

By: Representative Owen

To: Education

HOUSE BILL NO. 1517

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 VARIOUS
7 PROVISIONS RELATED TO SCHOOL ACCREDITATION, THE STATE SCHOOL
8 ACCOUNTABILITY MODEL AND THE ACCOUNTABILITY RATINGS OF SCHOOLS AND
9 SCHOOL DISTRICTS, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR
10 RELATED PURPOSES.

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

(i) An application on a department form;



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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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



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

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

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



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

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

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

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



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

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

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



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

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

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



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

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

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



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

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

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



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

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

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

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

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



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

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

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

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



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

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



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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

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



790 (b) Board members of the Oxford-Lafayette Business and
791 Industrial Complex shall be paid per diem and reimbursed for
792 expenses and mileage from local funds in accordance with Section
793 37-6-13.

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

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



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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



1011 Legislature seeking legislative support to achieve efficiencies in
1012 school districts. In establishing the Standing Commission on
1013 School District Efficiency the State Board of Education shall
1014 provide that the membership not be less than six (6) members. The
1015 State Board of Education shall appoint school district employees
1016 proficient in the areas of fiscal management, procurement, data
1017 processing or other fields of school business, with at least one
1018 (1) member being appointed from each congressional district. The
1019 commission shall meet on a date designated by the State
1020 Superintendent of Education and organize by selecting a chairman
1021 and adopt rules for conducting business. Members of the
1022 commission shall serve without compensation, but may be reimbursed
1023 for necessary travel expenses from any available funds for
1024 attending official meetings of the commission. The State
1025 Department of Education shall provide necessary administrative and
1026 clerical support for the functions of the commission.

1027 **SECTION 8.** Section 37-9-13, Mississippi Code of 1972, is
1028 brought forward as follows:

1029 37-9-13. (1) (a) Each school district shall have a
1030 superintendent of schools, selected in the manner provided by law.
1031 No person shall be eligible to the office of superintendent of
1032 schools unless such person shall hold a valid administrator's
1033 license issued by the State Department of Education and shall have
1034 classroom or administrative experience of not less than six (6)
1035 years which shall include at least three (3) years of



1036 administrative experience as a school building principal (a) in a
1037 school with an "A" or "B" accountability rating, or (b) in a
1038 school that increased its accountability rating by a letter grade
1039 during the period in which the principal was employed as principal
1040 at the school, or (c) in a school with comparable accountability
1041 rating or improvement in another state which shall be verified by
1042 the Mississippi Department of Education.

1043 (b) Notwithstanding the provisions of subsection (4) of
1044 this section, no person shall be eligible to the office of
1045 superintendent of schools if the person has pled guilty to or been
1046 convicted of any state or federal offense in which he or she
1047 unlawfully took, obtained or misappropriated funds received by or
1048 entrusted to the person by virtue of his or her public office or
1049 employment.

1050 (2) From and after January 1, 2019, in all public school
1051 districts, the local school board shall appoint the superintendent
1052 of schools of such district. At the expiration of the term of any
1053 county superintendent of education elected at the November 2015
1054 general election, the county superintendent of education of said
1055 county shall not be elected but shall thereafter be appointed by
1056 the local school board in the manner provided in Section 37-9-25.
1057 However, in the event that a vacancy in the office of the
1058 superintendent of schools elected at the November 2015 general
1059 election shall occur before January 1, 2019, the office of
1060 superintendent of schools shall immediately become an appointed



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

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

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

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

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



1086 (i) A requirement that the reports be listed as an
1087 agenda item for discussion at a regularly scheduled meeting of the
1088 board;

1089 (ii) A requirement that the minutes of the board
1090 meeting reflect that the reports were discussed;

1091 (iii) A requirement that each board member present
1092 be provided a copy of all required reports; and

1093 (iv) A requirement that a copy of all required
1094 reports be included in the official minutes of the board meeting
1095 at which the reports were discussed.

1096 (b) The State Board of Education is authorized to
1097 require school districts to submit any of the required reports to
1098 the State Department of Education on a basis determined by the
1099 department.

1100 (c) Failure to comply with any of the rules and
1101 regulations established by the State Board of Education with
1102 regard to reporting requirements shall constitute a violation of
1103 the Mississippi Public School Accountability Standards.

1104 (2) The State Auditor shall audit the financial records of
1105 school districts in accordance with Section 7-7-211(e). The State
1106 Auditor shall give reasonable notice to school districts regarding
1107 the times during which the State Auditor will perform such audits.
1108 In any fiscal year in which the State Auditor is not scheduled to
1109 perform an audit, the school board shall cause all the financial
1110 records of the superintendent of schools to be audited in



1111 accordance with Section 7-7-211(e). If the school board so elects
1112 by resolution adopted each year, the audit shall be performed by
1113 the State Auditor. Contracts for the audit of public school
1114 districts shall be let by the school board in the manner
1115 prescribed by the State Auditor. The audit shall be conducted in
1116 accordance with generally accepted auditing standards and
1117 generally accepted accounting principles, and the report presented
1118 thereon shall be in accordance with generally accepted accounting
1119 principles. If the Auditor's opinion on the general purpose
1120 financial statements is a disclaimer, as that term is defined by
1121 generally accepted auditing standards, or if the State Auditor
1122 determines the existence of serious financial conditions in the
1123 district, the State Auditor shall immediately notify the State
1124 Board of Education. Upon receiving the notice, the State
1125 Superintendent of Public Education shall direct the school
1126 district to immediately cease all expenditures until a financial
1127 advisor is appointed by the state superintendent. However, if the
1128 disclaimer is a result of conditions caused by Hurricane Katrina
1129 2005 and applies to fiscal years 2005 and/or 2006, then the
1130 Superintendent of Education may appoint a financial advisor, and
1131 may direct the school district to immediately cease all
1132 expenditures until a financial advisor is appointed. The
1133 financial advisor shall be an agent of the State Board of
1134 Education and shall be a certified public accountant or a
1135 qualified business officer. Unless the financial advisor is an



1136 employee of the State of Mississippi, they shall be deemed an
1137 independent contractor. The financial advisor shall, with the
1138 approval of the State Board of Education:

1139 (a) Approve or disapprove all expenditures and all
1140 financial obligations of the district;

1141 (b) Ensure compliance with any statutes and State Board
1142 of Education rules or regulations concerning expenditures by
1143 school districts;

1144 (c) Review salaries and the number of all district
1145 personnel and make recommendations to the local school board of
1146 any needed adjustments. Should such recommendations necessitate
1147 the reduction in local salary supplement, such recommended
1148 reductions shall be only to the extent which will result in the
1149 salaries being comparable to districts similarly situated, as
1150 determined by the State Board of Education. The local school
1151 board, in considering either a reduction in personnel or a
1152 reduction in local supplements, shall not be required to comply
1153 with the time limitations prescribed in Sections 37-9-15 and
1154 37-9-105 and, further, shall not be required to comply with
1155 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
1156 supplements and the number of personnel;

1157 (d) Work with the school district's business office to
1158 correct all inappropriate accounting procedures and/or uses of
1159 school district funds and to prepare the school district's budget
1160 for the next fiscal year;



1161 (e) Report frequently to the State Board of Education
1162 on the corrective actions being taken and the progress being made
1163 in the school district. The financial advisor shall serve until
1164 such time as corrective action and progress is being made in such
1165 school district as determined by the State Board of Education with
1166 the concurrence of the State Auditor, or until such time as an
1167 interim conservator is assigned to such district by the State
1168 Board of Education under Section 37-17-6. The school district
1169 shall be responsible for all expenses associated with the use of
1170 the financial advisor. If the audit report reflects a failure by
1171 the school district to meet accreditation standards, the State
1172 Board of Education shall proceed under Section 37-17-6; and

1173 (f) If a financial advisor is appointed to a school
1174 district in accordance with this subsection and it is determined
1175 by the financial advisor and/or any other official of the school
1176 district that an audit by a certified public accountant for that
1177 district was deficient in any manner, the financial advisor and/or
1178 any other official of the school district shall, within thirty
1179 (30) days, refer the matter to the State Board of Public
1180 Accountancy for follow-up and possible disciplinary action. Any
1181 disciplinary action by the State Board of Public Accountancy with
1182 regard to the certified public accountant shall, within thirty
1183 (30) days after notifying such certified public accountant, be
1184 reported to the Office of State Auditor.



1185 (3) (a) When conducting an audit of a public school
1186 district, the State Auditor shall test to insure that the school
1187 district is complying with the requirements of Section
1188 37-61-33(3)(a)(iii) relating to classroom supply funds. The audit
1189 must include a report of all classroom supply funds carried over
1190 from previous years. Based upon the audit report, the State
1191 Auditor shall compile a report on the compliance or noncompliance
1192 by all school districts with the requirements of Section
1193 37-61-33(3)(a)(iii), which report must be submitted to the
1194 Chairmen of the Education and Appropriations Committees of the
1195 House of Representatives and Senate.

1196 (b) When conducting an audit of a public school
1197 district, the State Auditor shall test to insure correct and
1198 appropriate coding at the function level. The audit must include
1199 a report showing correct and appropriate functional level
1200 expenditure codes in expenditures by the school district.
1201 Compliance standards for this audit provision shall be established
1202 by the Office of the State Auditor. Based upon the audit report,
1203 the State Auditor shall compile a report on the compliance or
1204 noncompliance by all public school districts with correct and
1205 appropriate coding at the function level, which report must be
1206 submitted to the Chairmen of the Education and Appropriations
1207 Committees of the House of Representatives and Senate.

1208 (4) In the event the State Auditor does not perform the
1209 audit examination, then the audit report of the school district



1210 shall be reviewed by the State Auditor for compliance with
1211 applicable state laws before final payment is made on the audit by
1212 the school board. All financial records, books, vouchers,
1213 cancelled checks and other financial records required by law to be
1214 kept and maintained in the case of municipalities shall be
1215 faithfully kept and maintained in the office of the superintendent
1216 of schools under the same provisions and penalties provided by law
1217 in the case of municipal officials.

1218 **SECTION 10.** Section 37-11-64, Mississippi Code of 1972, is
1219 brought forward as follows:

1220 37-11-64. (1) No school board member, school
1221 superintendent, assistant superintendent, principal, guidance
1222 counselor, other teachers, coaches, or other administrative staff
1223 members of the school or the central staff of a local school board
1224 shall attempt, directly or indirectly, to change, alter, or
1225 otherwise affect the grade received by a student from his teacher
1226 except as otherwise specifically allowed by this section.

1227 (2) (a) A teacher's determination of a student's grade as a
1228 measure of the academic achievement or proficiency of the student
1229 shall not be altered or changed in any manner by any school
1230 official or employee other than the teacher except as provided in
1231 this subsection.

1232 (b) A school official or employee having authority
1233 provided under formally adopted written rules and procedures
1234 adopted by the local school board to change a student's grade can



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

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

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

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

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



1260 participating schools district shall be accredited by the Southern
1261 Association of Colleges and Schools as an indicator of quality
1262 instructional programming.

1263 (3) The pilot program shall provide at least the following:

1264 (a) Facilities that are easily accessible to the
1265 students being served;

1266 (b) Flexible scheduling, including at least two (2)
1267 different program schedules;

1268 (c) Differentiated instruction that shall include
1269 individualized, group and online instructional components;

1270 (d) The capacity for assessing, recording and
1271 responding to the students' academic progress on a daily basis
1272 using assessments that are aligned with state and local standards
1273 and requirements;

1274 (e) A focus on serving a defined population of at-risk
1275 students who have dropped out or are likely to drop out of school
1276 in the foreseeable future without some type of intervention;

1277 (f) Support services, including social workers and
1278 crisis intervention professionals who are trained to assist
1279 students in removing barriers to attending school and graduating;

1280 (g) Vocational technology and other instructional
1281 models that are self-paced and mastery-based; and

1282 (h) Individualized graduation plans to guide students
1283 to graduation with a standard high school diploma.



1284 (4) Before the State Board of Education approves an
1285 applicant as an education partner, the applicant must demonstrate
1286 the following:

1287 (a) A history providing dropout recovery services to
1288 high school students in public schools;

1289 (b) At least two (2) years of relevant experience
1290 operating and providing services to brick-and-mortar public
1291 schools;

1292 (c) At least two (2) years of relevant experience
1293 providing comprehensive online learning or vocational technology
1294 programs;

1295 (d) Relevant experience serving diverse student
1296 populations, including socioeconomically disadvantaged students;

1297 (e) An explanation of the steps taken by the applicant
1298 to ensure that its proposed instructional content is aligned with
1299 state standards;

1300 (f) A plan for the recruitment and hiring of
1301 state-certified teachers, including hiring criteria;

1302 (g) A plan for the recruitment and hiring of qualified
1303 administrators, including hiring criteria;

1304 (h) A detailed description of the applicant's plan to
1305 work with the participating local school districts and the State
1306 Board of Education to identify students who need to be served, to
1307 reengage those students, and to provide alternative education
1308 options for students at risk of dropping out. Students at risk of



1309 dropping out from their current schools may be transferred into
1310 the pilot program; and

1311 (i) An operational plan that includes the following:

1312 (i) The number and physical location of proposed
1313 sites and a list of the equipment required;

1314 (ii) A proposed program calendar and daily
1315 schedule and an explanation of how the calendar and schedule meet
1316 the needs of prospective students. The schedule must include at
1317 least four (4) hours per school day of on-site learning at a
1318 physical location;

1319 (iii) The student-to-teacher ratio;

1320 (iv) A description of each of the instructional
1321 methods to be used and number of hours per day for each method;

1322 (v) A plan for differentiated instruction that
1323 must include individualized, group, and online instructional
1324 components;

1325 (vi) Capacity for assessing, recording, and
1326 responding to students' academic progress on a daily basis using
1327 standard assessments;

1328 (vii) A detailed one-year budget;

1329 (viii) A system of competency-based credit; and

1330 (ix) A plan for aggregation and reporting of
1331 student performance data and reporting of financial activity.

1332 (5) (a) The State Board of Education shall develop and
1333 implement an alternative student performance accountability method



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

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

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

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



1358 (a) Any compulsory-school-age child who has been
1359 suspended for more than ten (10) days or expelled from school,
1360 except for any student expelled for possession of a weapon or
1361 other felonious conduct;

1362 (b) Any compulsory-school-age child referred to such
1363 alternative school based upon a documented need for placement in
1364 the alternative school program by the parent, legal guardian or
1365 custodian of such child due to disciplinary problems;

1366 (c) Any compulsory-school-age child referred to such
1367 alternative school program by the dispositive order of a
1368 chancellor or youth court judge, with the consent of the
1369 superintendent of the child's school district;

1370 (d) Any compulsory-school-age child whose presence in
1371 the classroom, in the determination of the school superintendent
1372 or principal, is a disruption to the educational environment of
1373 the school or a detriment to the interest and welfare of the
1374 students and teachers of such class as a whole; and

1375 (e) No school district is required to place a child
1376 returning from out-of-home placement in the mental health,
1377 juvenile justice or foster care system in alternative school.
1378 Placement of a child in the alternative school shall be done
1379 consistently, and for students identified under the Individuals
1380 with Disabilities Education Act (IDEA), shall adhere to the
1381 requirements of the Individuals with Disabilities Education
1382 Improvement Act of 2004. If a school district chooses to place a



1383 child in alternative school the district will make an individual
1384 assessment and evaluation of that child in the following time
1385 periods:

1386 (i) Five (5) days for a child transitioning from a
1387 group home, mental health care system, and/or the custody of the
1388 Department of Human Services, Division of Youth and Family
1389 Services;

1390 (ii) Ten (10) days for a child transitioning from
1391 a dispositional placement order by a youth court pursuant to
1392 Section 43-21-605; and

1393 (iii) An individualized assessment for youth
1394 transitioning from out-of-home placement to the alternative school
1395 shall include:

- 1396 1. A strength needs assessment.
- 1397 2. A determination of the child's academic
1398 strengths and deficiencies.
- 1399 3. A proposed plan for transitioning the
1400 child to a regular education placement at the earliest possible
1401 date.

1402 (2) The principal or program administrator of any such
1403 alternative school program shall require verification from the
1404 appropriate guidance counselor of any such child referred to the
1405 alternative school program regarding the suitability of such child
1406 for attendance at the alternative school program. Before a
1407 student may be removed to an alternative school education program,



1408 the superintendent of the student's school district must determine
1409 that the written and distributed disciplinary policy of the local
1410 district is being followed. The policy shall include standards
1411 for:

1412 (a) The removal of a student to an alternative
1413 education program that will include a process of educational
1414 review to develop the student's individual instruction plan and
1415 the evaluation at regular intervals of the student's educational
1416 progress; the process shall include classroom teachers and/or
1417 other appropriate professional personnel, as defined in the
1418 district policy, to ensure a continuing educational program for
1419 the removed student;

1420 (b) The duration of alternative placement; and

1421 (c) The notification of parents or guardians, and their
1422 appropriate inclusion in the removal and evaluation process, as
1423 defined in the district policy. Nothing in this paragraph should
1424 be defined in a manner to circumvent the principal's or the
1425 superintendent's authority to remove a student to alternative
1426 education.

1427 (3) The local school board or the superintendent shall
1428 provide for the continuing education of a student who has been
1429 removed to an alternative school program.

1430 (4) A school district, in its discretion, may provide a
1431 program of High School Equivalency Diploma preparatory instruction
1432 in the alternative school program. However, any High School



1433 Equivalency Diploma preparation program offered in an alternative
1434 school program must be administered in compliance with the rules
1435 and regulations established for such programs under Sections
1436 37-35-1 through 37-35-11 and by the Mississippi Community College
1437 Board. The school district may administer the High School
1438 Equivalency Diploma Testing Program under the policies and
1439 guidelines of the Testing Service of the American Council on
1440 Education in the alternative school program or may authorize the
1441 test to be administered through the community/junior college
1442 district in which the alternative school is situated.

1443 (5) Any such alternative school program operated under the
1444 authority of this section shall meet all appropriate accreditation
1445 requirements of the State Department of Education.

1446 (6) The alternative school program may be held within such
1447 school district or may be operated by two (2) or more adjacent
1448 school districts, pursuant to a contract approved by the State
1449 Board of Education. When two (2) or more school districts
1450 contract to operate an alternative school program, the school
1451 board of a district designated to be the lead district shall serve
1452 as the governing board of the alternative school program.
1453 Transportation for students attending the alternative school
1454 program shall be the responsibility of the local school district.
1455 The expense of establishing, maintaining and operating such
1456 alternative school program may be paid from funds contributed or



1457 otherwise made available to the school district for such purpose
1458 or from local district maintenance funds.

1459 (7) The State Board of Education shall promulgate minimum
1460 guidelines for alternative school programs. The guidelines shall
1461 require, at a minimum, the formulation of an individual
1462 instruction plan for each student referred to the alternative
1463 school program and, upon a determination that it is in a student's
1464 best interest for that student to receive High School Equivalency
1465 Diploma preparatory instruction, that the local school board
1466 assign the student to a High School Equivalency Diploma
1467 preparatory program established under subsection (4) of this
1468 section. The minimum guidelines for alternative school programs
1469 shall also require the following components:

1470 (a) Clear guidelines and procedures for placement of
1471 students into alternative education programs which at a minimum
1472 shall prescribe due process procedures for disciplinary and High
1473 School Equivalency Diploma placement;

1474 (b) Clear and consistent goals for students and
1475 parents;

1476 (c) Curricula addressing cultural and learning style
1477 differences;

1478 (d) Direct supervision of all activities on a closed
1479 campus;

1480 (e) Attendance requirements that allow for educational
1481 and workforce development opportunities;



1482 (f) Selection of program from options provided by the
1483 local school district, Division of Youth Services or the youth
1484 court, including transfer to a community-based alternative school;

1485 (g) Continual monitoring and evaluation and formalized
1486 passage from one (1) step or program to another;

1487 (h) A motivated and culturally diverse staff;

1488 (i) Counseling for parents and students;

1489 (j) Administrative and community support for the
1490 program; and

1491 (k) Clear procedures for annual alternative school
1492 program review and evaluation.

1493 (8) On request of a school district, the State Department of
1494 Education shall provide the district informational material on
1495 developing an alternative school program that takes into
1496 consideration size, wealth and existing facilities in determining
1497 a program best suited to a district.

1498 (9) Any compulsory-school-age child who becomes involved in
1499 any criminal or violent behavior shall be removed from such
1500 alternative school program and, if probable cause exists, a case
1501 shall be referred to the youth court.

1502 (10) The State Board of Education shall promulgate
1503 guidelines for alternative school programs which provide broad
1504 authority to school boards of local school districts to establish
1505 alternative education programs to meet the specific needs of the
1506 school district.



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

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

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



1532 (2) A charter school authorized by the Mississippi Charter
1533 School Authorizer Board must be granted accreditation by the State
1534 Board of Education based solely on the approval of the school by
1535 the authorizer. If the authorizer, at any time, revokes a
1536 school's charter, the State Board of Education shall withdraw the
1537 accreditation of the charter school immediately.

1538 **SECTION 14.** Section 37-17-3, Mississippi Code of 1972, is
1539 brought forward as follows:

1540 37-17-3. The Commission on School Accreditation created
1541 under this section is hereby continued and reconstituted as
1542 follows:

1543 The State Board of Education shall appoint a "Commission on
1544 School Accreditation" to be composed of fifteen (15) qualified
1545 members. The membership of said commission shall be composed of
1546 the following: two (2) classroom teachers, two (2) principals of
1547 schools, one (1) administrator with expertise in special education
1548 representing exceptional schools and students, one (1)
1549 superintendent of a separate school district, one (1)
1550 superintendent of a county or other school district, one (1) local
1551 school board member from a separate school district; one (1) local
1552 school board member from a county or other school district; and
1553 six (6) members who are not actively engaged in the education
1554 profession. Members of the commission serving on July 1, 1994,
1555 shall continue to serve until their term of office expires. No
1556 new appointments shall be made until such time as the expiration



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

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



1581 37-17-5. It shall be the purpose of the Commission on School
1582 Accreditation to continually review the standards on accreditation
1583 and the enforcement thereof and to make recommendations thereon to
1584 the State Board of Education. All controversies involving the
1585 accreditation of schools shall be initially heard by a duly
1586 authorized representative of the commission before whom a complete
1587 record shall be made. After the conclusion of the hearing, the
1588 duly authorized representative of the commission shall make a
1589 recommendation to the commission as to the resolution of the
1590 controversies, and the commission, after considering the
1591 transcribed record and the recommendation of its representative,
1592 shall make its decision which becomes final unless the local
1593 school board of the school district involved shall appeal to the
1594 State Board of Education, which appeal shall be on the record
1595 previously made before the commission's representative except as
1596 may be provided by rules and regulations adopted by the State
1597 Board of Education. Such rules and regulations may provide for
1598 the submission of new factual evidence. All appeals from the
1599 State Board of Education shall be on the record and shall be filed
1600 in the Circuit Court of the First Judicial District of Hinds
1601 County, Mississippi. The commission shall select a competent and
1602 qualified court reporter to record and transcribe all hearings
1603 held before its duly authorized representative whose fees and
1604 costs of transcription shall be paid by the school district
1605 involved within forty-five (45) days after having been notified of



1606 such costs and fees by the commission. An appropriate member of
1607 the staff of the State Department of Education shall be designated
1608 by the State Superintendent of Public Education to serve as
1609 executive secretary of the commission.

1610 **SECTION 16.** Section 37-17-6, Mississippi Code of 1972, is
1611 brought forward as follows:

1612 37-17-6. (1) The State Board of Education, acting through
1613 the Commission on School Accreditation, shall establish and
1614 implement a permanent performance-based accreditation system, and
1615 all noncharter public elementary and secondary schools shall be
1616 accredited under this system.

1617 (2) School districts shall be required to provide school
1618 classroom space that is air-conditioned as a minimum requirement
1619 for accreditation.

1620 (3) (a) The State Board of Education, acting through the
1621 Commission on School Accreditation, shall require that school
1622 districts employ certified school librarians according to the
1623 following formula:

| | | |
|------|----------------------|--------------------------|
| 1624 | Number of Students | Number of Certified |
| 1625 | Per School Library | School Librarians |
| 1626 | 0 - 499 Students | 1/2 Full-time Equivalent |
| 1627 | | Certified Librarian |
| 1628 | 500 or More Students | 1 Full-time Certified |
| 1629 | | Librarian |



1630 (b) The State Board of Education, however, may increase
1631 the number of positions beyond the above requirements.

1632 (c) The assignment of certified school librarians to
1633 the particular schools shall be at the discretion of the local
1634 school district. No individual shall be employed as a certified
1635 school librarian without appropriate training and certification as
1636 a school librarian by the State Department of Education.

1637 (d) School librarians in the district shall spend at
1638 least fifty percent (50%) of direct work time in a school library
1639 and shall devote no more than one-fourth (1/4) of the workday to
1640 administrative activities that are library related.

1641 (e) Nothing in this subsection shall prohibit any
1642 school district from employing more certified school librarians
1643 than are provided for in this section.

1644 (f) Any additional millage levied to fund school
1645 librarians required for accreditation under this subsection shall
1646 be included in the tax increase limitation set forth in Sections
1647 37-57-105 and 37-57-107 and shall not be deemed a new program for
1648 purposes of the limitation.

1649 (4) [Deleted]

1650 (5) (a) The State Department of Education, acting through
1651 the Mississippi Commission on School Accreditation, shall
1652 implement a single "A" through "F" school and school district
1653 accountability system complying with applicable federal and state
1654 requirements in order to reach the following educational goals:



1655 (i) To mobilize resources and supplies to ensure
1656 that all students exit third grade reading on grade level;
1657 (ii) To reduce the student dropout rate to ten
1658 percent (10%) by 2015; and
1659 (iii) To have sixty percent (60%) of students
1660 scoring proficient and advanced on assessments.

1661 (b) The State Department of Education shall combine the
1662 state school and school district accountability system with the
1663 federal system in order to have a single system.

1664 (c) The State Department of Education shall establish
1665 five (5) performance categories ("A," "B," "C," "D" and "F") for
1666 the accountability system based on the following criteria:

1667 (i) Student Achievement: the percent of students
1668 proficient and advanced on the current state assessments;

1669 (ii) Individual student growth: the percent of
1670 students making one (1) year's progress in one (1) year's time on
1671 the state assessment, with an emphasis on the progress of the
1672 lowest twenty-five percent (25%) of students in the school or
1673 district;

1674 (iii) Four-year graduation rate: the percent of
1675 students graduating with a standard high school diploma in four
1676 (4) years, as defined by federal regulations;

1677 (iv) The system shall include the federally
1678 compliant four-year graduation rate in school and school district
1679 accountability system calculations. Graduation rate will apply to



1680 high school and school district accountability ratings as a
1681 compensatory component. The system shall discontinue the use of
1682 the High School Completer Index (HSCI);

1683 (v) The school and school district accountability
1684 system shall incorporate a standards-based growth model, in order
1685 to support improvement of individual student learning;

1686 (vi) The State Department of Education shall
1687 determine feeder patterns of schools that do not earn a school
1688 grade because the grades and subjects taught at the school do not
1689 have statewide standardized assessments needed to calculate a
1690 school grade. Upon determination of the feeder pattern, the
1691 department shall notify schools and school districts prior to the
1692 release of the school grades. Feeder schools will be assigned the
1693 accountability designation of the school to which they provide
1694 students;

1695 (vii) Standards for student, school and school
1696 district performance will be increased when student proficiency is
1697 at a seventy-five percent (75%) and/or when sixty-five percent
1698 (65%) of the schools and/or school districts are earning a grade
1699 of "B" or higher, in order to raise the standard on performance
1700 after targets are met; and

1701 (viii) The system shall include student
1702 performance on the administration of a career-readiness
1703 assessment, such as, but not limited to, the ACT WorkKeys
1704 Assessment, deemed appropriate by the State Department of



1705 Education working in coordination with the Office of Workforce
1706 Development.

1707 (6) Nothing in this section shall be deemed to require a
1708 nonpublic school that receives no local, state or federal funds
1709 for support to become accredited by the State Board of Education.

1710 (7) The State Board of Education shall create an
1711 accreditation audit unit under the Commission on School
1712 Accreditation to determine whether schools are complying with
1713 accreditation standards.

1714 (8) The State Board of Education shall be specifically
1715 authorized and empowered to withhold allocations from the total
1716 funding formula funds as provided in Sections 37-151-200 through
1717 37-151-215 to any public school district for failure to timely
1718 report student, school personnel and fiscal data necessary to meet
1719 state and/or federal requirements.

1720 (9) [Deleted]

1721 (10) The State Board of Education shall establish, for those
1722 school districts failing to meet accreditation standards, a
1723 program of development to be complied with in order to receive
1724 state funds, except as otherwise provided in subsection (15) of
1725 this section when the Governor has declared a state of emergency
1726 in a school district or as otherwise provided in Section 206,
1727 Mississippi Constitution of 1890. The state board, in
1728 establishing these standards, shall provide for notice to schools
1729 and sufficient time and aid to enable schools to attempt to meet



1730 these standards, unless procedures under subsection (15) of this
1731 section have been invoked.

1732 (11) The State Board of Education shall be charged with the
1733 implementation of the program of development in each applicable
1734 school district as follows:

1735 (a) Develop an impairment report for each district
1736 failing to meet accreditation standards in conjunction with school
1737 district officials;

1738 (b) Notify any applicable school district failing to
1739 meet accreditation standards that it is on probation until
1740 corrective actions are taken or until the deficiencies have been
1741 removed. The local school district shall develop a corrective
1742 action plan to improve its deficiencies. For district academic
1743 deficiencies, the corrective action plan for each such school
1744 district shall be based upon a complete analysis of the following:
1745 student test data, student grades, student attendance reports,
1746 student dropout data, existence and other relevant data. The
1747 corrective action plan shall describe the specific measures to be
1748 taken by the particular school district and school to improve:
1749 (i) instruction; (ii) curriculum; (iii) professional development;
1750 (iv) personnel and classroom organization; (v) student incentives
1751 for performance; (vi) process deficiencies; and (vii) reporting to
1752 the local school board, parents and the community. The corrective
1753 action plan shall describe the specific individuals responsible
1754 for implementing each component of the recommendation and how each



1755 will be evaluated. All corrective action plans shall be provided
1756 to the State Board of Education as may be required. The decision
1757 of the State Board of Education establishing the probationary
1758 period of time shall be final;

1759 (c) Offer, during the probationary period, technical
1760 assistance to the school district in making corrective actions.
1761 Subject to appropriations, the State Department of Education shall
1762 provide technical and/or financial assistance to all such school
1763 districts in order to implement each measure identified in that
1764 district's corrective action plan through professional development
1765 and on-site assistance. Each such school district shall apply for
1766 and utilize all available federal funding in order to support its
1767 corrective action plan in addition to state funds made available
1768 under this paragraph;

1769 (d) Assign department personnel or contract, in its
1770 discretion, with the institutions of higher learning or other
1771 appropriate private entities with experience in the academic,
1772 finance and other operational functions of schools to assist
1773 school districts;

1774 (e) Provide for publication of public notice at least
1775 one time during the probationary period, in a newspaper published
1776 within the jurisdiction of the school district failing to meet
1777 accreditation standards, or if no newspaper is published therein,
1778 then in a newspaper having a general circulation therein. The
1779 publication shall include the following: declaration of school



1780 system's status as being on probation; all details relating to the
1781 impairment report; and other information as the State Board of
1782 Education deems appropriate. Public notices issued under this
1783 section shall be subject to Section 13-3-31 and not contrary to
1784 other laws regarding newspaper publication.

1785 (12) (a) If the recommendations for corrective action are
1786 not taken by the local school district or if the deficiencies are
1787 not removed by the end of the probationary period, the Commission
1788 on School Accreditation shall conduct a hearing to allow the
1789 affected school district to present evidence or other reasons why
1790 its accreditation should not be withdrawn. Additionally, if the
1791 local school district violates accreditation standards that have
1792 been determined by the policies and procedures of the State Board
1793 of Education to be a basis for withdrawal of school district's
1794 accreditation without a probationary period, the Commission on
1795 School Accreditation shall conduct a hearing to allow the affected
1796 school district to present evidence or other reasons why its
1797 accreditation should not be withdrawn. After its consideration of
1798 the results of the hearing, the Commission on School Accreditation
1799 shall be authorized, with the approval of the State Board of
1800 Education, to withdraw the accreditation of a public school
1801 district, and issue a request to the Governor that a state of
1802 emergency be declared in that district.

1803 (b) (i) If the State Board of Education and the
1804 Commission on School Accreditation determine that an extreme



1805 emergency situation exists in a school district that jeopardizes
1806 the safety, security or educational interests of the children
1807 enrolled in the schools in that district and that emergency
1808 situation is believed to be related to a serious violation or
1809 violations of accreditation standards or state or federal law, the
1810 State Board of Education may request the Governor to declare a
1811 state of emergency in that school district. For purposes of this
1812 paragraph, the declarations of a state of emergency district's
1813 impairments are related to a lack of financial may include the
1814 school district's serious failure to meet minimum academic
1815 standards, as evidenced by a continued pattern of poor student
1816 performance, or impairments related to a lack of financial
1817 resources.

1818 (ii) If the State Board of Education determines
1819 that a public school or district in the state which, during each
1820 of two (2) consecutive school years or during two (2) of three (3)
1821 consecutive school years, receives an "F" designation by the State
1822 Board of Education under the accountability rating system or has
1823 been persistently failing as defined by the State Board of
1824 Education; or if the State Board of Education determines that a
1825 public school or district in the state which, during each of four
1826 (4) consecutive school years, receives a "D" or "F" designation by
1827 the State Board of Education under the accountability rating
1828 system or has been persistently failing as defined by the State
1829 Board of Education; or if more than fifty percent (50%) of the



1830 schools within a school district are designated as Schools-At-Risk
1831 in any one (1) year, then the board may place such school or
1832 district into a District of Transformation. The State Board of
1833 Education shall take over only the number of schools and districts
1834 for which it has the capacity to serve. The State Board of
1835 Education shall adopt rules and regulations governing any
1836 additional requirements for placement into a District of
1837 Transformation and the operation thereof. School districts or
1838 schools that are eligible to be placed into a District of
1839 Transformation due to poor academic performance but are not
1840 absorbed due to the capacity of the State Board of Education,
1841 shall develop and implement a district improvement plan with
1842 prescriptive guidance and support from the Mississippi Department
1843 of Education, with the goal of helping the district improve
1844 student achievement. Failure of the school board, superintendent
1845 and school district staff to implement the plan with fidelity and
1846 participate in the activities provided as support by the
1847 department shall result in the school district retaining its
1848 eligibility for placement into a District of Transformation.

1849 (iii) If the State Board of Education determined
1850 that a school district is impaired with a serious lack of
1851 financial resources, the State Board of Education may place the
1852 school district into a District of Transformation. If a school
1853 district is placed into a District of Transformation for financial
1854 reasons, the school district shall be required to reimburse the



1855 state for any costs incurred by the state on behalf of the school
1856 district.

1857 (c) Whenever the Governor declares a state of emergency
1858 in a school district in response to a request made under paragraph
1859 (a) or (b) of this subsection, or when the State Board of
1860 Education places a school district into a District of
1861 Transformation due to poor academic performance or financial
1862 reasons, the State Board of Education may take one or more of the
1863 following actions:

1864 (i) Declare a state of emergency, under which some
1865 or all of state funds can be escrowed except as otherwise provided
1866 in Section 206, Constitution of 1890, until the board determines
1867 corrective actions are being taken or the deficiencies have been
1868 removed, or that the needs of students warrant the release of
1869 funds. The funds may be released from escrow for any program
1870 which the board determines to have been restored to standard even
1871 though the state of emergency may not as yet be terminated for the
1872 district as a whole;

1873 (ii) Override any decision of the local school
1874 board or superintendent of education, or both, concerning the
1875 management and operation of the school district, or initiate and
1876 make decisions concerning the management and operation of the
1877 school district;

1878 (iii) Assign an interim superintendent, or in its
1879 discretion, contract with a private entity with experience in the



1880 academic, finance and other operational functions of schools and
1881 school districts, who will have those powers and duties prescribed
1882 in subsection (15) of this section;

1883 (iv) Grant transfers to students who attend this
1884 school district so that they may attend other accredited schools
1885 or districts in a manner that is not in violation of state or
1886 federal law;

1887 (v) For states of emergency declared under
1888 paragraph (a) only, if the accreditation deficiencies are related
1889 to the fact that the school district is too small, with too few
1890 resources, to meet the required standards and if another school
1891 district is willing to accept those students, abolish that
1892 district and assign that territory to another school district or
1893 districts. If the school district has proposed a voluntary
1894 consolidation with another school district or districts, then if
1895 the State Board of Education finds that it is in the best interest
1896 of the pupils of the district for the consolidation to proceed,
1897 the voluntary consolidation shall have priority over any such
1898 assignment of territory by the State Board of Education;

1899 (vi) For actions taken pursuant to paragraph (b)
1900 only, reduce local supplements paid to school district employees,
1901 including, but not limited to, instructional personnel, assistant
1902 teachers and extracurricular activities personnel, if the
1903 district's impairment is related to a lack of financial resources,
1904 but only to an extent that will result in the salaries being



1905 comparable to districts similarly situated, as determined by the
1906 State Board of Education;

1907 (vii) For actions taken pursuant to paragraph (b)
1908 only, the State Board of Education may take any action as
1909 prescribed in Section 37-17-13.

1910 (d) At the time that satisfactory corrective action has
1911 been taken in a school district in which a state of emergency has
1912 been declared, the State Board of Education may request the
1913 Governor to declare that the state of emergency no longer exists
1914 in the district.

1915 (e) The parent or legal guardian of a school-age child
1916 who is enrolled in a school district whose accreditation has been
1917 withdrawn by the Commission on School Accreditation and without
1918 approval of that school district may file a petition in writing to
1919 a school district accredited by the Commission on School
1920 Accreditation for a legal transfer. The school district
1921 accredited by the Commission on School Accreditation may grant the
1922 transfer according to the procedures of Section 37-15-31(1)(b).
1923 In the event the accreditation of the student's home district is
1924 restored after a transfer has been approved, the student may
1925 continue to attend the transferee school district. The per pupil
1926 amount of the total funding formula allotment for the student's
1927 home school district shall be transferred monthly to the school
1928 district accredited by the Commission on School Accreditation that
1929 has granted the transfer of the school-age child.



1930 (f) Upon the declaration of a state of emergency for
1931 any school district in which the Governor has previously declared
1932 a state of emergency, the State Board of Education may either:

1933 (i) Place the school district into district
1934 transformation, in which the school district shall remain until it
1935 has fulfilled all conditions related to district transformation.
1936 If the district was assigned an accreditation rating of "D" or "F"
1937 when placed into district transformation, the district shall be
1938 eligible to return to local control when the school district has
1939 attained a "C" rating or higher for three (3) consecutive years;

1940 (ii) Abolish the school district and
1941 administratively consolidate the school district with one or more
1942 existing school districts;

1943 (iii) Reduce the size of the district and
1944 administratively consolidate parts of the district, as determined
1945 by the State Board of Education. However, no school district
1946 which is not in district transformation shall be required to
1947 accept additional territory over the objection of the district; or

1948 (iv) Require the school district to develop and
1949 implement a district improvement plan with prescriptive guidance
1950 and support from the State Department of Education, with the goal
1951 of helping the district improve student achievement. Failure of
1952 the school board, superintendent and school district staff to
1953 implement the plan with fidelity and participate in the activities



provided as support by the department shall result in the school district retaining its eligibility for district transformation.

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, or upon the State Board of Education's placement of a school district into a District of Transformation for academic or financial reasons, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the



1979 district's impairment deficiencies, conditions of any district
1980 transformation status and corrective actions recommended and being
1981 taken. Public notices issued under this section shall be subject
1982 to Section 13-3-31 and not contrary to other laws regarding
1983 newspaper publication.

1984 Upon termination of a school district in a District of
1985 Transformation, the Commission on School Accreditation shall cause
1986 notice to be published in the school district in the same manner
1987 provided in this section, to include any or all details relating
1988 to the corrective action taken in the school district that
1989 resulted in the termination of the state of emergency.

1990 (14) The State Board of Education or the Commission on
1991 School Accreditation shall have the authority to require school
1992 districts to produce the necessary reports, correspondence,
1993 financial statements, and any other documents and information
1994 necessary to fulfill the requirements of this section.

1995 Nothing in this section shall be construed to grant any
1996 individual, corporation, board or interim superintendent the
1997 authority to levy taxes except in accordance with presently
1998 existing statutory provisions.

1999 (15) (a) Whenever the Governor declares a state of
2000 emergency in a school district in response to a request made under
2001 subsection (12) of this section, or when the State Board of
2002 Education places a school district into a District of
2003 Transformation for academic or financial reasons, the State Board



2004 of Education, in its discretion, may assign an interim
2005 superintendent to the school district, or in its discretion, may
2006 contract with an appropriate private entity with experience in the
2007 academic, finance and other operational functions of schools and
2008 school districts, who will be responsible for the administration,
2009 management and operation of the school district, including, but
2010 not limited to, the following activities:

2011 (i) Approving or disapproving all financial
2012 obligations of the district, including, but not limited to, the
2013 employment, termination, nonrenewal and reassignment of all
2014 licensed and nonlicensed personnel, contractual agreements and
2015 purchase orders, and approving or disapproving all claim dockets
2016 and the issuance of checks; in approving or disapproving
2017 employment contracts of superintendents, assistant superintendents
2018 or principals, the interim superintendent shall not be required to
2019 comply with the time limitations prescribed in Sections 37-9-15
2020 and 37-9-105;

2021 (ii) Supervising the day-to-day activities of the
2022 district's staff, including reassigning the duties and
2023 responsibilities of personnel in a manner which, in the
2024 determination of the interim superintendent, will best suit the
2025 needs of the district;

2026 (iii) Reviewing the district's total financial
2027 obligations and operations and making recommendations to the



2028 district for cost savings, including, but not limited to,
2029 reassigning the duties and responsibilities of staff;

2030 (iv) Attending all meetings of the district's
2031 school board and administrative staff;

2032 (v) Approving or disapproving all athletic, band
2033 and other extracurricular activities and any matters related to
2034 those activities;

2035 (vi) Maintaining a detailed account of
2036 recommendations made to the district and actions taken in response
2037 to those recommendations;

2038 (vii) Reporting periodically to the State Board of
2039 Education on the progress or lack of progress being made in the
2040 district to improve the district's impairments during the state of
2041 emergency; and

2042 (viii) Appointing a parent advisory committee,
2043 comprised of parents of students in the school district that may
2044 make recommendations to the interim superintendent concerning the
2045 administration, management and operation of the school district.

2046 The cost of the salary of the interim superintendent and any
2047 other actual and necessary costs related to district
2048 transformation status paid by the State Department of Education
2049 shall be reimbursed by the local school district from funds other
2050 than total funding formula funds as provided in Sections
2051 37-151-200 through 37-151-215. In the alternative, the local
2052 school district may pay the cost of the salary of the interim



superintendent. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's funding formula funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the interim superintendent assigned to the district shall remain in place for a period of two (2) years and shall work alongside the newly reconstituted school board. A new superintendent may be hired by the newly reconstituted board after the one (1) year state of emergency no longer exists, but he or she shall serve as deputy to the interim superintendent while the interim superintendent is assigned to the district.

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



2078 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
2079 year shall lapse into the State General Fund or the Education
2080 Enhancement Fund, depending on the source of the fund.

2081 The State Board of Education may loan monies from the School
2082 District Emergency Assistance Fund to a school district that is
2083 under a state of emergency or in district transformation status,
2084 in those amounts, as determined by the board, that are necessary
2085 to correct the district's impairments related to a lack of
2086 financial resources. The loans shall be evidenced by an agreement
2087 between the school district and the State Board of Education and
2088 shall be repayable in principal, without necessity of interest, to
2089 the School District Emergency Assistance Fund by the school
2090 district from any allowable funds that are available. The total
2091 amount loaned to the district shall be due and payable within five
2092 (5) years after the impairments related to a lack of financial
2093 resources are corrected. If a school district fails to make
2094 payments on the loan in accordance with the terms of the agreement
2095 between the district and the State Board of Education, the State
2096 Department of Education, in accordance with rules and regulations
2097 established by the State Board of Education, may withhold that
2098 district's total funding formula funds in an amount and manner
2099 that will effectuate repayment consistent with the terms of the
2100 agreement; the funds withheld by the department shall be deposited
2101 into the School District Emergency Assistance Fund.



2102 The State Board of Education shall develop a protocol that
2103 will outline the performance standards and requisite timeline
2104 deemed necessary for extreme emergency measures. If the State
2105 Board of Education determines that an extreme emergency exists,
2106 simultaneous with the powers exercised in this subsection, it
2107 shall take immediate action against all parties responsible for
2108 the affected school districts having been determined to be in an
2109 extreme emergency. The action shall include, but not be limited
2110 to, initiating civil actions to recover funds and criminal actions
2111 to account for criminal activity. Any funds recovered by the
2112 State Auditor or the State Board of Education from the surety
2113 bonds of school officials or from any civil action brought under
2114 this subsection shall be applied toward the repayment of any loan
2115 made to a school district hereunder.

2116 (16) [Deleted]

2117 (17) [Deleted]

2118 (18) The State Board of Education, acting through the
2119 Commission on School Accreditation, shall require each school
2120 district to comply with standards established by the State
2121 Department of Audit for the verification of fixed assets and the
2122 auditing of fixed assets records as a minimum requirement for
2123 accreditation.

2124 (19) [Deleted]

2125 (20) [Deleted]



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

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

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



2151 (2) School districts shall not be required to submit staff
2152 development plans to the Commission on School Accreditation for
2153 approval. However, any school district accredited at the lowest
2154 performance levels, as defined by the State Board of Education,
2155 shall include, as a part of any required corrective action plan,
2156 provisions to address staff development in accordance with State
2157 Board of Education requirements. All school districts, unless
2158 specifically exempt from this section, must maintain on file staff
2159 development plans as required under this section. The plan shall
2160 have been prepared by a district committee appointed by the
2161 district superintendent and consisting of teachers,
2162 administrators, school board members, and lay people, and it shall
2163 have been approved by the district superintendent.

2164 (3) In order to insure that teachers are not overburdened
2165 with paperwork and written reports, local school districts and
2166 the State Board of Education shall take such steps as may be
2167 necessary to further the reduction of paperwork requirements on
2168 teachers.

2169 (4) Districts meeting the highest levels of accreditation
2170 standards, as defined by the State Board of Education, shall be
2171 exempted from the mandatory provisions of this section relating to
2172 staff development plans.

2173 **SECTION 18.** Section 37-17-11, Mississippi Code of 1972, is
2174 brought forward as follows:



2175 37-17-11. The State Board of Education, in its discretion,
2176 may exempt any school district meeting the highest levels of state
2177 accreditation standards, as defined by the State Board of
2178 Education, from any compulsory standard of accreditation.
2179 However, if the standard of accreditation is an educational policy
2180 required by statute, any such exemption shall only be made if
2181 specifically authorized by law.

2182 **SECTION 19.** Section 37-17-12, Mississippi Code of 1972, is
2183 brought forward as follows:

2184 37-17-12. (1) (a) Effective July 1, 2006, principals and
2185 administrators with career level certifications at schools with
2186 the highest levels of accreditation standards, as defined by the
2187 State Board of Education, shall be exempted from the provisions
2188 pursuant to Section 37-3-4, subject to approval of the local
2189 superintendent.

2190 (b) Effective July 1, 2006, school districts meeting
2191 the highest levels of accreditation standards, as defined by the
2192 State Board of Education, shall be exempted from the provisions
2193 pursuant to Sections 37-3-46, 37-3-49(2), 37-7-337, 37-17-8 and
2194 37-21-7(4) .

2195 (c) The State Department of Education shall develop a
2196 policy to determine reevaluation of exemption status.

2197 (2) The State Department of Education is directed to provide
2198 a report of all exempted process standards and nonexempted process
2199 standards to the Office of the Governor, the Chairs of the House



2200 and Senate Education Committees, and the Mississippi Association
2201 of School Superintendents by December 1, 2007.

2202 **SECTION 20.** Section 37-17-13, Mississippi Code of 1972, is
2203 brought forward as follows:

2204 37-17-13. (1) Whenever the Governor declares a state of
2205 emergency in a school district in response to a certification by
2206 the State Board of Education and the Commission on School
2207 Accreditation made under Section 37-17-6(12)(b), or when the State
2208 Board of Education places a school district into a District of
2209 Transformation for academic or financial reasons under Section
2210 37-17-6(12)(b), the State Board of Education, in addition to any
2211 actions taken under Section 37-17-6, shall abolish the school
2212 district and assume control and administration of the schools
2213 formerly constituting the district, and appoint an interim
2214 superintendent to carry out this purpose under the direction of
2215 the State Board of Education. In such case, the State Board of
2216 Education shall have all powers which were held by the previously
2217 existing school board, and the previously existing superintendent
2218 of schools or county superintendent of education, including, but
2219 not limited to, those enumerated in Section 37-7-301, and the
2220 authority to request tax levies from the appropriate governing
2221 authorities for the support of the schools and to receive and
2222 expend the tax funds as provided by Section 37-57-1 et seq. and
2223 Section 37-57-105 et seq.



2224 (2) When a school district is abolished under this section,
2225 loans from the School District Emergency Assistance Fund may be
2226 made by the State Board of Education for the use and benefit of
2227 the schools formerly constituting the district in accordance with
2228 the procedures set forth in Section 37-17-6(15) for such loans to
2229 the district. The abolition of a school district under this
2230 section shall not impair or release the property of that school
2231 district from liability for the payment of the loan indebtedness,
2232 and it shall be the duty of the appropriate governing authorities
2233 to levy taxes on the property of the district so abolished from
2234 year to year according to the terms of the indebtedness until same
2235 shall be fully paid.

2236 (3) After a local school board is abolished by the State
2237 Board of Education, at such time the State Board of Education
2238 determines that the impairments are being substantially corrected
2239 and the responsibility of the district transformation in such
2240 district upon the conclusion of the final scholastic year in which
2241 a district has maintained a "C" accountability rating for three
2242 (3) consecutive years, the State Board of Education may appoint a
2243 new five-member board for the administration of the school
2244 district and shall notify the local county board of supervisors
2245 and/or municipal governing authority of such appointment,
2246 spreading the names of the new school board members on its
2247 minutes. The new local school board members shall be residents of
2248 the school district. The new local school board members appointed



2249 by the State Board of Education may serve in an advisory capacity
2250 to the interim superintendent for its first year of service and
2251 thereafter shall have full responsibility to administer the school
2252 district. Thirty (30) days prior to the end of the first year of
2253 office as an advisory board, each member shall draw lots to
2254 determine when the members shall rotate off the board as follows:
2255 one (1) member shall serve a one-year term of office; one (1)
2256 member shall serve a two-year term of office; one (1) member shall
2257 serve a three-year term of office; one (1) member shall serve a
2258 four-year term of office; and one (1) member shall serve a
2259 five-year term of office. At that time, the State Board of
2260 Education shall notify the appropriate board of supervisors or
2261 municipal governing authority of this action and request them to
2262 provide for the election or appointment of school board members at
2263 the end of the terms of office in the manner provided by law, in
2264 order for the local residents of the school district to select a
2265 new school board on a phased-in basis. In such situations, the
2266 Governor will set the date of any necessary special election which
2267 shall be conducted by the county election commission. During the
2268 new school board's first two (2) years administering the school
2269 district, the interim superintendent shall continue to serve
2270 alongside the school board. The State Board of Education shall
2271 request the new school board to provide for the appointment of a
2272 superintendent to govern the reconstituted or reorganized school
2273 district one (1) year after the new school board's first year of



2274 administering the school district. The new superintendent shall
2275 serve as deputy to the interim superintendent while the interim
2276 superintendent is assigned to the district. A board member or
2277 superintendent in office at the time the Governor declares a state
2278 of emergency in a school district, or when the State Board of
2279 Education places a school district into a District of
2280 Transformation due to academic or financial reasons, shall not be
2281 eligible to serve in the office of school board member or
2282 superintendent for the school district reconstituted or
2283 reorganized following the district transformation period.

2284 **SECTION 21.** Section 37-17-15, Mississippi Code of 1972, is
2285 brought forward as follows:

2286 37-17-15. Effective March 26, 2014, the withdrawal of a
2287 school district's accreditation by the Commission on School
2288 Accreditation in a school district with an "A" or "B"
2289 accountability rating, for any reason other than failure to meet
2290 student academic standards or for failure to comply with financial
2291 accountability requirements, shall not result in any limitation of
2292 the schools in the district to participate in any extracurricular
2293 or athletic activity in the regular or postseason. The Commission
2294 on School Accreditation shall amend its rules and regulations to
2295 conform to the provisions of this section.

2296 **SECTION 22.** Section 37-17-17, Mississippi Code of 1972, is
2297 brought forward as follows:



2298 37-17-17. (1) There is created the Mississippi Achievement
2299 School District for the purpose of transforming persistently
2300 failing public schools and districts throughout the state into
2301 quality educational institutions. The Mississippi Achievement
2302 School District shall be a statewide school district, separate and
2303 distinct from all other school districts but not confined to any
2304 specified geographic boundaries, and may be comprised of any
2305 public schools or school districts in the state which, during two
2306 (2) consecutive school years, are designated an "F" school or
2307 district by the State Board of Education under the accountability
2308 rating system or which have been persistently failing and
2309 chronically underperforming.

2310 (2) The Mississippi Achievement School District shall be
2311 governed by the State Board of Education.

2312 (3) The State Board of Education shall obtain suitable
2313 office space to serve as the administrative office of the school
2314 district.

2315 (4) The State Board of Education shall select an individual
2316 to serve as superintendent of the Mississippi Achievement School
2317 District. The superintendent must be deemed by the board to be
2318 highly qualified with a demonstrable track record for producing
2319 results in a context relevant to that of Mississippi Achievement
2320 School District schools. The superintendent of the Mississippi
2321 Achievement School District shall exercise powers and duties that



would afford significant autonomy but are bound by the governance of the State Board of Education.

(5) (a) Each public school or district in the state which, during each of two (2) consecutive school years or during two (2) of three (3) consecutive school years, receives an "F" designation by the State Board of Education under the accountability rating system or has been persistently failing as defined by the State Board of Education may be absorbed into and become a part of the Mississippi Achievement School District. All eligible public schools and districts shall be prioritized by the Mississippi Achievement School District according to criteria set by the Mississippi Achievement School District and publicized prior to the annual release of accountability rating data. The Mississippi Achievement School District shall takeover only the number of schools and districts for which it has the capacity to serve. The transfer of the school's/district's governance from the local school district to the Mississippi Achievement School District shall take effect upon the approval of the State Board of Education unless, in the sole determination of the Mississippi Achievement School District, the transition may be more smoothly accomplished through a gradual transfer of control. If the Mississippi Achievement School District elects not to assume complete control of a school or district immediately after that school receives an "F" designation during each of two (2) consecutive school years or during two (2) of the three (3)



2347 consecutive school years, the State Board of Education shall
2348 prescribe the process and timetable by which the school or
2349 district shall be absorbed; however, in no event may the transfer
2350 of the school or district to the Mississippi Achievement School
2351 District be completed later than the beginning of the school year
2352 next succeeding the year during which the school or district
2353 receives the "F" designation. School districts that are eligible
2354 to be absorbed by the Achievement School District, but are not
2355 absorbed due to the capacity of the Achievement School District,
2356 shall develop and implement a district improvement plan with
2357 prescriptive guidance and support from the Mississippi Department
2358 of Education, with the goal of helping the district improve
2359 student achievement. Failure of the school board, superintendent
2360 and school district staff to implement the plan with fidelity and
2361 participate in the activities provided as support by the
2362 department shall result in the school district retaining its
2363 eligibility for the Mississippi Achievement School District.

2364 (b) The State Board of Education shall adopt rules and
2365 regulations governing the operation of the Mississippi Achievement
2366 School District.

2367 (c) Designations assigned to schools or districts under
2368 the accountability rating system by the State Board of Education
2369 before the 2015-2016 school year may not be considered in
2370 determining whether a particular school or district is subject to
2371 being absorbed by the Mississippi Achievement School District.



2372 During the 2017-2018 school year, any school or district receiving
2373 an "F" designation after also being designated an "F" school or
2374 district in the 2015-2016 and 2016-2017 school years may be
2375 absorbed immediately by the Mississippi Achievement School
2376 District, upon approval of the State Board of Education.

2377 (d) The school district from which an "F" school or
2378 district is being absorbed must cooperate fully with the
2379 Mississippi Achievement School District and the State Board of
2380 Education in order to provide as smooth a transition as possible
2381 in the school's/district's governance and operations for the
2382 students enrolled in the school or district. Upon completion of
2383 the transfer of a school or district to the Mississippi
2384 Achievement School District, the school or district shall be
2385 governed by the rules, regulations, policies and procedures
2386 established by the State Board of Education specifically for the
2387 Mississippi Achievement School District, and the school or
2388 district shall no longer be under the purview of the school board
2389 of the local school district. In the event of the transfer of
2390 governance and operations of a school district, the State Board of
2391 Education shall abolish the district as prescribed in Section
2392 37-17-13.

2393 (e) Upon the transfer of the school or school district
2394 to the Mississippi Achievement School District, the individual
2395 appointed by the State Board of Education to serve as
2396 superintendent for the Mississippi Achievement School District



2397 shall be responsible for the administration, management and
2398 operation of the school or school district, including the
2399 following activities: (i) approving or denying all financial
2400 obligations of the school or school district; (ii) approving or
2401 denying the employment, termination, nonrenewal and reassignment
2402 of all licensed and nonlicensed personnel; (iii) approving or
2403 denying contractual agreements and purchase orders; (iv)
2404 approving or denying all claim dockets and the issuance of checks;
2405 (v) supervising the day-to-day activities of the school or school
2406 district's staff in a manner which in the determination of the
2407 Mississippi Achievement School District will best suit the needs
2408 of the school or school district; (vi) approving or denying all
2409 athletic, band and other extracurricular activities and any
2410 matters related to those activities; (vii) honoring any reasonable
2411 financial commitment of the district being absorbed; and (viii)
2412 reporting periodically to the State Board of Education on the
2413 progress or lack of progress being made in the school or school
2414 district to improve the school or school district's impairments.

2415 (f) Upon attaining and maintaining a school or district
2416 accountability rating of "C" or better under the State Department
2417 of Education's accountability rating system for five (5)
2418 consecutive years, the State Board of Education may decide to
2419 revert the absorbed school or district back to local governance,
2420 provided the school or school(s) in question are not conversion
2421 charter schools. "Local governance" may include a traditional



2422 school board model of governance or other new form of governance
2423 such as mayoral control, or other type of governance. The State
2424 Board of Education shall determine the best form of local
2425 governance and school board composition after soliciting the input
2426 of local citizens and shall outline a process for establishing the
2427 type of governance selected. The manner and timeline for
2428 reverting a school or district back to local control shall be at
2429 the discretion of the State School Board, but in no case shall it
2430 exceed five (5) years.

2431 (6) The Superintendent of the Mississippi Achievement School
2432 District shall hire those persons to be employed as principals,
2433 teachers and noninstructional personnel in schools or districts
2434 absorbed into the Mississippi Achievement School District. Only
2435 highly qualified individuals having a demonstrable record of
2436 success may be selected by the superintendent for such positions
2437 in the Mississippi Achievement School District. The
2438 superintendent may choose to continue the employment of any person
2439 employed in an "F" rated school when the school or district is
2440 absorbed into the Mississippi Achievement School District;
2441 alternatively, the superintendent may elect not to offer continued
2442 employment to a person formerly employed at a school or district
2443 that is absorbed into the Mississippi Achievement School District.
2444 Any persons employed by the Mississippi Achievement School
2445 District shall not be subject to Sections 37-9-101 through
2446 37-9-113.



2447 (7) (a) The Mississippi Achievement School District may use
2448 a school building and all facilities and property that is a part
2449 of a school and recognized as part of the facilities or assets of
2450 the school before it is absorbed into the Mississippi Achievement
2451 School District. In addition, the Mississippi Achievement School
2452 District shall have access to those additional facilities that
2453 typically were available to that school or district, its students,
2454 faculty and staff before its absorption by the Mississippi
2455 Achievement School District. Use of facilities by a school or
2456 district in the Mississippi Achievement School District must be
2457 unrestricted and free of charge. However, the Mississippi
2458 Achievement School District shall be responsible for providing
2459 routine maintenance and repairs necessary to maintain the
2460 facilities in as good a condition as when the right of use was
2461 acquired by the Mississippi Achievement School District. The
2462 Mississippi Achievement School District shall be responsible for
2463 paying all utilities at the facilities used for the absorbed
2464 school. Any fixtures, improvements and tangible assets added to a
2465 school building or facility by the Mississippi Achievement School
2466 District must remain at the school or district building or
2467 facility if the school or district is returned to local
2468 governance.

2469 (b) The State Board of Education shall include in the
2470 rules and regulations adopted pursuant to subsection (5) of this
2471 section specific provisions addressing the rights and



2472 responsibilities of the Mississippi Achievement School District
2473 relating to the real and personal property of a school or district
2474 that is absorbed into the Mississippi Achievement School District.

2475 (8) (a) The Mississippi Achievement School District shall
2476 certify annually to the State Board of Education in which a
2477 Mississippi Achievement School District school or district is
2478 located the number of students residing in the school district
2479 which are enrolled in that school or district.

2480 (b) Whenever an increase in funding is requested by the
2481 school board for the support of schools within a particular school
2482 district absorbed into the Mississippi Achievement School
2483 District, the State Board of Education and the superintendent for
2484 the Mississippi Achievement School District shall hold a public
2485 meeting in the local municipality having jurisdiction of the
2486 absorbed school district to allow input of local residents on the
2487 matter, and subsequent to the conclusion of such meeting, the
2488 board of the Mississippi Achievement School District shall submit
2489 its request for ad valorem increase in dollars to the local
2490 governing authority having jurisdiction over the absorbed school
2491 district for approval of the request for increase in ad valorem
2492 tax effort. In a district in which a school or schools but not
2493 the entire district is absorbed into the Mississippi Achievement
2494 School District, the local school district shall pay directly to
2495 the Mississippi Achievement School District an amount for each
2496 student enrolled in that school equal to the ad valorem tax



2497 receipts and in-lieu payments received per pupil for the support
2498 of the local school district in which the student resides. The
2499 pro rata ad valorem receipts and in-lieu receipts to be
2500 transferred to the Mississippi Achievement School District shall
2501 include all levies for the support of the local school district
2502 under Sections 37-57-1 (local contribution to the education
2503 funding program) and 37-57-105 (school district operational levy)
2504 and may not include any taxes levied for the retirement of the
2505 local school district's bonded indebtedness or short-term notes or
2506 any taxes levied for the support of vocational-technical education
2507 programs, unless the school or schools absorbed include a high
2508 school at which vocational-technical education programs are
2509 offered. In no event may the payment exceed the pro rata amount
2510 of the local ad valorem payment to the education funding program
2511 under Section 37-57-1 for the school district in which the student
2512 resides. Payments made under this section by a school district to
2513 the Mississippi Achievement School District must be made before
2514 the expiration of three (3) business days after the funds are
2515 distributed to the local school district by the tax collector.

2516 (c) If an entire school district is absorbed into the
2517 Mississippi Achievement School District, the tax collector shall
2518 pay the amounts as described in paragraph (b) of this subsection,
2519 with the exception that all funds should transfer, including taxes
2520 levied for the retirement of the local school district's bonded
2521 indebtedness or short-term notes and any taxes levied for the



2522 support of vocational-technical education programs. The
2523 Mississippi Achievement School District shall pay funds raised to
2524 retire the district's debts to the appropriate creditors on behalf
2525 of the former district.

2526 (9) (a) The State Department of Education shall make
2527 payments to the Mississippi Achievement School District for each
2528 student in average daily membership at a Mississippi Achievement
2529 School District school equal to the state share of the education
2530 funding program payments for each student in average daily
2531 attendance at the local school district or former local school
2532 district in which that school is located. In calculating the
2533 local contribution for purposes of determining the state share of
2534 the education funding program payments, the department shall
2535 deduct the pro rata local contribution of the school district or
2536 former school district in which the student resides, to be
2537 determined as provided in Section 37-151-7(2) (a).

2538 (b) Payments made pursuant to this subsection by the
2539 State Department of Education must be made at the same time and in
2540 the same manner as education funding program payments are made to
2541 all other school districts under Sections 37-151-101 and
2542 37-151-103. Amounts payable to the Mississippi Achievement School
2543 District must be determined by the State Department of Education
2544 in the same manner that such amounts are calculated for all other
2545 school districts under the education funding program.



2546 (10) The Mississippi Achievement School District shall be
2547 considered a local educational agency for the same purposes and to
2548 the same extent that all other school districts in the state are
2549 deemed local educational agencies under applicable federal laws.

2550 (11) The Mississippi Achievement School District may receive
2551 donations or grants from any public or private source, including
2552 any federal funding that may be available to the school district
2553 or individual schools within the Mississippi Achievement School
2554 District.

2555 (12) The Legislature may appropriate sufficient funding to
2556 the State Department of Education for the 2017 fiscal year for the
2557 specific purpose of funding the start-up, operational and any
2558 other required costs of the Mississippi Achievement School
2559 District during the 2017-2018 school year.

2560 **SECTION 23.** Section 37-18-1, Mississippi Code of 1972, is
2561 brought forward as follows:

2562 37-18-1. (1) The State Board of Education shall establish,
2563 design and implement a Superior-Performing Schools Program and an
2564 Exemplary Schools Program for identifying and rewarding public
2565 schools, including charter schools, that improve. The State Board
2566 of Education shall develop rules and regulations for the program,
2567 establish criteria and establish a process through which
2568 Superior-Performing and Exemplary Schools will be identified and
2569 rewarded. Upon full implementation of the statewide testing
2570 program, Superior-Performing, Exemplary or School At-Risk



2571 designation shall be made by the State Board of Education in
2572 accordance with the following:

2573 (a) A growth expectation will be established by testing
2574 students annually and, using a psychometrically approved formula,
2575 by tracking their progress. This growth expectation will result
2576 in a composite score each year for each school.

2577 (b) A determination will be made as to the percentage
2578 of students proficient in each school. This measurement will
2579 define what a student must know in order to be deemed proficient
2580 at each grade level and will clearly show how well a student is
2581 performing. The definition of proficiency shall be developed for
2582 each grade, based on a demonstrated range of performance in
2583 relation to content as reflected in the Mississippi Curriculum
2584 Frameworks. This range of performance must be established through
2585 a formal procedure including educators, parents, community leaders
2586 and other stakeholders.

2587 (c) A school has the following two (2) methods for
2588 designation as either a Superior-Performing or an Exemplary
2589 School, to be determined on an annual basis:

2590 (i) A school exceeds its growth expectation by a
2591 percentage established by the State Board of Education; or

2592 (ii) A school achieves the grade level proficiency
2593 standard established by the State Board of Education.

2594 Any school designated as a School At-Risk which exceeds its
2595 growth expectation by a percentage established by the State Board



2596 of Education shall no longer be considered a School At-Risk and
2597 shall be eligible for monetary awards under this section.

2598 (2) Superior-Performing and Exemplary Schools may apply to
2599 the State Board of Education for monetary incentives to be used
2600 for selected school needs, as identified by a vote of all licensed
2601 and instructional personnel employed at the school. These
2602 incentive funds may be used for specific school needs, including,
2603 but not limited to:

2604 (a) Funding for professional development activities.
2605 Staff participating in such activities will report to the school
2606 and school district or, in the case of a charter school, the
2607 governing board of the school about the benefits and lessons
2608 learned from such training;

2609 (b) Technology needs;

2610 (c) Sabbaticals for teachers or administrators, or
2611 both, to pursue additional professional development or educational
2612 enrichment;

2613 (d) Paid professional leave;

2614 (e) Training for parents, including, but not limited
2615 to, the following:

2616 (i) Curriculum;

2617 (ii) Chapter 1;

2618 (iii) Special need students;

2619 (iv) Student rights and responsibility;

2620 (v) School and community relations;



2621 (vi) Effective parenting.

2622 All funds awarded under this subsection shall be subject to

2623 specific appropriation therefor by the Legislature.

2624 (3) The State Board of Education shall provide special

2625 recognition to all schools receiving Superior-Performing or

2626 Exemplary designation and, in the case of noncharter public

2627 schools, their school districts. Examples of such recognition

2628 include, but are not limited to: public announcements and events;

2629 special recognition of student progress and effort; certificates

2630 of recognition and plaques for teachers, principals,

2631 superintendents, support and classified personnel and parents; and

2632 media announcements utilizing the services of Mississippi

2633 Educational Television.

2634 (4) The State Department of Education may benefit from the

2635 use of growth expectation measurements under this section in

2636 making evaluations under Section 37-19-9.

2637 **SECTION 24.** Section 37-18-3, Mississippi Code of 1972, is

2638 brought forward as follows:

2639 37-18-3. (1) Upon full implementation of the statewide

2640 testing programs developed by the State Board of Education

2641 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, not

2642 later than December 31, 2002, the board shall establish for those

2643 individual schools failing to meet accreditation standards

2644 established under this chapter for Schools At-Risk, a program of

2645 development to be complied with in order to receive state funds.



2646 The Legislature shall, subject to the availability of funds,
2647 annually appropriate adequate funds to implement the provisions of
2648 this chapter. The State Board of Education may, in its
2649 discretion, assess local school districts for the costs of
2650 implementing the provisions of this chapter.

2651 (2) Following a thorough analysis of school data each year,
2652 the State Department of Education shall identify those schools
2653 that are deficient in educating students and are in need of
2654 improvement. This analysis shall measure the individual school
2655 performance by determining if a school met its assigned yearly
2656 growth expectation and by determining what percentage of the
2657 students in the school are proficient. A school shall be
2658 identified as a School At-Risk and in need of assistance if the
2659 school: (a) does not meet its growth expectation and has a
2660 percentage of students functioning below grade level, as
2661 designated by the State Board of Education; (b) is designated as a
2662 Level 1 school, or other future comparable performance designation
2663 by the State Board of Education; or (c) is designated as a Level 2
2664 school, or other future comparable performance designation by the
2665 State Board of Education, for two (2) consecutive years.

2666 (3) Within fifteen (15) days after a School At-Risk has been
2667 identified, written notice shall be sent by the State Board of
2668 Education by certified mail to both the school principal and the
2669 local board of education. Within fifteen (15) days after
2670 notification the State Board of Education shall assign an



2671 evaluation team to the school, subject to the availability of
2672 funding. The evaluation team shall be independent of the school
2673 being evaluated and may include employees of the State Department
2674 of Education. The team may include retired educators who have met
2675 certain standards and have completed all necessary training.

2676 (4) An approved evaluation team shall have the following
2677 powers and duties:

2678 (a) The evaluation team may request any financial
2679 documentation that it deems necessary, and the School At-Risk,
2680 with the assistance and cooperation of the school district central
2681 office, shall submit such requested financial information to the
2682 evaluation team.

2683 (b) The evaluation team shall analyze the School
2684 At-Risk data to determine probable areas of weakness before
2685 conducting an on-site audit. The evaluation team shall proceed to
2686 conduct an on-site audit and shall prepare an evaluation report.
2687 If necessary, the evaluation team may request additional
2688 individuals in specialty areas to participate as team members in
2689 preparing the evaluation. After completing the evaluation of the
2690 School At-Risk, the team shall prepare and adopt its school
2691 evaluation report, which shall be submitted to the State
2692 Superintendent of Public Education for approval within ninety (90)
2693 calendar days. The school evaluation report shall identify any
2694 personnel who were found by the evaluation team to be in need of
2695 improvement and need to participate in a professional development



2696 plan. Evaluation instruments used to evaluate teachers,
2697 principals, superintendents or any other certified or classified
2698 personnel will be instruments which have been validated for such
2699 purposes.

2700 (5) Following the approval of the evaluation report by the
2701 State Superintendent of Public Education, a representative of the
2702 State Superintendent of Public Education and the evaluation team
2703 leader shall present the evaluation report to the principal of the
2704 School At-Risk and to the superintendent and school board members
2705 of the local school district. Following this presentation, the
2706 evaluation report shall be presented to the community served by
2707 the School At-Risk at an advertised public meeting.

2708 **SECTION 25.** Section 37-18-7, Mississippi Code of 1972, is
2709 brought forward as follows:

2710 37-18-7. (1) As part of the school improvement plan for a
2711 School At-Risk, a professional development plan shall be prepared
2712 for those school administrators, teachers or other employees who
2713 are identified by the evaluation team as needing improvement. The
2714 State Department of Education shall assist the School At-Risk in
2715 identifying funds necessary to fully implement the school
2716 improvement plan.

2717 (2) In the event a school continues to be designated a
2718 School At-Risk after three (3) years of implementing a school
2719 improvement plan, or in the event that more than fifty percent
2720 (50%) of the schools within the school district are designated as



2721 Schools At-Risk in any one (1) year, the State Board of Education
2722 may request that the Governor declare a state of emergency in that
2723 school district. Upon the declaration of the state of emergency
2724 by the Governor, the State Board of Education may take all such
2725 action for dealing with school districts as is authorized under
2726 subsection (12) or (15) of Section 37-17-6, including the
2727 appointment of an interim superintendent.

2728 **SECTION 26.** Section 37-19-10, Mississippi Code of 1972, is
2729 brought forward as follows:

2730 37-19-10. (1) The Legislature finds that there is a need
2731 for a performance incentive program for outstanding teachers and
2732 staff in highly productive schools.

2733 (2) Beginning with the 2016-2017 school year, the School
2734 Recognition Program is created to provide financial awards to
2735 public schools that:

2736 (a) Sustain high performance by earning a school
2737 accountability rating of "A" which shall be funded at One Hundred
2738 Dollars (\$100.00) per pupil in average daily attendance;

2739 (b) Sustain high performance by earning a school
2740 accountability rating of "B" which shall be funded at Seventy-five
2741 Dollars (\$75.00) per pupil in average daily attendance; or

2742 (c) Demonstrate exemplary performance by improving at
2743 least one (1) letter grade, which shall be funded at One Hundred
2744 Dollars (\$100.00) per pupil in average daily attendance.



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

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

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

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



2770 Fund. Such data and information so filed may be revised from time
2771 to time as necessitated by law. At the time provided by law, the
2772 State Treasurer and the State Fiscal Officer shall distribute to
2773 the several school districts the amounts to which they are
2774 entitled from the School Recognition Program Fund as provided by
2775 this section. Such distribution shall be made by electronic funds
2776 transfer to the depositories of the several school districts
2777 designated in writing to the State Treasurer based upon the data
2778 and information supplied by the State Department of Education for
2779 such distribution. In such instances, the State Treasurer shall
2780 submit a request for an electronic funds transfer to the State
2781 Fiscal Officer, which shall set forth the purpose, amount and
2782 payees, and shall be in such form as may be approved by the State
2783 Fiscal Officer so as to provide the necessary information as would
2784 be required for a requisition and issuance of a warrant. A copy
2785 of the record of said electronic funds transfers shall be
2786 transmitted by the school district depositories to the Treasurer,
2787 who shall file duplicates with the State Fiscal Officer. The
2788 Treasurer and State Fiscal Officer shall jointly promulgate
2789 regulations for the utilization of electronic funds transfers to
2790 school districts from the School Recognition Program Fund.

2791 (7) It is the intent of the Legislature to develop a plan to
2792 reward high-performing teachers in schools with an accountability
2793 rating of "C," "D" and "F" by July 1, 2016.



2794 **SECTION 27.** Section 37-23-1, Mississippi Code of 1972, is
2795 brought forward as follows:

2796 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
2797 is to mandate free appropriate public educational services and
2798 equipment for exceptional children in the age range three (3)
2799 through twenty (20) for whom the regular school programs are not
2800 adequate and to provide, on a permissive basis, a free appropriate
2801 public education, as a part of the state's early intervention
2802 system in accordance with regulations developed in collaboration
2803 with the agency designated as "lead agency" under Part C of the
2804 Individuals with Disabilities Education Act. The portion of the
2805 regulations developed in collaboration with the lead agency which
2806 are necessary to implement the programs under the authority of the
2807 State Board of Education shall be presented to the State Board of
2808 Education for adoption. This specifically includes, but shall not
2809 be limited to, provision for day schools for the deaf and blind of
2810 an age under six (6) years, where early training is in accordance
2811 with the most advanced and best approved scientific methods of
2812 instruction, always taking into consideration the best interests
2813 of the child and his improvement at a time during which he is most
2814 susceptible of improvement. Educational programs to exceptional
2815 children under the age of three (3) years shall be eligible for
2816 total funding formula funds provided in Sections 37-151-200
2817 through 37-151-215.



2818 All references in the laws of this state to the "Individuals
2819 with Disabilities Education Act" or to the "IDEA" shall be
2820 construed to include any subsequent amendments to that act.

2821 The educational programs and services provided for
2822 exceptional children in Sections 37-23-1 through 37-23-15,
2823 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
2824 shall be designed to provide individualized appropriate special
2825 education and related services that enable a child to reach his or
2826 her appropriate and uniquely designed goals for success. The
2827 State Board of Education shall establish an accountability system
2828 for special education programs and students with disabilities.
2829 The system shall establish accountability standards for services
2830 provided to improve the educational skills designed to prepare
2831 children for life after their years in school. These standards
2832 shall be a part of the accreditation system and shall be
2833 implemented before July 1, 1996.

2834 The State Department of Education shall establish goals for
2835 the performance of children with disabilities that will promote
2836 the purpose of IDEA and are consistent, to the maximum extent
2837 appropriate, with other goals and standards for children
2838 established by the State Department of Education. Performance
2839 indicators used to assess progress toward achieving those goals
2840 that, at a minimum, address the performance of children with
2841 disabilities on assessments, drop-out rates, and graduation rates
2842 shall be developed. Every two (2) years, the progress toward



2843 meeting the established performance goals shall be reported to the
2844 public.

2845 **SECTION 28.** Section 37-28-7, Mississippi Code of 1972, is
2846 brought forward as follows:

2847 37-28-7. (1) There is created the Mississippi Charter
2848 School Authorizer Board as a state agency with exclusive
2849 chartering jurisdiction in the State of Mississippi. Unless
2850 otherwise authorized by law, no other governmental agency or
2851 entity may assume any charter authorizing function or duty in any
2852 form.

2853 (2) (a) The mission of the Mississippi Charter School
2854 Authorizer Board is to authorize high-quality charter schools,
2855 particularly schools designed to expand opportunities for
2856 underserved students, consistent with the purposes of this
2857 chapter. Subject to the restrictions and conditions prescribed in
2858 this subsection, the Mississippi Charter School Authorizer Board
2859 may authorize charter schools within the geographical boundaries
2860 of any school district.

2861 (b) The Mississippi Charter School Authorizer Board may
2862 approve a maximum of fifteen (15) qualified charter applications
2863 during a fiscal year.

2864 (c) In any school district designated as an "A," "B" or
2865 "C" school district by the State Board of Education under the
2866 accreditation rating system at the time of application, the
2867 Mississippi Charter School Authorizer Board may authorize charter



2868 schools only if a majority of the members of the local school
2869 board votes at a public meeting to endorse the application or to
2870 initiate the application on its own initiative.

2871 (3) The Mississippi Charter School Authorizer Board shall
2872 consist of seven (7) members, to be appointed as follows:

2873 (a) Three (3) members appointed by the Governor, with
2874 one (1) member being from each of the Mississippi Supreme Court
2875 Districts.

2876 (b) Three (3) members appointed by the Lieutenant
2877 Governor, with one (1) member being from each of the Mississippi
2878 Supreme Court Districts.

2879 (c) One (1) member appointed by the State
2880 Superintendent of Public Education.

2881 All appointments must be made with the advice and consent of
2882 the Senate. In making the appointments, the appointing authority
2883 shall ensure diversity among members of the Mississippi Charter
2884 School Authorizer Board.

2885 (4) Members appointed to the Mississippi Charter School
2886 Authorizer Board collectively must possess strong experience and
2887 expertise in public and nonprofit governance, management and
2888 finance, public school leadership, assessment, curriculum and
2889 instruction, and public education law. Each member of the
2890 Mississippi Charter School Authorizer Board must have demonstrated
2891 an understanding of and commitment to charter schooling as a
2892 strategy for strengthening public education.



2893 (5) To establish staggered terms of office, the initial term
2894 of office for the three (3) Mississippi Charter School Authorizer
2895 Board members appointed by the Governor shall be four (4) years
2896 and thereafter shall be three (3) years; the initial term of
2897 office for the three (3) members appointed by the Lieutenant
2898 Governor shall be three (3) years and thereafter shall be three
2899 (3) years; and the initial term of office for the member appointed
2900 by the State Superintendent of Public Education shall be two (2)
2901 years and thereafter shall be three (3) years. No member may
2902 serve more than two (2) consecutive terms. The initial
2903 appointments must be made before September 1, 2013.

2904 (6) The Mississippi Charter School Authorizer Board shall
2905 meet as soon as practical after September 1, 2013, upon the call
2906 of the Governor, and shall organize for business by selecting a
2907 chairman and adopting bylaws. Subsequent meetings shall be called
2908 by the chairman.

2909 (7) An individual member of the Mississippi Charter School
2910 Authorizer Board may be removed by the board if the member's
2911 personal incapacity renders the member incapable or unfit to
2912 discharge the duties of the office or if the member is absent from
2913 a number of meetings of the board, as determined and specified by
2914 the board in its bylaws. Whenever a vacancy on the Mississippi
2915 Charter School Authorizer Board exists, the original appointing
2916 authority shall appoint a member for the remaining portion of the
2917 term.



2918 (8) No member of the Mississippi Charter School Authorizer
2919 Board or employee, agent or representative of the board may serve
2920 simultaneously as an employee, trustee, agent, representative,
2921 vendor or contractor of a charter school authorized by the board.

2922 (9) The Mississippi Charter School Authorizer Board shall
2923 appoint an individual to serve as the Executive Director of the
2924 Mississippi Charter School Authorizer Board. The executive
2925 director shall possess the qualifications established by the board
2926 which are based on national best practices, and shall possess an
2927 understanding of state and federal education law. The executive
2928 director, who shall serve at the will and pleasure of the board,
2929 shall devote his full time to the proper administration of the
2930 board and the duties assigned to him by the board and shall be
2931 paid a salary established by the board, subject to the approval of
2932 the State Personnel Board. Subject to the availability of
2933 funding, the executive director may employ such administrative
2934 staff as may be necessary to assist the director and board in
2935 carrying out the duties and directives of the Mississippi Charter
2936 School Authorizer Board.

2937 (10) The Mississippi Charter School Authorizer Board is
2938 authorized to obtain suitable office space for administrative
2939 purposes. In acquiring a facility or office space, the authorizer
2940 board shall adhere to all policies and procedures required by the
2941 Department of Finance and Administration and the Public
2942 Procurement Review Board.



2943 **SECTION 29.** Section 37-28-23, Mississippi Code of 1972, is
2944 brought forward as follows:

2945 37-28-23. (1) A charter school must be open to:

2946 (a) Any student residing in the geographical boundaries
2947 of the school district in which the charter school is located; and

2948 (b) Any student who resides in the geographical
2949 boundaries of a school district that was rated "C," "D" or "F" at
2950 the time the charter school was approved by the authorizer board,
2951 or who resides in the geographical boundaries of a school district
2952 rated "C," or "D" or "F" at the time the student enrolls.

2953 (2) A school district may not require any student enrolled
2954 in the school district to attend a charter school.

2955 (3) Except as otherwise provided under subsection (8)(d) of
2956 this section, a charter school may not limit admission based on
2957 ethnicity, national origin, religion, gender, income level,
2958 disabling condition, proficiency in the English language, or
2959 academic or athletic ability.

2960 (4) A charter school may limit admission to students within
2961 a given age group or grade level, including pre-kindergarten
2962 students, and may be organized around a special emphasis, theme or
2963 concept as stated in the school's application.

2964 (5) The underserved student composition of a charter
2965 school's enrollment collectively must reflect that of students of
2966 all ages attending the school district in which the charter school
2967 is located, to be defined for the purposes of this chapter as



2968 being at least eighty percent (80%) of that population. If the
2969 underserved student composition of an applicant's or charter
2970 school's enrollment is less than eighty percent (80%) of the
2971 enrollment of students of all ages in the school district in which
2972 the charter school is located, despite the school's best efforts,
2973 the authorizer must consider the applicant's or charter school's
2974 recruitment efforts and the underserved student composition of the
2975 applicant pool in determining whether the applicant or charter
2976 school is operating in a nondiscriminatory manner. A finding by
2977 the authorizer that a charter school is operating in a
2978 discriminatory manner justifies the revocation of a charter.

2979 (6) A charter school must enroll all students who wish to
2980 attend the school unless the number of students exceeds the
2981 capacity of a program, class, grade level or building.

2982 (7) If capacity is insufficient to enroll all students who
2983 wish to attend the school based on initial application, the
2984 charter school must select students through a lottery.

2985 (8) (a) Any noncharter public school or part of a
2986 noncharter public school converting to a charter school shall
2987 adopt and maintain a policy giving an enrollment preference to
2988 students who reside within the former attendance area of that
2989 public school. If the charter school has excess capacity after
2990 enrolling students residing within the former attendance area of
2991 the school, students outside of the former attendance area of the
2992 school, but within the geographical boundaries of the school



2993 district in which the charter school is located, are eligible for
2994 enrollment. If the number of students applying for admission
2995 exceeds the capacity of a program, class, grade level or building
2996 of the charter school, the charter school must admit students on
2997 the basis of a lottery.

2998 (b) A charter school must give an enrollment preference
2999 to students enrolled in the charter school during the preceding
3000 school year and to siblings of students already enrolled in the
3001 charter school. An enrollment preference for returning students
3002 excludes those students from entering into a lottery.

3003 (c) A charter school may give an enrollment preference
3004 to children of the charter school's applicant, governing board
3005 members and full-time employees, so long as those children
3006 constitute no more than ten percent (10%) of the charter school's
3007 total student population.

3008 (d) A charter school shall give an enrollment
3009 preference to underserved children as defined in Section 37-28-5
3010 to ensure the charter school meets its required underserved
3011 student composition.

3012 (e) This section does not preclude the formation of a
3013 charter school whose mission is focused on serving students with
3014 disabilities, students of the same gender, students who pose such
3015 severe disciplinary problems that they warrant a specific
3016 educational program, or students who are at risk of academic
3017 failure. If capacity is insufficient to enroll all students who



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

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

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

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

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



3041 (a) Present additional evidence, beyond the data
3042 contained in the performance report, supporting its case for
3043 charter renewal;

3044 (b) Describe improvements undertaken or planned for the
3045 school; and

3046 (c) Detail the school's plans for the next charter
3047 term.

3048 (4) The charter renewal application guidance must include or
3049 refer explicitly to the criteria that will guide the authorizer's
3050 renewal decision, which must be based on the performance framework
3051 set forth in the charter contract and consistent with this
3052 chapter.

3053 (5) Before February 1, the governing board of a charter
3054 school seeking renewal shall submit a renewal application to the
3055 authorizer pursuant to the charter renewal application guidance
3056 issued by the authorizer. The authorizer shall adopt a resolution
3057 ruling on the renewal application no later than ninety (90) days
3058 after the filing of the renewal application.

3059 (6) In making each charter renewal decision, the authorizer
3060 must:

3061 (a) Ground its decision in evidence of the school's
3062 performance over the term of the charter contract in accordance
3063 with the performance framework set forth in the charter contract;

3064 (b) Ensure that data used in making the renewal
3065 decision is available to the school and the public; and



3066 (c) Provide a public report summarizing the evidence
3067 that is the basis for the renewal decision.

3068 (7) A charter contract must be revoked at any time or not
3069 renewed if the authorizer determines that the charter school has
3070 done any of the following or otherwise failed to comply with the
3071 provisions of this chapter:

3072 (a) Committed a material and substantial violation of
3073 any of the terms, conditions, standards or procedures required
3074 under this chapter or the charter contract;

3075 (b) Failed to meet or make sufficient progress toward
3076 the performance expectations set forth in the charter contract;

3077 (c) Failed to meet generally accepted standards of
3078 fiscal management; or

3079 (d) Substantially violated any material provision of
3080 law which is applicable to the charter school.

3081 (8) The authorizer shall develop revocation and nonrenewal
3082 processes that:

3083 (a) Provide the governing board of a charter school
3084 with a timely notification of the prospect of revocation or
3085 nonrenewal and of the reasons for such possible closure;

3086 (b) Allow the governing board a reasonable amount of
3087 time in which to prepare a response;

3088 (c) Provide the governing board with an opportunity to
3089 submit documents and give testimony challenging the rationale for



3090 closure and in support of the continuation of the school at an
3091 orderly proceeding held for that purpose;

3092 (d) Allow the governing board access to representation
3093 by counsel and to call witnesses on the school's behalf;

3094 (e) Permit the recording of such proceedings; and

3095 (f) After a reasonable period for deliberation, require
3096 a final determination to be made and conveyed in writing to the
3097 governing board.

3098 (9) Notwithstanding any provision to the contrary, the
3099 authorizer may not renew the charter of any charter school that,
3100 during the school's final operating year under the term of the
3101 charter contract, is designated an "F" school under the school
3102 accreditation rating system.

3103 (10) If the authorizer revokes or does not renew a charter,
3104 the authorizer must state clearly, in a resolution of adopted by
3105 the authorizer board, the reasons for the revocation or
3106 nonrenewal.

3107 (11) Within ten (10) days after taking action to renew, not
3108 renew or revoke a charter, the authorizer shall provide a report
3109 to the charter school. The report must include a copy of the
3110 authorizer board's resolution setting forth the action taken,
3111 reasons for the board's decision and assurances as to compliance
3112 with all of the requirements set forth in this chapter.

3113 **SECTION 31.** Section 37-37-13, Mississippi Code of 1972, is
3114 brought forward as follows:



3115 37-37-13. The State Board of Education shall include
3116 reporting standards for school districts as part of the standards
3117 for accreditation of school districts. These standards shall
3118 include penalties within the accreditation system for adverse
3119 findings resulting from any reviews or audits conducted under this
3120 chapter or through any reviews the State Department of Education
3121 may make.

3122 **SECTION 32.** This act shall take effect and be in force from
3123 and after July 1, 2025.

