain in office for  
2300 the duration of their term of appointment, and those members may  
2301 be reappointed.

2302 (iii) If the local school board is comprised of  
2303 both elected and appointed members, the elected members shall be  
2304 subject to recall in the manner provided in subparagraph (i) of  
2305 this paragraph (b), and the appointed members shall be subject to  
2306 recall in the manner provided in subparagraph (ii).

2307 (18) Beginning with the school district audits conducted for  
2308 the 1997-1998 fiscal year, the State Board of Education, acting  
2309 through the Commission on School Accreditation, shall require each  
2310 school district to comply with standards established by the State  
2311 Department of Audit for the verification of fixed assets and the  
2312 auditing of fixed assets records as a minimum requirement for  
2313 accreditation.

2314 (19) Before December 1, 1999, the State Board of Education  
2315 shall recommend a program to the Education Committees of the House  
2316 of Representatives and the Senate for identifying and rewarding  
2317 public schools that improve or are high performing. The program



2318 shall be described by the board in a written report, which shall  
2319 include criteria and a process through which improving schools and  
2320 high-performing schools will be identified and rewarded.

2321 The State Superintendent of Public Education and the State  
2322 Board of Education also shall develop a comprehensive  
2323 accountability plan to ensure that local school boards,  
2324 superintendents, principals and teachers are held accountable for  
2325 student achievement. A written report on the accountability plan  
2326 shall be submitted to the Education Committees of both houses of  
2327 the Legislature before December 1, 1999, with any necessary  
2328 legislative recommendations.

2329 (20) Before January 1, 2008, the State Board of Education  
2330 shall evaluate and submit a recommendation to the Education  
2331 Committees of the House of Representatives and the Senate on  
2332 inclusion of graduation rate and dropout rate in the school level  
2333 accountability system.

2334 (21) If a local school district is determined as failing and  
2335 placed into district transformation status for reasons authorized  
2336 by the provisions of this section, the interim superintendent  
2337 appointed to the district shall, within forty-five (45) days after  
2338 being appointed, present a detailed and structured corrective  
2339 action plan to move the local school district out of district  
2340 transformation status to the deputy superintendent. A copy of the  
2341 interim superintendent's corrective action plan shall also be  
2342 filed with the State Board of Education.



2343           **SECTION 17.** Section 37-17-8, Mississippi Code of 1972, is  
2344 brought forward as follows:

2345           37-17-8. (1) The State Board of Education, through the  
2346 Commission on School Accreditation, shall establish criteria for  
2347 comprehensive in-service staff development plans. These criteria  
2348 shall: (a) include, but not be limited to, formula and guidelines  
2349 for allocating available state funds for in-service training to  
2350 local school districts; (b) require that a portion of the plans be  
2351 devoted exclusively for the purpose of providing staff development  
2352 training for beginning teachers within that local school district  
2353 and for no other purpose; and (c) require that a portion of the  
2354 school district's in-service training for administrators and  
2355 teachers be dedicated to the application and utilization of  
2356 various disciplinary techniques. The board shall each year make  
2357 recommendations to the Legislature concerning the amount of funds  
2358 which shall be appropriated for this purpose.

2359           (2) School districts shall not be required to submit staff  
2360 development plans to the Commission on School Accreditation for  
2361 approval. However, any school district accredited at the lowest  
2362 performance levels, as defined by the State Board of Education,  
2363 shall include, as a part of any required corrective action plan,  
2364 provisions to address staff development in accordance with State  
2365 Board of Education requirements. All school districts, unless  
2366 specifically exempt from this section, must maintain on file staff  
2367 development plans as required under this section. The plan shall





2368 have been prepared by a district committee appointed by the  
2369 district superintendent and consisting of teachers,  
2370 administrators, school board members, and lay people, and it shall  
2371 have been approved by the district superintendent.

2372 (3) In order to insure that teachers are not overburdened  
2373 with paperwork and written reports, local school districts and  
2374 the State Board of Education shall take such steps as may be  
2375 necessary to further the reduction of paperwork requirements on  
2376 teachers.

2377 (4) Districts meeting the highest levels of accreditation  
2378 standards, as defined by the State Board of Education, shall be  
2379 exempted from the mandatory provisions of this section relating to  
2380 staff development plans.

2381 **SECTION 18.** Section 37-17-11, Mississippi Code of 1972, is  
2382 brought forward as follows:

2383 37-17-11. The State Board of Education, in its discretion,  
2384 may exempt any school district meeting the highest levels of state  
2385 accreditation standards, as defined by the State Board of  
2386 Education, from any compulsory standard of accreditation.

2387 However, if the standard of accreditation is an educational policy  
2388 required by statute, any such exemption shall only be made if  
2389 specifically authorized by law.

2390 **SECTION 19.** Section 37-17-12, Mississippi Code of 1972, is  
2391 brought forward as follows:



2392           37-17-12. (1) (a) Effective July 1, 2006, principals and  
2393 administrators with career level certifications at schools with  
2394 the highest levels of accreditation standards, as defined by the  
2395 State Board of Education, shall be exempted from the provisions  
2396 pursuant to Section 37-3-4, subject to approval of the local  
2397 superintendent.

2398           (b) Effective July 1, 2006, school districts meeting  
2399 the highest levels of accreditation standards, as defined by the  
2400 State Board of Education, shall be exempted from the provisions  
2401 pursuant to Sections 37-3-46, 37-3-49(2), 37-7-337, 37-17-8 and  
2402 37-21-7(4).

2403           (c) The State Department of Education shall develop a  
2404 policy to determine reevaluation of exemption status.

2405           (2) The State Department of Education is directed to provide  
2406 a report of all exempted process standards and nonexempted process  
2407 standards to the Office of the Governor, the Chairs of the House  
2408 and Senate Education Committees, and the Mississippi Association  
2409 of School Superintendents by December 1, 2007.

2410           **SECTION 20.** Section 37-17-13, Mississippi Code of 1972, is  
2411 brought forward as follows:

2412           37-17-13. (1) Whenever the Governor declares a state of  
2413 emergency in a school district in response to a certification by  
2414 the State Board of Education and the Commission on School  
2415 Accreditation made under Section 37-17-6(12) (b), the State Board  
2416 of Education, in addition to any actions taken under Section



2417 37-17-6, may abolish the school district and assume control and  
2418 administration of the schools formerly constituting the district,  
2419 and appoint an interim superintendent to carry out this purpose  
2420 under the direction of the State Board of Education. In such  
2421 case, the State Board of Education shall have all powers which  
2422 were held by the previously existing school board, and the  
2423 previously existing superintendent of schools or county  
2424 superintendent of education, including, but not limited to, those  
2425 enumerated in Section 37-7-301, and the authority to request tax  
2426 levies from the appropriate governing authorities for the support  
2427 of the schools and to receive and expend the tax funds as provided  
2428 by Section 37-57-1 et seq. and Section 37-57-105 et seq.

2429 (2) When a school district is abolished under this section,  
2430 loans from the School District Emergency Assistance Fund may be  
2431 made by the State Board of Education for the use and benefit of  
2432 the schools formerly constituting the district in accordance with  
2433 the procedures set forth in Section 37-17-6(15) for such loans to  
2434 the district. The abolition of a school district under this  
2435 section shall not impair or release the property of that school  
2436 district from liability for the payment of the loan indebtedness,  
2437 and it shall be the duty of the appropriate governing authorities  
2438 to levy taxes on the property of the district so abolished from  
2439 year to year according to the terms of the indebtedness until same  
2440 shall be fully paid.



2441 (3) After a school district is abolished under this section,  
2442 at such time as the State Board of Education determines that the  
2443 impairments have been substantially corrected after a period of  
2444 maintaining a "C" accountability rating for five (5) consecutive  
2445 years, unless the State Board of Education determines that the  
2446 district is eligible to return to local control in less than the  
2447 five-year period, the State Board of Education shall reconstitute,  
2448 reorganize or change or alter the boundaries of the previously  
2449 existing district; however, no partition or assignment of  
2450 territory formerly included in the abolished district to one or  
2451 more other school districts may be made by the State Board of  
2452 Education without the consent of the school board of the school  
2453 district to which such territory is to be transferred, such  
2454 consent to be spread upon its minutes. At that time, the State  
2455 Board of Education, in appropriate cases, shall notify the  
2456 appropriate governing authority or authorities of its action and  
2457 request them to provide for the election or appointment of school  
2458 board members in the manner provided by law. In the event the  
2459 applicable statute provides that vacancies in an all-elected  
2460 membership of the school board will be filled by appointment by  
2461 the remaining members of the school board and no members of the  
2462 school board remain in office, the Governor shall call a special  
2463 election to fill the vacancies. In such situations, the Governor  
2464 will set the date of the special election and the election will be  
2465 conducted by the county election commission. The State Board of



2466 Education shall also request the governing authority or  
2467 authorities to provide for the appointment of a superintendent or  
2468 superintendents to govern the reconstituted, reorganized or  
2469 changed district or districts, which such appointed position shall  
2470 apply in all school districts including those school districts in  
2471 which the position of superintendent was previously an elected  
2472 office. A board member or superintendent in office at the time  
2473 the Governor declares a state of emergency in a school district to  
2474 be abolished shall not be eligible to serve in that office for the  
2475 school district reconstituted, reorganized or changed after the  
2476 Governor declares that an emergency no longer exists.

2477 (4) As an alternative to the procedure set forth in  
2478 subsection (3), in the event a local school board is abolished by  
2479 the State Board of Education pursuant to this section, after the  
2480 State Board of Education determines that the impairments are being  
2481 substantially corrected and the responsibility of the district  
2482 transformation in such district upon the conclusion of the final  
2483 scholastic year in which a district has maintained a "C"  
2484 accountability rating for five (5) consecutive years, unless the  
2485 State Board of Education determines that the district is eligible  
2486 to return to local control in less than the five-year period, the  
2487 State Board of Education may appoint a new five-member board for  
2488 the administration of the school district and shall notify the  
2489 local county board of supervisors and/or municipal governing  
2490 authority of such appointment, spreading the names of the new



2491 school board members on its minutes. The new local school board  
2492 members shall be residents of the school district. The new local  
2493 school board members appointed by the State Board of Education may  
2494 serve in an advisory capacity to the interim superintendent for  
2495 its first year of service and thereafter shall have full  
2496 responsibility to administer the school district. Thirty (30)  
2497 days prior to the end of the first year of office as an advisory  
2498 board, each member shall draw lots to determine when the members  
2499 shall rotate off the board as follows: one (1) member shall serve  
2500 a one-year term of office; one (1) member shall serve a two-year  
2501 term of office; one (1) member shall serve a three-year term of  
2502 office; one (1) member shall serve a four-year term of office; and  
2503 one (1) member shall serve a five-year term of office. At that  
2504 time, the State Board of Education shall notify the appropriate  
2505 board of supervisors or municipal governing authority of this  
2506 action and request them to provide for the election or appointment  
2507 of school board members at the end of the terms of office in the  
2508 manner provided by law, in order for the local residents of the  
2509 school district to select a new school board on a phased-in basis.  
2510 In such situations, the Governor will set the date of any  
2511 necessary special election which shall be conducted by the county  
2512 election commission. The State Board of Education shall also  
2513 request the new school board to provide for the appointment of a  
2514 superintendent to govern the reconstituted or reorganized school  
2515 district, including those school districts in which the position



2516 of superintendent was previously an elected office. A board  
2517 member or superintendent in office at the time the Governor  
2518 declares a state of emergency in a school district shall not be  
2519 eligible to serve in the office of school board member or  
2520 superintendent for the school district reconstituted or  
2521 reorganized following the district transformation period.

2522 This subsection (4) shall stand repealed from and after July  
2523 1, 2026.

2524 **SECTION 21.** Section 37-17-15, Mississippi Code of 1972, is  
2525 brought forward as follows:

2526 37-17-15. Effective March 26, 2014, the withdrawal of a  
2527 school district's accreditation by the Commission on School  
2528 Accreditation in a school district with an "A" or "B"  
2529 accountability rating, for any reason other than failure to meet  
2530 student academic standards or for failure to comply with financial  
2531 accountability requirements, shall not result in any limitation of  
2532 the schools in the district to participate in any extracurricular  
2533 or athletic activity in the regular or postseason. The Commission  
2534 on School Accreditation shall amend its rules and regulations to  
2535 conform to the provisions of this section.

2536 **SECTION 22.** Section 37-17-17, Mississippi Code of 1972, is  
2537 brought forward as follows:

2538 37-17-17. (1) There is created the Mississippi Achievement  
2539 School District for the purpose of transforming persistently  
2540 failing public schools and districts throughout the state into



2541 quality educational institutions. The Mississippi Achievement  
2542 School District shall be a statewide school district, separate and  
2543 distinct from all other school districts but not confined to any  
2544 specified geographic boundaries, and may be comprised of any  
2545 public schools or school districts in the state which, during two  
2546 (2) consecutive school years, are designated an "F" school or  
2547 district by the State Board of Education under the accountability  
2548 rating system or which have been persistently failing and  
2549 chronically underperforming.

2550 (2) The Mississippi Achievement School District shall be  
2551 governed by the State Board of Education.

2552 (3) The State Board of Education shall obtain suitable  
2553 office space to serve as the administrative office of the school  
2554 district.

2555 (4) The State Board of Education shall select an individual  
2556 to serve as superintendent of the Mississippi Achievement School  
2557 District. The superintendent must be deemed by the board to be  
2558 highly qualified with a demonstrable track record for producing  
2559 results in a context relevant to that of Mississippi Achievement  
2560 School District schools. The superintendent of the Mississippi  
2561 Achievement School District shall exercise powers and duties that  
2562 would afford significant autonomy but are bound by the governance  
2563 of the State Board of Education.

2564 (5) (a) Each public school or district in the state which,  
2565 during each of two (2) consecutive school years or during two (2)





2566 of three (3) consecutive school years, receives an "F" designation  
2567 by the State Board of Education under the accountability rating  
2568 system or has been persistently failing as defined by the State  
2569 Board of Education may be absorbed into and become a part of the  
2570 Mississippi Achievement School District. All eligible public  
2571 schools and districts shall be prioritized by the Mississippi  
2572 Achievement School District according to criteria set by the  
2573 Mississippi Achievement School District and publicized prior to  
2574 the annual release of accountability rating data. The Mississippi  
2575 Achievement School District shall takeover only the number of  
2576 schools and districts for which it has the capacity to serve. The  
2577 transfer of the school's/district's governance from the local  
2578 school district to the Mississippi Achievement School District  
2579 shall take effect upon the approval of the State Board of  
2580 Education unless, in the sole determination of the Mississippi  
2581 Achievement School District, the transition may be more smoothly  
2582 accomplished through a gradual transfer of control. If the  
2583 Mississippi Achievement School District elects not to assume  
2584 complete control of a school or district immediately after that  
2585 school receives an "F" designation during each of two (2)  
2586 consecutive school years or during two (2) of the three (3)  
2587 consecutive school years, the State Board of Education shall  
2588 prescribe the process and timetable by which the school or  
2589 district shall be absorbed; however, in no event may the transfer  
2590 of the school or district to the Mississippi Achievement School



2591 District be completed later than the beginning of the school year  
2592 next succeeding the year during which the school or district  
2593 receives the "F" designation. School districts that are eligible  
2594 to be absorbed by the Achievement School District, but are not  
2595 absorbed due to the capacity of the Achievement School District,  
2596 shall develop and implement a district improvement plan with  
2597 prescriptive guidance and support from the Mississippi Department  
2598 of Education, with the goal of helping the district improve  
2599 student achievement. Failure of the school board, superintendent  
2600 and school district staff to implement the plan with fidelity and  
2601 participate in the activities provided as support by the  
2602 department shall result in the school district retaining its  
2603 eligibility for the Mississippi Achievement School District.

2604 (b) The State Board of Education shall adopt rules and  
2605 regulations governing the operation of the Mississippi Achievement  
2606 School District.

2607 (c) Designations assigned to schools or districts under  
2608 the accountability rating system by the State Board of Education  
2609 before the 2015-2016 school year may not be considered in  
2610 determining whether a particular school or district is subject to  
2611 being absorbed by the Mississippi Achievement School District.  
2612 During the 2017-2018 school year, any school or district receiving  
2613 an "F" designation after also being designated an "F" school or  
2614 district in the 2015-2016 and 2016-2017 school years may be



2615 absorbed immediately by the Mississippi Achievement School  
2616 District, upon approval of the State Board of Education.

2617 (d) The school district from which an "F" school or  
2618 district is being absorbed must cooperate fully with the  
2619 Mississippi Achievement School District and the State Board of  
2620 Education in order to provide as smooth a transition as possible  
2621 in the school's/district's governance and operations for the  
2622 students enrolled in the school or district. Upon completion of  
2623 the transfer of a school or district to the Mississippi  
2624 Achievement School District, the school or district shall be  
2625 governed by the rules, regulations, policies and procedures  
2626 established by the State Board of Education specifically for the  
2627 Mississippi Achievement School District, and the school or  
2628 district shall no longer be under the purview of the school board  
2629 of the local school district. In the event of the transfer of  
2630 governance and operations of a school district, the State Board of  
2631 Education shall abolish the district as prescribed in Section  
2632 37-17-13.

2633 (e) Upon the transfer of the school or school district  
2634 to the Mississippi Achievement School District, the individual  
2635 appointed by the State Board of Education to serve as  
2636 superintendent for the Mississippi Achievement School District  
2637 shall be responsible for the administration, management and  
2638 operation of the school or school district, including the  
2639 following activities: (i) approving or denying all financial



2640 obligations of the school or school district; (ii) approving or  
2641 denying the employment, termination, nonrenewal and reassignment  
2642 of all licensed and nonlicensed personnel; (iii) approving or  
2643 denying contractual agreements and purchase orders; (iv)  
2644 approving or denying all claim dockets and the issuance of checks;  
2645 (v) supervising the day-to-day activities of the school or school  
2646 district's staff in a manner which in the determination of the  
2647 Mississippi Achievement School District will best suit the needs  
2648 of the school or school district; (vi) approving or denying all  
2649 athletic, band and other extracurricular activities and any  
2650 matters related to those activities; (vii) honoring any reasonable  
2651 financial commitment of the district being absorbed; and (viii)  
2652 reporting periodically to the State Board of Education on the  
2653 progress or lack of progress being made in the school or school  
2654 district to improve the school or school district's impairments.

2655 (f) Upon attaining and maintaining a school or district  
2656 accountability rating of "C" or better under the State Department  
2657 of Education's accountability rating system for five (5)  
2658 consecutive years, the State Board of Education may decide to  
2659 revert the absorbed school or district back to local governance,  
2660 provided the school or school(s) in question are not conversion  
2661 charter schools. "Local governance" may include a traditional  
2662 school board model of governance or other new form of governance  
2663 such as mayoral control, or other type of governance. The State  
2664 Board of Education shall determine the best form of local



2665 governance and school board composition after soliciting the input  
2666 of local citizens and shall outline a process for establishing the  
2667 type of governance selected. The manner and timeline for  
2668 reverting a school or district back to local control shall be at  
2669 the discretion of the State School Board, but in no case shall it  
2670 exceed five (5) years.

2671 (6) The Superintendent of the Mississippi Achievement School  
2672 District shall hire those persons to be employed as principals,  
2673 teachers and noninstructional personnel in schools or districts  
2674 absorbed into the Mississippi Achievement School District. Only  
2675 highly qualified individuals having a demonstrable record of  
2676 success may be selected by the superintendent for such positions  
2677 in the Mississippi Achievement School District. The  
2678 superintendent may choose to continue the employment of any person  
2679 employed in an "F" rated school when the school or district is  
2680 absorbed into the Mississippi Achievement School District;  
2681 alternatively, the superintendent may elect not to offer continued  
2682 employment to a person formerly employed at a school or district  
2683 that is absorbed into the Mississippi Achievement School District.  
2684 Any persons employed by the Mississippi Achievement School  
2685 District shall not be subject to Sections 37-9-101 through  
2686 37-9-113.

2687 (7) (a) The Mississippi Achievement School District may use  
2688 a school building and all facilities and property that is a part  
2689 of a school and recognized as part of the facilities or assets of



2690 the school before it is absorbed into the Mississippi Achievement  
2691 School District. In addition, the Mississippi Achievement School  
2692 District shall have access to those additional facilities that  
2693 typically were available to that school or district, its students,  
2694 faculty and staff before its absorption by the Mississippi  
2695 Achievement School District. Use of facilities by a school or  
2696 district in the Mississippi Achievement School District must be  
2697 unrestricted and free of charge. However, the Mississippi  
2698 Achievement School District shall be responsible for providing  
2699 routine maintenance and repairs necessary to maintain the  
2700 facilities in as good a condition as when the right of use was  
2701 acquired by the Mississippi Achievement School District. The  
2702 Mississippi Achievement School District shall be responsible for  
2703 paying all utilities at the facilities used for the absorbed  
2704 school. Any fixtures, improvements and tangible assets added to a  
2705 school building or facility by the Mississippi Achievement School  
2706 District must remain at the school or district building or  
2707 facility if the school or district is returned to local  
2708 governance.

2709 (b) The State Board of Education shall include in the  
2710 rules and regulations adopted pursuant to subsection (5) of this  
2711 section specific provisions addressing the rights and  
2712 responsibilities of the Mississippi Achievement School District  
2713 relating to the real and personal property of a school or district  
2714 that is absorbed into the Mississippi Achievement School District.



2715           (8)   (a)   The Mississippi Achievement School District shall  
2716 certify annually to the State Board of Education in which a  
2717 Mississippi Achievement School District school or district is  
2718 located the number of students residing in the school district  
2719 which are enrolled in that school or district.

2720           (b)   Whenever an increase in funding is requested by the  
2721 school board for the support of schools within a particular school  
2722 district absorbed into the Mississippi Achievement School  
2723 District, the State Board of Education and the superintendent for  
2724 the Mississippi Achievement School District shall hold a public  
2725 meeting in the local municipality having jurisdiction of the  
2726 absorbed school district to allow input of local residents on the  
2727 matter, and subsequent to the conclusion of such meeting, the  
2728 board of the Mississippi Achievement School District shall submit  
2729 its request for ad valorem increase in dollars to the local  
2730 governing authority having jurisdiction over the absorbed school  
2731 district for approval of the request for increase in ad valorem  
2732 tax effort. In a district in which a school or schools but not  
2733 the entire district is absorbed into the Mississippi Achievement  
2734 School District, the local school district shall pay directly to  
2735 the Mississippi Achievement School District an amount for each  
2736 student enrolled in that school equal to the ad valorem tax  
2737 receipts and in-lieu payments received per pupil for the support  
2738 of the local school district in which the student resides. The  
2739 pro rata ad valorem receipts and in-lieu receipts to be



2740 transferred to the Mississippi Achievement School District shall  
2741 include all levies for the support of the local school district  
2742 under Sections 37-57-1 (local contribution to the education  
2743 funding program) and 37-57-105 (school district operational levy)  
2744 and may not include any taxes levied for the retirement of the  
2745 local school district's bonded indebtedness or short-term notes or  
2746 any taxes levied for the support of vocational-technical education  
2747 programs, unless the school or schools absorbed include a high  
2748 school at which vocational-technical education programs are  
2749 offered. In no event may the payment exceed the pro rata amount  
2750 of the local ad valorem payment to the education funding program  
2751 under Section 37-57-1 for the school district in which the student  
2752 resides. Payments made under this section by a school district to  
2753 the Mississippi Achievement School District must be made before  
2754 the expiration of three (3) business days after the funds are  
2755 distributed to the local school district by the tax collector.

2756 (c) If an entire school district is absorbed into the  
2757 Mississippi Achievement School District, the tax collector shall  
2758 pay the amounts as described in paragraph (b) of this subsection,  
2759 with the exception that all funds should transfer, including taxes  
2760 levied for the retirement of the local school district's bonded  
2761 indebtedness or short-term notes and any taxes levied for the  
2762 support of vocational-technical education programs. The  
2763 Mississippi Achievement School District shall pay funds raised to





2764 retire the district's debts to the appropriate creditors on behalf  
2765 of the former district.

2766           (9) (a) The State Department of Education shall make  
2767 payments to the Mississippi Achievement School District for each  
2768 student in average daily membership at a Mississippi Achievement  
2769 School District school equal to the state share of the education  
2770 funding program payments for each student in average daily  
2771 attendance at the local school district or former local school  
2772 district in which that school is located. In calculating the  
2773 local contribution for purposes of determining the state share of  
2774 the education funding program payments, the department shall  
2775 deduct the pro rata local contribution of the school district or  
2776 former school district in which the student resides, to be  
2777 determined as provided in Section 37-151-7(2) (a).

2778           (b) Payments made pursuant to this subsection by the  
2779 State Department of Education must be made at the same time and in  
2780 the same manner as education funding program payments are made to  
2781 all other school districts under Sections 37-151-101 and  
2782 37-151-103. Amounts payable to the Mississippi Achievement School  
2783 District must be determined by the State Department of Education  
2784 in the same manner that such amounts are calculated for all other  
2785 school districts under the education funding program.

2786           (10) The Mississippi Achievement School District shall be  
2787 considered a local educational agency for the same purposes and to



2788 the same extent that all other school districts in the state are  
2789 deemed local educational agencies under applicable federal laws.

2790 (11) The Mississippi Achievement School District may receive  
2791 donations or grants from any public or private source, including  
2792 any federal funding that may be available to the school district  
2793 or individual schools within the Mississippi Achievement School  
2794 District.

2795 (12) The Legislature may appropriate sufficient funding to  
2796 the State Department of Education for the 2017 fiscal year for the  
2797 specific purpose of funding the start-up, operational and any  
2798 other required costs of the Mississippi Achievement School  
2799 District during the 2017-2018 school year.

2800 **SECTION 23.** Section 37-18-1, Mississippi Code of 1972, is  
2801 brought forward as follows:

2802 37-18-1. (1) The State Board of Education shall establish,  
2803 design and implement a Superior-Performing Schools Program and an  
2804 Exemplary Schools Program for identifying and rewarding public  
2805 schools, including charter schools, that improve. The State Board  
2806 of Education shall develop rules and regulations for the program,  
2807 establish criteria and establish a process through which  
2808 Superior-Performing and Exemplary Schools will be identified and  
2809 rewarded. Upon full implementation of the statewide testing  
2810 program, Superior-Performing, Exemplary or School At-Risk  
2811 designation shall be made by the State Board of Education in  
2812 accordance with the following:



2813           (a) A growth expectation will be established by testing  
2814 students annually and, using a psychometrically approved formula,  
2815 by tracking their progress. This growth expectation will result  
2816 in a composite score each year for each school.

2817           (b) A determination will be made as to the percentage  
2818 of students proficient in each school. This measurement will  
2819 define what a student must know in order to be deemed proficient  
2820 at each grade level and will clearly show how well a student is  
2821 performing. The definition of proficiency shall be developed for  
2822 each grade, based on a demonstrated range of performance in  
2823 relation to content as reflected in the Mississippi Curriculum  
2824 Frameworks. This range of performance must be established through  
2825 a formal procedure including educators, parents, community leaders  
2826 and other stakeholders.

2827           (c) A school has the following two (2) methods for  
2828 designation as either a Superior-Performing or an Exemplary  
2829 School, to be determined on an annual basis:

2830                   (i) A school exceeds its growth expectation by a  
2831 percentage established by the State Board of Education; or

2832                   (ii) A school achieves the grade level proficiency  
2833 standard established by the State Board of Education.

2834           Any school designated as a School At-Risk which exceeds its  
2835 growth expectation by a percentage established by the State Board  
2836 of Education shall no longer be considered a School At-Risk and  
2837 shall be eligible for monetary awards under this section.



2838           (2) Superior-Performing and Exemplary Schools may apply to  
2839 the State Board of Education for monetary incentives to be used  
2840 for selected school needs, as identified by a vote of all licensed  
2841 and instructional personnel employed at the school. These  
2842 incentive funds may be used for specific school needs, including,  
2843 but not limited to:

2844           (a) Funding for professional development activities.  
2845 Staff participating in such activities will report to the school  
2846 and school district or, in the case of a charter school, the  
2847 governing board of the school about the benefits and lessons  
2848 learned from such training;

2849           (b) Technology needs;

2850           (c) Sabbaticals for teachers or administrators, or  
2851 both, to pursue additional professional development or educational  
2852 enrichment;

2853           (d) Paid professional leave;

2854           (e) Training for parents, including, but not limited  
2855 to, the following:

2856                   (i) Curriculum;

2857                   (ii) Chapter 1;

2858                   (iii) Special need students;

2859                   (iv) Student rights and responsibility;

2860                   (v) School and community relations;

2861                   (vi) Effective parenting.



2862 All funds awarded under this subsection shall be subject to  
2863 specific appropriation therefor by the Legislature.

2864 (3) The State Board of Education shall provide special  
2865 recognition to all schools receiving Superior-Performing or  
2866 Exemplary designation and, in the case of noncharter public  
2867 schools, their school districts. Examples of such recognition  
2868 include, but are not limited to: public announcements and events;  
2869 special recognition of student progress and effort; certificates  
2870 of recognition and plaques for teachers, principals,  
2871 superintendents, support and classified personnel and parents; and  
2872 media announcements utilizing the services of Mississippi  
2873 Educational Television.

2874 (4) The State Department of Education may benefit from the  
2875 use of growth expectation measurements under this section in  
2876 making evaluations under Section 37-19-9.

2877 **SECTION 24.** Section 37-18-3, Mississippi Code of 1972, is  
2878 brought forward as follows:

2879 37-18-3. (1) Upon full implementation of the statewide  
2880 testing programs developed by the State Board of Education  
2881 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, not  
2882 later than December 31, 2002, the board shall establish for those  
2883 individual schools failing to meet accreditation standards  
2884 established under this chapter for Schools At-Risk, a program of  
2885 development to be complied with in order to receive state funds.  
2886 The Legislature shall, subject to the availability of funds,



2887 annually appropriate adequate funds to implement the provisions of  
2888 this chapter. The State Board of Education may, in its  
2889 discretion, assess local school districts for the costs of  
2890 implementing the provisions of this chapter.

2891 (2) Following a thorough analysis of school data each year,  
2892 the State Department of Education shall identify those schools  
2893 that are deficient in educating students and are in need of  
2894 improvement. This analysis shall measure the individual school  
2895 performance by determining if a school met its assigned yearly  
2896 growth expectation and by determining what percentage of the  
2897 students in the school are proficient. A school shall be  
2898 identified as a School At-Risk and in need of assistance if the  
2899 school: (a) does not meet its growth expectation and has a  
2900 percentage of students functioning below grade level, as  
2901 designated by the State Board of Education; (b) is designated as a  
2902 Level 1 school, or other future comparable performance designation  
2903 by the State Board of Education; or (c) is designated as a Level 2  
2904 school, or other future comparable performance designation by the  
2905 State Board of Education, for two (2) consecutive years.

2906 (3) Within fifteen (15) days after a School At-Risk has been  
2907 identified, written notice shall be sent by the State Board of  
2908 Education by certified mail to both the school principal and the  
2909 local board of education. Within fifteen (15) days after  
2910 notification the State Board of Education shall assign an  
2911 evaluation team to the school, subject to the availability of



2912 funding. The evaluation team shall be independent of the school  
2913 being evaluated and may include employees of the State Department  
2914 of Education. The team may include retired educators who have met  
2915 certain standards and have completed all necessary training.

2916 (4) An approved evaluation team shall have the following  
2917 powers and duties:

2918 (a) The evaluation team may request any financial  
2919 documentation that it deems necessary, and the School At-Risk,  
2920 with the assistance and cooperation of the school district central  
2921 office, shall submit such requested financial information to the  
2922 evaluation team.

2923 (b) The evaluation team shall analyze the School  
2924 At-Risk data to determine probable areas of weakness before  
2925 conducting an on-site audit. The evaluation team shall proceed to  
2926 conduct an on-site audit and shall prepare an evaluation report.  
2927 If necessary, the evaluation team may request additional  
2928 individuals in specialty areas to participate as team members in  
2929 preparing the evaluation. After completing the evaluation of the  
2930 School At-Risk, the team shall prepare and adopt its school  
2931 evaluation report, which shall be submitted to the State  
2932 Superintendent of Public Education for approval within ninety (90)  
2933 calendar days. The school evaluation report shall identify any  
2934 personnel who were found by the evaluation team to be in need of  
2935 improvement and need to participate in a professional development  
2936 plan. Evaluation instruments used to evaluate teachers,



2937 principals, superintendents or any other certified or classified  
2938 personnel will be instruments which have been validated for such  
2939 purposes.

2940 (5) Following the approval of the evaluation report by the  
2941 State Superintendent of Public Education, a representative of the  
2942 State Superintendent of Public Education and the evaluation team  
2943 leader shall present the evaluation report to the principal of the  
2944 School At-Risk and to the superintendent and school board members  
2945 of the local school district. Following this presentation, the  
2946 evaluation report shall be presented to the community served by  
2947 the School At-Risk at an advertised public meeting.

2948 **SECTION 25.** Section 37-18-7, Mississippi Code of 1972, is  
2949 brought forward as follows:

2950 37-18-7. (1) As part of the school improvement plan for a  
2951 School At-Risk, a professional development plan shall be prepared  
2952 for those school administrators, teachers or other employees who  
2953 are identified by the evaluation team as needing improvement. The  
2954 State Department of Education shall assist the School At-Risk in  
2955 identifying funds necessary to fully implement the school  
2956 improvement plan.

2957 (2) In the event a school continues to be designated a  
2958 School At-Risk after three (3) years of implementing a school  
2959 improvement plan, or in the event that more than fifty percent  
2960 (50%) of the schools within the school district are designated as  
2961 Schools At-Risk in any one (1) year, the State Board of Education





2962 may request that the Governor declare a state of emergency in that  
2963 school district. Upon the declaration of the state of emergency  
2964 by the Governor, the State Board of Education may take all such  
2965 action for dealing with school districts as is authorized under  
2966 subsection (12) or (15) of Section 37-17-6, including the  
2967 appointment of an interim superintendent.

2968         **SECTION 26.** Section 37-19-10, Mississippi Code of 1972, is  
2969 brought forward as follows:

2970             37-19-10. (1) The Legislature finds that there is a need  
2971 for a performance incentive program for outstanding teachers and  
2972 staff in highly productive schools.

2973             (2) Beginning with the 2016-2017 school year, the School  
2974 Recognition Program is created to provide financial awards to  
2975 public schools that:

2976                 (a) Sustain high performance by earning a school  
2977 accountability rating of "A" which shall be funded at One Hundred  
2978 Dollars (\$100.00) per pupil in average daily attendance;

2979                 (b) Sustain high performance by earning a school  
2980 accountability rating of "B" which shall be funded at Seventy-five  
2981 Dollars (\$75.00) per pupil in average daily attendance; or

2982                 (c) Demonstrate exemplary performance by improving at  
2983 least one (1) letter grade, which shall be funded at One Hundred  
2984 Dollars (\$100.00) per pupil in average daily attendance.



2985 (3) All public schools, including charter schools, earning  
2986 the appropriate school rating are eligible to participate in the  
2987 program.

2988 (4) School recognition awards must be used for nonrecurring  
2989 salary supplements to the teachers and staff employed in the  
2990 school receiving the financial award. Any nonrecurring salary  
2991 supplements paid to teachers and staff shall be prospective, shall  
2992 be paid over the remainder of the year, and shall not be  
2993 considered part of the local supplement. For contracted  
2994 individuals, there shall be an amendment to the existing contract.

2995 (5) School recognition awards shall not be used for  
2996 administrators.

2997 (6) There is hereby created in the State Treasury, the  
2998 School Recognition Program Fund which shall be used by the State  
2999 Department of Education, depending on the availability of funds as  
3000 appropriated, to provide financial awards to schools under this  
3001 section. It shall be the duty of the State Department of  
3002 Education to file with the State Treasurer and the State Fiscal  
3003 Officer such data and information as may be required to enable the  
3004 said State Treasurer and State Fiscal Officer to distribute the  
3005 School Recognition Program Funds by electronic funds transfer to  
3006 the several school districts at the time required and provided  
3007 under the provisions of this section. Such data and information  
3008 so filed shall show in detail the amount of funds to which each  
3009 school district is entitled from the School Recognition Program



3010 Fund. Such data and information so filed may be revised from time  
3011 to time as necessitated by law. At the time provided by law, the  
3012 State Treasurer and the State Fiscal Officer shall distribute to  
3013 the several school districts the amounts to which they are  
3014 entitled from the School Recognition Program Fund as provided by  
3015 this section. Such distribution shall be made by electronic funds  
3016 transfer to the depositories of the several school districts  
3017 designated in writing to the State Treasurer based upon the data  
3018 and information supplied by the State Department of Education for  
3019 such distribution. In such instances, the State Treasurer shall  
3020 submit a request for an electronic funds transfer to the State  
3021 Fiscal Officer, which shall set forth the purpose, amount and  
3022 payees, and shall be in such form as may be approved by the State  
3023 Fiscal Officer so as to provide the necessary information as would  
3024 be required for a requisition and issuance of a warrant. A copy  
3025 of the record of said electronic funds transfers shall be  
3026 transmitted by the school district depositories to the Treasurer,  
3027 who shall file duplicates with the State Fiscal Officer. The  
3028 Treasurer and State Fiscal Officer shall jointly promulgate  
3029 regulations for the utilization of electronic funds transfers to  
3030 school districts from the School Recognition Program Fund.

3031 (7) It is the intent of the Legislature to develop a plan to  
3032 reward high-performing teachers in schools with an accountability  
3033 rating of "C," "D" and "F" by July 1, 2016.



3034           **SECTION 27.** Section 37-23-1, Mississippi Code of 1972, is  
3035 brought forward as follows:

3036           37-23-1. The purpose of Sections 37-23-1 through 37-23-159  
3037 is to mandate free appropriate public educational services and  
3038 equipment for exceptional children in the age range three (3)  
3039 through twenty (20) for whom the regular school programs are not  
3040 adequate and to provide, on a permissive basis, a free appropriate  
3041 public education, as a part of the state's early intervention  
3042 system in accordance with regulations developed in collaboration  
3043 with the agency designated as "lead agency" under Part C of the  
3044 Individuals with Disabilities Education Act. The portion of the  
3045 regulations developed in collaboration with the lead agency which  
3046 are necessary to implement the programs under the authority of the  
3047 State Board of Education shall be presented to the State Board of  
3048 Education for adoption. This specifically includes, but shall not  
3049 be limited to, provision for day schools for the deaf and blind of  
3050 an age under six (6) years, where early training is in accordance  
3051 with the most advanced and best approved scientific methods of  
3052 instruction, always taking into consideration the best interests  
3053 of the child and his improvement at a time during which he is most  
3054 susceptible of improvement. Educational programs to exceptional  
3055 children under the age of three (3) years shall be eligible for  
3056 adequate education program funds.



3057 All references in the laws of this state to the "Individuals  
3058 with Disabilities Education Act" or to the "IDEA" shall be  
3059 construed to include any subsequent amendments to that act.

3060 The educational programs and services provided for  
3061 exceptional children in Sections 37-23-1 through 37-23-15,  
3062 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77  
3063 shall be designed to provide individualized appropriate special  
3064 education and related services that enable a child to reach his or  
3065 her appropriate and uniquely designed goals for success. The  
3066 State Board of Education shall establish an accountability system  
3067 for special education programs and students with disabilities.  
3068 The system shall establish accountability standards for services  
3069 provided to improve the educational skills designed to prepare  
3070 children for life after their years in school. These standards  
3071 shall be a part of the accreditation system and shall be  
3072 implemented before July 1, 1996.

3073 The State Department of Education shall establish goals for  
3074 the performance of children with disabilities that will promote  
3075 the purpose of IDEA and are consistent, to the maximum extent  
3076 appropriate, with other goals and standards for children  
3077 established by the State Department of Education. Performance  
3078 indicators used to assess progress toward achieving those goals  
3079 that, at a minimum, address the performance of children with  
3080 disabilities on assessments, drop-out rates, and graduation rates  
3081 shall be developed. Every two (2) years, the progress toward



3082 meeting the established performance goals shall be reported to the  
3083 public.

3084         **SECTION 28.** Section 37-28-7, Mississippi Code of 1972, is  
3085 brought forward as follows:

3086             37-28-7. (1) There is created the Mississippi Charter  
3087 School Authorizer Board as a state agency with exclusive  
3088 chartering jurisdiction in the State of Mississippi. Unless  
3089 otherwise authorized by law, no other governmental agency or  
3090 entity may assume any charter authorizing function or duty in any  
3091 form.

3092             (2) (a) The mission of the Mississippi Charter School  
3093 Authorizer Board is to authorize high-quality charter schools,  
3094 particularly schools designed to expand opportunities for  
3095 underserved students, consistent with the purposes of this  
3096 chapter. Subject to the restrictions and conditions prescribed in  
3097 this subsection, the Mississippi Charter School Authorizer Board  
3098 may authorize charter schools within the geographical boundaries  
3099 of any school district.

3100             (b) The Mississippi Charter School Authorizer Board may  
3101 approve a maximum of fifteen (15) qualified charter applications  
3102 during a fiscal year.

3103             (c) In any school district designated as an "A," "B" or  
3104 "C" school district by the State Board of Education under the  
3105 accreditation rating system at the time of application, the  
3106 Mississippi Charter School Authorizer Board may authorize charter



3107 schools only if a majority of the members of the local school  
3108 board votes at a public meeting to endorse the application or to  
3109 initiate the application on its own initiative.

3110 (3) The Mississippi Charter School Authorizer Board shall  
3111 consist of seven (7) members, to be appointed as follows:

3112 (a) Three (3) members appointed by the Governor, with  
3113 one (1) member being from each of the Mississippi Supreme Court  
3114 Districts.

3115 (b) Three (3) members appointed by the Lieutenant  
3116 Governor, with one (1) member being from each of the Mississippi  
3117 Supreme Court Districts.

3118 (c) One (1) member appointed by the State  
3119 Superintendent of Public Education.

3120 All appointments must be made with the advice and consent of  
3121 the Senate. In making the appointments, the appointing authority  
3122 shall ensure diversity among members of the Mississippi Charter  
3123 School Authorizer Board.

3124 (4) Members appointed to the Mississippi Charter School  
3125 Authorizer Board collectively must possess strong experience and  
3126 expertise in public and nonprofit governance, management and  
3127 finance, public school leadership, assessment, curriculum and  
3128 instruction, and public education law. Each member of the  
3129 Mississippi Charter School Authorizer Board must have demonstrated  
3130 an understanding of and commitment to charter schooling as a  
3131 strategy for strengthening public education.



3132 (5) To establish staggered terms of office, the initial term  
3133 of office for the three (3) Mississippi Charter School Authorizer  
3134 Board members appointed by the Governor shall be four (4) years  
3135 and thereafter shall be three (3) years; the initial term of  
3136 office for the three (3) members appointed by the Lieutenant  
3137 Governor shall be three (3) years and thereafter shall be three  
3138 (3) years; and the initial term of office for the member appointed  
3139 by the State Superintendent of Public Education shall be two (2)  
3140 years and thereafter shall be three (3) years. No member may  
3141 serve more than two (2) consecutive terms. The initial  
3142 appointments must be made before September 1, 2013.

3143 (6) The Mississippi Charter School Authorizer Board shall  
3144 meet as soon as practical after September 1, 2013, upon the call  
3145 of the Governor, and shall organize for business by selecting a  
3146 chairman and adopting bylaws. Subsequent meetings shall be called  
3147 by the chairman.

3148 (7) An individual member of the Mississippi Charter School  
3149 Authorizer Board may be removed by the board if the member's  
3150 personal incapacity renders the member incapable or unfit to  
3151 discharge the duties of the office or if the member is absent from  
3152 a number of meetings of the board, as determined and specified by  
3153 the board in its bylaws. Whenever a vacancy on the Mississippi  
3154 Charter School Authorizer Board exists, the original appointing  
3155 authority shall appoint a member for the remaining portion of the  
3156 term.





3157 (8) No member of the Mississippi Charter School Authorizer  
3158 Board or employee, agent or representative of the board may serve  
3159 simultaneously as an employee, trustee, agent, representative,  
3160 vendor or contractor of a charter school authorized by the board.

3161 (9) The Mississippi Charter School Authorizer Board shall  
3162 appoint an individual to serve as the Executive Director of the  
3163 Mississippi Charter School Authorizer Board. The executive  
3164 director shall possess the qualifications established by the board  
3165 which are based on national best practices, and shall possess an  
3166 understanding of state and federal education law. The executive  
3167 director, who shall serve at the will and pleasure of the board,  
3168 shall devote his full time to the proper administration of the  
3169 board and the duties assigned to him by the board and shall be  
3170 paid a salary established by the board, subject to the approval of  
3171 the State Personnel Board. Subject to the availability of  
3172 funding, the executive director may employ such administrative  
3173 staff as may be necessary to assist the director and board in  
3174 carrying out the duties and directives of the Mississippi Charter  
3175 School Authorizer Board.

3176 (10) The Mississippi Charter School Authorizer Board is  
3177 authorized to obtain suitable office space for administrative  
3178 purposes. In acquiring a facility or office space, the authorizer  
3179 board shall adhere to all policies and procedures required by the  
3180 Department of Finance and Administration and the Public  
3181 Procurement Review Board.



3182           **SECTION 29.** Section 37-28-23, Mississippi Code of 1972, is  
3183 brought forward as follows:

3184           37-28-23. (1) A charter school must be open to:

3185                   (a) Any student residing in the geographical boundaries  
3186 of the school district in which the charter school is located; and

3187                   (b) Any student who resides in the geographical  
3188 boundaries of a school district that was rated "C," "D" or "F" at  
3189 the time the charter school was approved by the authorizer board,  
3190 or who resides in the geographical boundaries of a school district  
3191 rated "C," or "D" or "F" at the time the student enrolls.

3192           (2) A school district may not require any student enrolled  
3193 in the school district to attend a charter school.

3194           (3) Except as otherwise provided under subsection (8) (d) of  
3195 this section, a charter school may not limit admission based on  
3196 ethnicity, national origin, religion, gender, income level,  
3197 disabling condition, proficiency in the English language, or  
3198 academic or athletic ability.

3199           (4) A charter school may limit admission to students within  
3200 a given age group or grade level, including pre-kindergarten  
3201 students, and may be organized around a special emphasis, theme or  
3202 concept as stated in the school's application.

3203           (5) The underserved student composition of a charter  
3204 school's enrollment collectively must reflect that of students of  
3205 all ages attending the school district in which the charter school  
3206 is located, to be defined for the purposes of this chapter as



3207 being at least eighty percent (80%) of that population. If the  
3208 underserved student composition of an applicant's or charter  
3209 school's enrollment is less than eighty percent (80%) of the  
3210 enrollment of students of all ages in the school district in which  
3211 the charter school is located, despite the school's best efforts,  
3212 the authorizer must consider the applicant's or charter school's  
3213 recruitment efforts and the underserved student composition of the  
3214 applicant pool in determining whether the applicant or charter  
3215 school is operating in a nondiscriminatory manner. A finding by  
3216 the authorizer that a charter school is operating in a  
3217 discriminatory manner justifies the revocation of a charter.

3218 (6) A charter school must enroll all students who wish to  
3219 attend the school unless the number of students exceeds the  
3220 capacity of a program, class, grade level or building.

3221 (7) If capacity is insufficient to enroll all students who  
3222 wish to attend the school based on initial application, the  
3223 charter school must select students through a lottery.

3224 (8) (a) Any noncharter public school or part of a  
3225 noncharter public school converting to a charter school shall  
3226 adopt and maintain a policy giving an enrollment preference to  
3227 students who reside within the former attendance area of that  
3228 public school. If the charter school has excess capacity after  
3229 enrolling students residing within the former attendance area of  
3230 the school, students outside of the former attendance area of the  
3231 school, but within the geographical boundaries of the school



3232 district in which the charter school is located, are eligible for  
3233 enrollment. If the number of students applying for admission  
3234 exceeds the capacity of a program, class, grade level or building  
3235 of the charter school, the charter school must admit students on  
3236 the basis of a lottery.

3237 (b) A charter school must give an enrollment preference  
3238 to students enrolled in the charter school during the preceding  
3239 school year and to siblings of students already enrolled in the  
3240 charter school. An enrollment preference for returning students  
3241 excludes those students from entering into a lottery.

3242 (c) A charter school may give an enrollment preference  
3243 to children of the charter school's applicant, governing board  
3244 members and full-time employees, so long as those children  
3245 constitute no more than ten percent (10%) of the charter school's  
3246 total student population.

3247 (d) A charter school shall give an enrollment  
3248 preference to underserved children as defined in Section 37-28-5  
3249 to ensure the charter school meets its required underserved  
3250 student composition.

3251 (e) This section does not preclude the formation of a  
3252 charter school whose mission is focused on serving students with  
3253 disabilities, students of the same gender, students who pose such  
3254 severe disciplinary problems that they warrant a specific  
3255 educational program, or students who are at risk of academic  
3256 failure. If capacity is insufficient to enroll all students who



3257 wish to attend the school, the charter school must select students  
3258 through a lottery.

3259           **SECTION 30.** Section 37-28-33, Mississippi Code of 1972, is  
3260 brought forward as follows:

3261           37-28-33. (1) A charter may be renewed for successive  
3262 five-year terms of duration. The authorizer may grant renewal  
3263 with specific conditions for necessary improvements to a charter  
3264 school and may lessen the renewal term based on the performance,  
3265 demonstrated capacities and particular circumstances of each  
3266 charter school.

3267           (2) Before September 30, the authorizer shall issue a  
3268 charter school performance report and charter renewal application  
3269 guidance to any charter school whose charter will expire the  
3270 following year. The performance report must summarize the charter  
3271 school's performance record to date, based on the data required by  
3272 this chapter and the charter contract, and must provide notice of  
3273 any weaknesses or concerns perceived by the authorizer which may  
3274 jeopardize the charter school's position in seeking renewal if not  
3275 timely rectified. The charter school must respond and submit any  
3276 corrections or clarifications for the performance report within  
3277 ninety (90) days after receiving the report.

3278           (3) The charter renewal application guidance must provide,  
3279 at a minimum, an opportunity for the charter school to:



3280 (a) Present additional evidence, beyond the data  
3281 contained in the performance report, supporting its case for  
3282 charter renewal;

3283 (b) Describe improvements undertaken or planned for the  
3284 school; and

3285 (c) Detail the school's plans for the next charter  
3286 term.

3287 (4) The charter renewal application guidance must include or  
3288 refer explicitly to the criteria that will guide the authorizer's  
3289 renewal decision, which must be based on the performance framework  
3290 set forth in the charter contract and consistent with this  
3291 chapter.

3292 (5) Before February 1, the governing board of a charter  
3293 school seeking renewal shall submit a renewal application to the  
3294 authorizer pursuant to the charter renewal application guidance  
3295 issued by the authorizer. The authorizer shall adopt a resolution  
3296 ruling on the renewal application no later than ninety (90) days  
3297 after the filing of the renewal application.

3298 (6) In making each charter renewal decision, the authorizer  
3299 must:

3300 (a) Ground its decision in evidence of the school's  
3301 performance over the term of the charter contract in accordance  
3302 with the performance framework set forth in the charter contract;

3303 (b) Ensure that data used in making the renewal  
3304 decision is available to the school and the public; and



3305 (c) Provide a public report summarizing the evidence  
3306 that is the basis for the renewal decision.

3307 (7) A charter contract must be revoked at any time or not  
3308 renewed if the authorizer determines that the charter school has  
3309 done any of the following or otherwise failed to comply with the  
3310 provisions of this chapter:

3311 (a) Committed a material and substantial violation of  
3312 any of the terms, conditions, standards or procedures required  
3313 under this chapter or the charter contract;

3314 (b) Failed to meet or make sufficient progress toward  
3315 the performance expectations set forth in the charter contract;

3316 (c) Failed to meet generally accepted standards of  
3317 fiscal management; or

3318 (d) Substantially violated any material provision of  
3319 law which is applicable to the charter school.

3320 (8) The authorizer shall develop revocation and nonrenewal  
3321 processes that:

3322 (a) Provide the governing board of a charter school  
3323 with a timely notification of the prospect of revocation or  
3324 nonrenewal and of the reasons for such possible closure;

3325 (b) Allow the governing board a reasonable amount of  
3326 time in which to prepare a response;

3327 (c) Provide the governing board with an opportunity to  
3328 submit documents and give testimony challenging the rationale for



3329 closure and in support of the continuation of the school at an  
3330 orderly proceeding held for that purpose;

3331 (d) Allow the governing board access to representation  
3332 by counsel and to call witnesses on the school's behalf;

3333 (e) Permit the recording of such proceedings; and

3334 (f) After a reasonable period for deliberation, require  
3335 a final determination to be made and conveyed in writing to the  
3336 governing board.

3337 (9) Notwithstanding any provision to the contrary, the  
3338 authorizer may not renew the charter of any charter school that,  
3339 during the school's final operating year under the term of the  
3340 charter contract, is designated an "F" school under the school  
3341 accreditation rating system.

3342 (10) If the authorizer revokes or does not renew a charter,  
3343 the authorizer must state clearly, in a resolution of adopted by  
3344 the authorizer board, the reasons for the revocation or  
3345 nonrenewal.

3346 (11) Within ten (10) days after taking action to renew, not  
3347 renew or revoke a charter, the authorizer shall provide a report  
3348 to the charter school. The report must include a copy of the  
3349 authorizer board's resolution setting forth the action taken,  
3350 reasons for the board's decision and assurances as to compliance  
3351 with all of the requirements set forth in this chapter.

3352 **SECTION 31.** Section 37-37-13, Mississippi Code of 1972, is  
3353 brought forward as follows:





3354           37-37-13. The State Board of Education shall include  
3355 reporting standards for school districts as part of the standards  
3356 for accreditation of school districts. These standards shall  
3357 include penalties within the accreditation system for adverse  
3358 findings resulting from any reviews or audits conducted under this  
3359 chapter or through any reviews the State Department of Education  
3360 may make.

3361           **SECTION 32.** This act shall take effect and be in force from  
3362 and after July 1, 2024.

