

By: Representative Bell (21st)

To: Workforce Development

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 849

1 AN ACT TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972,  
2 TO REVISE APPOINTMENTS TO THE STATE WORKFORCE INVESTMENT BOARD; TO  
3 BRING FORWARD SECTIONS 37-153-5, 37-153-11, 37-153-13, 71-5-353,  
4 71-5-453, 37-153-17 AND 37-153-15, MISSISSIPPI CODE OF 1972, FOR  
5 THE PURPOSE OF POSSIBLE AMENDMENT; TO CREATE THE "COMPREHENSIVE  
6 CAREER AND TECHNICAL EDUCATION REFORM (CCATER) ACT"; TO BRING  
7 FORWARD SECTION 37-15-38, MISSISSIPPI CODE OF 1972, FOR THE  
8 PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-16-17,  
9 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION  
10 TO PROVIDE NOTICE TO ALL INCOMING MIDDLE SCHOOL AND JUNIOR HIGH  
11 STUDENTS OF THE CAREER AND TECHNICAL EDUCATION PROGRAMS OFFERED BY  
12 LOCAL SCHOOL BOARDS; TO REQUIRE ALL STUDENTS TO TAKE THE ACT  
13 WORKKEYS ASSESSMENT; TO PROVIDE THAT EACH INDIVIDUAL SCHOOL  
14 DISTRICT SHALL DETERMINE WHETHER THE ACT WORKKEYS ASSESSMENT IS  
15 ADMINISTERED IN THE NINTH, TENTH OR ELEVENTH GRADE; TO REVISE THE  
16 CURRICULUM IN THE CAREER AND TECHNICAL EDUCATION PROGRAM; TO AMEND  
17 SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LOCAL  
18 BUSINESS OR OTHER PROFESSIONAL PERSONNEL SHALL NOT BE REQUIRED TO  
19 HOLD AN ASSOCIATE OR BACHELOR'S DEGREE IN ORDER TO BE GRANTED AN  
20 EXPERT CITIZEN-TEACHER LICENSE; TO EXPAND THE EXPERT  
21 CITIZEN-TEACHER LICENSE FROM ONE YEAR TO FIVE YEARS; TO PROVIDE  
22 THAT CERTAIN INSTRUCTIONAL STAFF EMPLOYED BY A PUBLIC SCHOOL  
23 DISTRICT OR NONPUBLIC SCHOOL ACCREDITED OR APPROVED BY THE STATE  
24 FOR A MINIMUM OF FIVE YEARS SHALL BE GRANTED A STANDARD TEACHER  
25 LICENSE; TO REQUIRE SUCH TEACHERS TO COMPLY WITH ANY ADDITIONAL  
26 REQUIREMENTS FOR EXISTING TEACHERS, INCLUDING PROFESSIONAL  
27 DEVELOPMENT TRAINING AND COMPLETION OF THE REQUIRED CONTINUING  
28 EDUCATION UNITS; TO AMEND SECTION 37-16-3, MISSISSIPPI CODE OF  
29 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND SECTION  
30 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
31 ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE  
32 ADMINISTRATION OF THE ACT WORKKEYS ASSESSMENT, WHICH SHALL BE  
33 WEIGHTED IN THE SAME PERCENTAGE AS THE STANDARD ACT ASSESSMENT; TO  
34 REQUIRE THE STATE BOARD OF EDUCATION, ACTING THROUGH THE



35 COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION  
36 AND LICENSURE AND DEVELOPMENT, AND IN CONJUNCTION WITH THE BOARD  
37 OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, TO REQUIRE  
38 EACH EDUCATOR PREPARATION PROGRAM IN THE STATE TO INCLUDE A PRAXIS  
39 CORE ACADEMIC SKILLS FOR EDUCATORS EXAMINATION AND A PRAXIS II  
40 EXAMINATION PREPARATORY REVIEW COURSE, AS PART OF ITS CURRICULUM;  
41 AND FOR RELATED PURPOSES.

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

43 **SECTION 1.** Section 37-153-5, Mississippi Code of 1972, is  
44 brought forward as follows:

45 37-153-5. For purposes of this chapter, the following words  
46 and phrases shall have the meanings respectively ascribed in this  
47 section unless the context clearly indicates otherwise:

48 (a) "State board" or "board" means the Mississippi  
49 State Workforce Investment Board.

50 (b) "District councils" means the Local Workforce  
51 Development Councils.

52 (c) "Local workforce investment board" means the board  
53 that oversees the workforce development activities of local  
54 workforce areas under the federal Workforce Investment Act.

55 (d) "Office" means the Mississippi Office of Workforce  
56 Development, housed at the Department of Finance and  
57 Administration.

58 **SECTION 2.** Section 37-153-7, Mississippi Code of 1972, is  
59 amended as follows:

60 37-153-7. (1) There is created the Mississippi Office of  
61 Workforce Development and the Mississippi State Workforce  
62 Investment Board, which shall serve as the advisory board for the  
63 office. The Mississippi State Workforce Investment Board shall be



64 composed of thirty-one (31) voting members, of which a majority  
65 shall be representatives of business and industry in accordance  
66 with the federal Workforce Innovation and Opportunity Act, or any  
67 successive acts.

68 (2) The members of the State Workforce Investment Board  
69 shall include:

70 (a) The Governor, or his designee;

71 (b) Nineteen (19) members, appointed by the Governor,  
72 of whom:

73 (i) A majority shall be representatives of  
74 businesses in the state, who:

75 1. Are owners of businesses, chief executives  
76 or operating officers of businesses, or other business executives  
77 or employers with optimum policymaking or hiring authority, and  
78 who, in addition, may be members of a local board described in  
79 Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and  
80 Opportunity Act. At least two (2) of the members appointed under  
81 this item 1. shall be small business owners, chief executives or  
82 operating officers of businesses with less than fifty (50)  
83 employees;

84 2. Represent businesses, including small  
85 businesses, or organizations representing businesses, which  
86 provide employment opportunities that, at a minimum, include  
87 high-quality, work-relevant training and development in  
88 high-demand industry sectors or occupations in the state; and



89                   3. Are appointed from among individuals  
90 nominated by state business organizations and business trade  
91 associations;

92                   (ii) Not less than twenty percent (20%) shall  
93 consist of representatives of the workforce within the state,  
94 which:

95                   1. Includes labor organization  
96 representatives who have been nominated by state labor  
97 federations;

98                   2. Includes a labor organization member or  
99 training director from an apprenticeship program in the state,  
100 which shall be a joint labor-management apprenticeship program if  
101 such a program exists in the state;

102                   3. May include representatives of  
103 community-based organizations, including organizations serving  
104 veterans or providing or supporting competitive, integrated  
105 employment for individuals with disabilities, who have  
106 demonstrated experience and expertise in addressing employment,  
107 training or education needs of individuals with barriers to  
108 employment; and

109                   4. May include representatives of  
110 organizations, including organizations serving out-of-school  
111 youth, who have demonstrated experience or expertise in addressing  
112 the employment, training or education needs of eligible youth;



113 (iii) The balance shall include government  
114 representatives, including the lead state officials with primary  
115 responsibility for core programs, and chief elected officials  
116 (collectively representing both cities and counties, where  
117 appropriate);

118 (c) Two (2) representatives of businesses in the state  
119 appointed by the Lieutenant Governor;

120 (d) Two (2) representatives of businesses in the state  
121 appointed by the Lieutenant Governor from a list of three (3)  
122 recommendations from the Speaker of the House; and

123 (e) The following state officials:

124 (i) The Executive Director of the Mississippi  
125 Department of Employment Security;

126 (ii) The Executive Director of the Department of  
127 Rehabilitation Services;

128 (iii) The State Superintendent of Public  
129 Education;

130 (iv) The Executive Director of the Mississippi  
131 Development Authority;

132 (v) The Executive Director of the Mississippi  
133 Community College Board;

134 (vi) The President of the Community College  
135 Association; and

136 (vii) The Commissioner of the Institutions of  
137 Higher Learning.



138 (f) One (1) senator, appointed by the Lieutenant  
139 Governor, and one (1) representative, appointed by the Speaker of  
140 the House, shall serve on the state board in a nonvoting capacity.

141 (g) The Governor may appoint additional members if  
142 required by the federal Workforce Innovation and Opportunity Act,  
143 or any successive acts.

144 (h) Members of the board shall serve a term of four (4)  
145 years, and shall not serve more than three (3) consecutive terms.

146 (i) The membership of the board shall reflect the  
147 diversity of the State of Mississippi.

148 (j) The Governor shall designate the Chairman of the  
149 Mississippi State Workforce Investment Board from among the  
150 business and industry voting members of the board, and a quorum of  
151 the board shall consist of a majority of the voting members of the  
152 board.

153 (k) The voting members of the board who are not state  
154 employees shall be entitled to reimbursement of their reasonable  
155 expenses in the manner and amount specified in Section 25-3-41 and  
156 shall be entitled to receive per diem compensation as authorized  
157 in Section 25-3-69.

158 (3) Members of the state board may be recalled by their  
159 appointing authority for cause, including a felony conviction,  
160 fraudulent or dishonest acts or gross abuse of discretion, failure  
161 to meet board member qualifications, or chronic failure to attend  
162 board meetings.



163           (4) The Mississippi Department of Employment Security shall  
164 establish limits on administrative costs for each portion of  
165 Mississippi's workforce development system consistent with the  
166 federal Workforce Investment Act or any future federal workforce  
167 legislation.

168           (5) The Mississippi State Workforce Investment Board shall  
169 have the following duties. These duties are intended to be  
170 consistent with the scope of duties provided in the federal  
171 Workforce Innovation and Opportunity Act, amendments and successor  
172 legislation to this act, and other relevant federal law:

173                   (a) Through the office, develop and submit to the  
174 Governor, Lieutenant Governor and Speaker of the House a strategic  
175 plan for an integrated state workforce development system that  
176 aligns resources and structures the system to more effectively and  
177 efficiently meet the demands of Mississippi's employers and job  
178 seekers. This plan will comply with the federal Workforce  
179 Investment Act of 1998, as amended, the federal Workforce  
180 Innovation and Opportunity Act of 2014 and amendments and  
181 successor legislation to these acts;

182                   (b) Assist the Governor, Lieutenant Governor and  
183 Speaker of the House in the development and continuous improvement  
184 of the statewide workforce investment system that shall include:

185                           (i) Development of linkages in order to assure  
186 coordination and nonduplication among programs and activities; and



187                   (ii) Review local workforce development plans that  
188 reflect the use of funds from the federal Workforce Investment  
189 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser  
190 Act and the amendment or successor legislation to the acts, and  
191 the Mississippi Comprehensive Workforce Training and Education  
192 Consolidation Act;

193                   (c) Recommend to the office the designation of local  
194 workforce investment areas as required in Section 116 of the  
195 federal Workforce Investment Act of 1998 and the Workforce  
196 Innovation and Opportunity Act of 2014. There shall be four (4)  
197 workforce investment areas that are generally aligned with the  
198 planning and development district structure in Mississippi.  
199 Planning and development districts will serve as the fiscal agents  
200 to manage Workforce Investment Act funds, oversee and support the  
201 local workforce investment boards aligned with the area and the  
202 local programs and activities as delivered by the one-stop  
203 employment and training system. The planning and development  
204 districts will perform this function through the provisions of the  
205 county cooperative service districts created under Sections  
206 19-3-101 through 19-3-115; however, planning and development  
207 districts currently performing this function under the Interlocal  
208 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
209 continue to do so;

210                   (d) Assist the Governor in the development of an  
211 allocation formula for the distribution of funds for adult





212 employment and training activities and youth activities to local  
213 workforce investment areas;

214 (e) Recommend comprehensive, results-oriented measures  
215 that shall be applied to all of Mississippi's workforce  
216 development system programs;

217 (f) Assist the Governor in the establishment and  
218 management of a one-stop employment and training system conforming  
219 to the requirements of the federal Workforce Investment Act of  
220 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
221 amended, recommending policy for implementing the Governor's  
222 approved plan for employment and training activities and services  
223 within the state. In developing this one-stop career operating  
224 system, the Mississippi State Workforce Investment Board, in  
225 conjunction with local workforce investment boards, shall:

226 (i) Design broad guidelines for the delivery of  
227 workforce development programs;

228 (ii) Identify all existing delivery agencies and  
229 other resources;

230 (iii) Define appropriate roles of the various  
231 agencies to include an analysis of service providers' strengths  
232 and weaknesses;

233 (iv) Determine the best way to utilize the various  
234 agencies to deliver services to recipients; and



235 (v) Develop a financial plan to support the  
236 delivery system that shall, at a minimum, include an  
237 accountability system;

238 (g) To provide authority, in accordance with any  
239 executive order of the Governor, for developing the necessary  
240 collaboration among state agencies at the highest level for  
241 accomplishing the purposes of this chapter;

242 (h) To monitor the effectiveness of the workforce  
243 development centers and WIN job centers;

244 (i) To advise the Governor, public schools,  
245 community/junior colleges and institutions of higher learning on  
246 effective school-to-work transition policies and programs that  
247 link students moving from high school to higher education and  
248 students moving between community colleges and four-year  
249 institutions in pursuit of academic and technical skills training;

250 (j) To work with industry to identify barriers that  
251 inhibit the delivery of quality workforce education and the  
252 responsiveness of educational institutions to the needs of  
253 industry;

254 (k) To provide periodic assessments on effectiveness  
255 and results of the overall Mississippi comprehensive workforce  
256 development system and district councils;

257 (l) Develop broad statewide development goals,  
258 including a goal to raise the state's labor force participation  
259 rate;



260 (m) Perform a comprehensive review of Mississippi's  
261 workforce development efforts, including the amount spent and  
262 effectiveness of programs supported by state or federal money; and

263 (n) To assist the Governor in carrying out any other  
264 responsibility required by the federal Workforce Investment Act of  
265 1998, as amended and the Workforce Innovation and Opportunity Act,  
266 successor legislation and amendments.

267 (6) The Mississippi State Workforce Investment Board shall  
268 coordinate all training programs and funds within its purview,  
269 consistent with the federal Workforce Investment Act, Workforce  
270 Innovation and Opportunity Act, amendments and successor  
271 legislation to these acts, and other relevant federal law.

272 Each state agency director responsible for workforce training  
273 activities shall advise the Mississippi Office of Workforce  
274 Development and the State Workforce Investment Board of  
275 appropriate federal and state requirements. Each state agency,  
276 department and institution shall report any monies received for  
277 workforce training activities or career and technical education  
278 and a detailed itemization of how those monies were spent to the  
279 state board. The board shall compile the data and provide a  
280 report of the monies and expenditures to the Chairs of the House  
281 and Senate Appropriations Committee, the Chair of the House  
282 Workforce Development Committee and the Chair of the Senate  
283 Economic and Workforce Development Committee by October 1 of each  
284 year. Each such state agency director shall remain responsible



285 for the actions of his agency; however, each state agency and  
286 director shall work cooperatively to fulfill the state's goals.

287 (7) The State Workforce Investment Board shall establish an  
288 executive committee, which shall consist of the following State  
289 Workforce Investment Board members:

290 (a) The Chair of the State Workforce Investment Board;

291 (b) Two (2) business representatives currently serving  
292 on the state board selected by the Governor;

293 (c) The two (2) business representatives currently  
294 serving on the state board appointed by the Lieutenant Governor;

295 (d) The two (2) business representatives currently  
296 serving on the state board appointed by the Lieutenant Governor  
297 from a list of three (3) recommendations from the Speaker of the  
298 House;

299 (e) The two (2) legislators, who shall serve in a  
300 nonvoting capacity, one (1) of whom shall be appointed by the  
301 Lieutenant Governor from the membership of the Mississippi Senate  
302 and one (1) of whom shall be appointed by the Speaker of the House  
303 of Representatives from the membership of the Mississippi House of  
304 Representatives.

305 (8) The executive committee shall select an executive  
306 director of the Office of Workforce Development, with the advice  
307 and consent of a majority of the State Workforce Investment Board.  
308 The executive committee shall seek input from economic development



309 organizations across the state when selecting the executive  
310 director. The executive director shall:

311 (a) Be a person with extensive experience in  
312 development of economic, human and physical resources, and  
313 promotion of industrial and commercial development. The executive  
314 director shall have a bachelor's degree from a state-accredited  
315 institution and no less than eight (8) years of professional  
316 experience related to workforce or economic development;

317 (b) Perform the functions necessary for the daily  
318 operation and administration of the office, with oversight from  
319 the executive committee and the State Workforce Investment Board,  
320 to fulfill the duties of the state board as described in Chapter  
321 476, Laws of 2020;

322 (c) Hire staff needed for the performance of his or her  
323 duties under this act. The executive director, with approval from  
324 the executive committee, shall set the compensation of any hired  
325 employees from any funds made available for that purpose;

326 (d) Enter any part of the Mississippi Community College  
327 Board, individual community and junior colleges, or other  
328 workforce training facilities operated by the state or its  
329 subdivisions;

330 (e) Serve at the will and pleasure of the executive  
331 committee;

332 (f) Promulgate rules and regulations, subject to  
333 oversight by the executive committee, not inconsistent with this



334 chapter, as may be necessary to enforce the provisions in this  
335 act; and

336 (g) Perform any other actions he or she, in  
337 consultation with the executive committee, deems necessary to  
338 fulfill the duties under Chapter 476, Laws of 2020.

339 (9) The Office of Workforce Development and Mississippi  
340 Community College Board shall collaborate in the administration  
341 and oversight of the Mississippi Workforce Enhancement Training  
342 Fund and Mississippi Works Fund, as described in Section 71-5-353.  
343 The executive director shall maintain complete and exclusive  
344 operational control of the office's functions.

345 (10) The office shall file an annual report with the  
346 Governor, Secretary of State, President of the Senate, Secretary  
347 of the Senate, Speaker of the House, and Clerk of the House not  
348 later than October 1 of each year regarding all funds approved by  
349 the office to be expended on workforce training during the prior  
350 calendar year. The report shall include:

351 (a) Information on the performance of the Mississippi  
352 Workforce Enhancement Training Fund and the Mississippi Works  
353 Fund, in terms of adding value to the local and state economy, the  
354 contribution to future growth of the state economy, and movement  
355 toward state goals, including increasing the labor force  
356 participation rate; and

357 (b) With respect to specific workforce training  
358 projects:



359 (i) The location of the training;  
360 (ii) The amount allocated to the project;  
361 (iii) The purpose of the project;  
362 (iv) The specific business entity that is the  
363 beneficiary of the project; and  
364 (v) The number of employees intended to be trained  
365 and actually trained, if applicable, in the course of the project.

366 (c) All information concerning a proposed project which  
367 is provided to the executive director shall be kept confidential.  
368 Such confidentiality shall not limit disclosure under the  
369 Mississippi Public Records Act of 1983 of records describing the  
370 nature, quantity, cost or other pertinent information related to  
371 the activities of, or services performed using, the Mississippi  
372 Workforce Enhancement Training Fund or the Mississippi Works Fund.

373 (11) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.  
374 2564] shall void or otherwise interrupt any contract, lease, grant  
375 or other agreement previously entered into by the State Workforce  
376 Investment Board, Mississippi Community College Board, individual  
377 community or junior colleges, or other entities.

378 **SECTION 3.** Section 37-153-11, Mississippi Code of 1972, is  
379 brought forward as follows:

380 37-153-11. (1) There are created workforce development  
381 centers to provide assessment, training and placement services to  
382 individuals needing retraining, training and upgrading for small  
383 business and local industry. Each workforce development center



384 shall be affiliated with a separate public community or junior  
385 college district and shall coordinate with the Office of Workforce  
386 Development.

387 (2) Each workforce development center shall be staffed and  
388 organized locally by the affiliated community college. The  
389 workforce development center shall serve as staff to the  
390 affiliated district council.

391 (3) Each workforce development center, working in concert  
392 with its affiliated district council, shall offer and arrange  
393 services to accomplish the purposes of this chapter, including,  
394 but not limited to, the following:

395 (a) For individuals needing training and retraining:

396 (i) Recruiting, assessing, counseling and  
397 referring to training or jobs;

398 (ii) Preemployment training for those with no  
399 experience in the private enterprise system;

400 (iii) Basic literacy skills training and high  
401 school equivalency education;

402 (iv) Vocational and technical training, full-time  
403 or part-time; and

404 (v) Short-term skills training for educationally  
405 and economically disadvantaged adults in cooperation with  
406 federally established employment and training programs;

407 (b) For specific small businesses, industries or firms  
408 within the district:





409 (i) Job analysis, testing and curriculum  
410 development;

411 (ii) Development of specific long-range training  
412 plans;

413 (iii) Industry or firm-related preemployment  
414 training;

415 (iv) Workplace basic skills and literacy training;

416 (v) Customized skills training;

417 (vi) Assistance in developing the capacity for  
418 total quality management training;

419 (vii) Technology transfer information and referral  
420 services to business of local applications of new research in  
421 cooperation with the University Research Center, the state's  
422 universities and other laboratories; and

423 (viii) Development of business plans;

424 (c) For public schools within the district technical  
425 assistance to secondary schools in curriculum coordination,  
426 development of tech prep programs, instructional development and  
427 resource coordination; and

428 (d) For economic development, a local forum and  
429 resource center for all local industrial development groups to  
430 meet and promote regional economic development.

431 (4) Each workforce development center shall compile and make  
432 accessible to the Office of Workforce Development and Mississippi  
433 State Workforce Investment Board necessary information for use in



434 evaluating outcomes of its efforts and in improving the quality of  
435 programs at each community college, and shall include information  
436 on literacy initiatives. Each workforce development center shall,  
437 through an interagency management information system, maintain  
438 records on new small businesses, placement, length of time on the  
439 job after placement and wage rates of those placed in a form  
440 containing such information as established by the state council.

441 (5) The Mississippi Community College Board is authorized to  
442 designate one or more workforce development centers at the request  
443 of affiliated community or junior colleges to provide skills  
444 training to individuals to enhance their ability to be employed in  
445 the motion picture industry in this state.

446 **SECTION 4.** Section 37-153-13, Mississippi Code of 1972, is  
447 brought forward as follows:

448 37-153-13. The Mississippi Community College Board, in  
449 collaboration with the Office of Workforce Development, is  
450 designated as the primary support agency to the workforce  
451 development centers. The Mississippi Community College Board, in  
452 collaboration with the Office of Workforce Development, may  
453 exercise the following powers:

454 (a) To provide the workforce development centers the  
455 assistance necessary to accomplish the purposes of this chapter;

456 (b) To provide the workforce development centers  
457 consistent standards and benchmarks to guide development of the



458 local workforce development system and to provide a means by which  
459 the outcomes of local services can be measured;

460 (c) To develop the staff capacity to provide, broker or  
461 contract for the provision of technical assistance to the  
462 workforce development centers, including, but not limited to:

463 (i) Training local staff in methods of recruiting,  
464 assessment and career counseling;

465 (ii) Establishing rigorous and comprehensive local  
466 preemployment training programs;

467 (iii) Developing local institutional capacity to  
468 deliver total quality management training;

469 (iv) Developing local institutional capacity to  
470 transfer new technologists into the marketplace;

471 (v) Expanding the Skills Enhancement Program and  
472 improving the quality of adult literacy programs; and

473 (vi) Developing data for strategic planning;

474 (d) To collaborate with the Mississippi Development  
475 Authority, Office of Workforce Development, individual community  
476 and junior colleges, and other economic development and  
477 educational organizations and political subdivisions to increase  
478 the economic development potential and the state's labor force  
479 participation rate;

480 (e) To administer presented and approved certification  
481 programs by the community colleges for tax credits and partnership  
482 funding for corporate training;



483 (f) To create and maintain an evaluation team that  
484 examines which kinds of curricula and programs and what forms of  
485 quality control of training are most productive so that the  
486 knowledge developed at one (1) institution of education can be  
487 transferred to others;

488 (g) To develop internal capacity to provide services  
489 and to contract for services from universities and other providers  
490 directly to local institutions;

491 (h) To develop and administer an incentive  
492 certification program;

493 (i) To develop and hire staff and purchase equipment  
494 necessary to accomplish the goals set forth in this section; and

495 (j) To collaborate, partner and contract for services  
496 with community-based organizations and disadvantaged businesses in  
497 the delivery of workforce training and career information  
498 especially to youth, as defined by the federal Workforce  
499 Investment Act, and to those adults who are in low income jobs or  
500 whose individual skill levels are so low as to be unable initially  
501 to be aided by a workforce development center. Community-based  
502 organizations and disadvantaged businesses must meet  
503 performance-based certification requirements set by the  
504 Mississippi Community College Board, in collaboration with the  
505 Office of Workforce Development.

506 **SECTION 5.** Section 71-5-353, Mississippi Code of 1972, is  
507 brought forward as follows:



508           71-5-353. (1) (a) Each employer shall pay unemployment  
509 insurance contributions equal to five and four-tenths percent  
510 (5.4%) of taxable wages paid by him each calendar year, except as  
511 may be otherwise provided in Section 71-5-361 and except that each  
512 newly subject employer shall pay unemployment insurance  
513 contributions at the rate of one percent (1%) of taxable wages,  
514 for his first year of liability, one and one-tenth percent (1.1%)  
515 of taxable wages for his second year of liability, and one and  
516 two-tenths percent (1.2%) of taxable wages for his third and  
517 subsequent years of liability unless the employer's  
518 experience-rating record has been chargeable throughout at least  
519 the twelve (12) consecutive calendar months ending on the most  
520 recent computation date at the time the rate for a year is  
521 determined; thereafter the employer's contribution rate shall be  
522 determined in accordance with the provisions of Section 71-5-355.

523           (b) Notwithstanding the newly subject employer  
524 contribution rate provided for in paragraph (a) of this  
525 subsection, the contribution rate of all newly subject employers  
526 shall be reduced by seven one-hundredths of one percent (.07%) for  
527 calendar year 2013 only. The contribution rate of all newly  
528 subject employers shall be reduced by three one-hundredths of one  
529 percent (.03%) for calendar year 2014 only. For purposes of this  
530 chapter, "newly subject employers" means employers whose  
531 unemployment insurance experience-rating record has not been  
532 chargeable throughout at least the twelve (12) consecutive



533 calendar months ending on the most recent computation date at the  
534 time the contribution rate for a year is determined.

535 (2) (a) (i) There is hereby created in the Treasury of the  
536 State of Mississippi special funds to be known as the "Mississippi  
537 Workforce Enhancement Training Fund" and the "Mississippi Works  
538 Fund" which consist of funds collected pursuant to subsection (3)  
539 of this section.

540 (ii) Funds collected shall initially be deposited  
541 into the Mississippi Department of Employment Security bank  
542 account for clearing contribution collections and subsequently  
543 appropriate amounts shall be transferred to the Mississippi  
544 Workforce Investment and Training Fund Holding Account described  
545 in Section 71-5-453. In the event any employer pays an amount  
546 insufficient to cover the total contributions due, the amounts due  
547 shall be satisfied in the following order:

- 548 1. Unemployment contributions;
- 549 2. Mississippi Workforce Enhancement Training  
550 contributions, State Workforce Investment contributions and the  
551 Mississippi Works contributions, known collectively as the  
552 Mississippi Workforce Investment and Training contributions, on a  
553 pro rata basis;
- 554 3. Interest and damages; then
- 555 4. Legal and processing costs.

556 The amount of unemployment insurance contributions due for  
557 any period will be the amount due according to the actual



558 computations unless the employer is participating in the MLPP. In  
559 that event, the amount due is the MLPP amount computed by the  
560 department.

561 Cost of collection and administration of the Mississippi  
562 Workforce Enhancement Training contribution, the State Workforce  
563 Investment contribution and the Mississippi Works contribution  
564 shall be allocated based on a plan approved by the United States  
565 Department of Labor (USDOL). The Mississippi Community College  
566 Board shall pay the cost of collecting the Mississippi Workforce  
567 Enhancement Training contributions, the State Workforce Investment  
568 Board shall pay the cost of collecting the State Workforce  
569 Investment contributions and the Mississippi Department of  
570 Employment Security shall pay the cost of collecting the  
571 Mississippi Works contributions. Payments shall be made  
572 semiannually with the cost allocated to each based on a USDOL  
573 approved plan on a pro rata basis, for periods ending in June and  
574 December of each year. Payment shall be made by each organization  
575 to the department no later than sixty (60) days after the billing  
576 date. Cost shall be allocated under the USDOL's approved plan and  
577 in the same ratio as each contribution type represents to the  
578 total authorized by subparagraph (ii)2 of this paragraph to be  
579 collected for the period.

580 (b) Mississippi Workforce Enhancement Training  
581 contributions and State Workforce Investment contributions shall  
582 be distributed as follows:



583 (i) For calendar year 2014, ninety-four and  
584 seventy-five one-hundredths percent (94.75%) shall be distributed  
585 to the Mississippi Workforce Enhancement Training Fund and the  
586 remainder shall be distributed to the State Workforce Investment  
587 Board bank account;

588 (ii) For calendar years subsequent to calendar  
589 year 2014, ninety-three and seventy-five one-hundredths percent  
590 (93.75%) shall be distributed to the Mississippi Workforce  
591 Enhancement Training Fund and the remainder shall be distributed  
592 to the State Workforce Investment Board bank account;

593 (iii) Workforce Enhancement Training contributions  
594 and State Workforce Investment contributions for calendar years  
595 2014 and 2015 shall be distributed as provided in subparagraphs  
596 (i) and (ii) of this paragraph regardless of when the  
597 contributions were collected.

598 (c) All contributions collected for the State Workforce  
599 Enhancement Training Fund, the State Workforce Investment Fund and  
600 the Mississippi Works Fund will be initially deposited into the  
601 Mississippi Department of Employment Security bank account for  
602 clearing contribution collections and subsequently transferred to  
603 the Workforce Investment and Training Holding Account and will be  
604 held by the Mississippi Department of Employment Security in such  
605 account for a period of not less than thirty (30) days. After  
606 such period, the Mississippi Workforce Enhancement Training  
607 contributions shall be transferred to the Mississippi Community





608 College Board Treasury Account, with oversight provided by the  
609 Mississippi Office of Workforce Development, the State Workforce  
610 Investment contributions and the Mississippi Works contributions  
611 shall be transferred to the Mississippi Department of Employment  
612 Security Mississippi Works Treasury Account in the same ratio as  
613 each contribution type represents to the total authorized by  
614 paragraph (a)(ii)2 of this subsection to be collected for the  
615 period and within the time frame determined by the department;  
616 however, except in cases of extraordinary circumstances, these  
617 funds shall be transferred within fifteen (15) days. Interest  
618 earnings or interest credits on deposit amounts in the Workforce  
619 Investment and Training Holding Account shall be retained in the  
620 account to pay the banking costs of the account. If after the  
621 period of twelve (12) months interest earnings less banking costs  
622 exceeds Ten Thousand Dollars (\$10,000.00), such excess amounts  
623 shall be transferred to the respective accounts within thirty (30)  
624 days following the end of each calendar year on the basis  
625 described in paragraph (b) of this subsection. Interest earnings  
626 and/or interest credits for the State Workforce Investments funds  
627 shall be used for the payment of banking costs and excess amounts  
628 shall be used in accordance with the rules and regulations of the  
629 State Workforce Investment Board expenditure policies.

630 (d) All enforcement procedures for the collection of  
631 delinquent unemployment contributions contained in Sections  
632 71-5-363 through 71-5-383 shall be applicable in all respects for



633 collections of delinquent unemployment insurance contributions  
634 designated for the Unemployment Compensation Fund, the Mississippi  
635 Workforce Enhancement Training Fund, the State Workforce  
636 Investment Board Fund and the Mississippi Works Fund.

637           (e) (i) Except as otherwise provided for in this  
638 subparagraph (i), all monies deposited into the Mississippi  
639 Workforce Enhancement Training Fund Treasury Account shall be  
640 directed by the Mississippi Office of Workforce Development, in  
641 collaboration with the Mississippi Community College Board, in  
642 accordance with the Workforce Training Act of 1994 (Section  
643 37-153-1 et seq.) and under policies approved by the Mississippi  
644 Office of Workforce Development for the following purposes: to  
645 provide training in collaboration with the Mississippi Community  
646 College Board and individual community and junior colleges to  
647 employers and employees in order to enhance employee productivity.  
648 Such training may be subject to a minimal administrative fee to be  
649 paid from the Mississippi Workforce Enhancement Training Fund as  
650 established by the Office of Workforce Development. The initial  
651 priority of these funds shall be for the benefit of existing  
652 businesses located within the state. Employers may request  
653 training for existing employees and/or newly hired employees from  
654 the Mississippi Office of Workforce Development. The office, in  
655 consultation with the Mississippi Community College Board, will be  
656 responsible for approving the training. A portion of the funds  
657 collected for the Mississippi Workforce Enhancement Training Fund



658 shall be used for the development of performance measures to  
659 measure the effectiveness of the use of the Mississippi Workforce  
660 Enhancement Training Fund dollars. These performance measures  
661 shall be uniform for all training projects and shall be reported  
662 to the Governor, Lieutenant Governor, Speaker of the House, and  
663 members of the Legislature. Nothing in this section or elsewhere  
664 in law shall be interpreted as giving the Office of Workforce  
665 Development or State Workforce Investment Board authority to  
666 direct the Mississippi Community College Board or individual  
667 community or junior colleges on how to expend other funds, aside  
668 from funds appropriated to the Mississippi Workforce Enhancement  
669 Training Fund and Mississippi Works Fund, appropriated or received  
670 for workforce training. The Mississippi Office of Workforce  
671 Development, Mississippi Community College Board, individual  
672 community or junior colleges, State Workforce Investment Board and  
673 other agencies implementing or coordinating state-funded workforce  
674 development programs under state law shall cooperate with each  
675 other to promote effective workforce training in Mississippi,  
676 under the direction of the office. Any subsequent changes to  
677 these performance measures shall also be reported to the Governor,  
678 Lieutenant Governor, Speaker of the House, and members of the  
679 Legislature. A performance report for each training project and  
680 community college, based upon these measures, shall be submitted  
681 annually to the Governor, Lieutenant Governor, Speaker of the  
682 House, and members of the Legislature.



683 (ii) Except as otherwise provided in this  
684 paragraph (e), all funds deposited into the State Workforce  
685 Investment Board bank account shall be used for administration of  
686 State Workforce Investment Board business, the Office of Workforce  
687 Development, grants related to training, and other projects as  
688 determined appropriate by the State Workforce Investment Board and  
689 shall be nonexpiring. Policies for grants and other projects  
690 shall be approved through a majority vote of the State Workforce  
691 Investment Board.

692 (iii) All funds deposited into the Mississippi  
693 Department of Employment Security Mississippi Works Fund shall be  
694 disbursed exclusively by the Executive Director of the Mississippi  
695 Department of Employment Security, in accordance with the rules  
696 and regulations promulgated by the Office of Workforce Development  
697 in support of workforce training activities approved by the  
698 Mississippi Office of Workforce Development in support of economic  
699 development activities. Funds allocated by the executive director  
700 under this subparagraph (iii) shall only be utilized for the  
701 training of unemployed persons, for immediate training needs for  
702 the net new jobs created by an employer, for the retention of jobs  
703 or to create a work-ready applicant pool of Mississippians with  
704 credentials and/or postsecondary education in accordance with the  
705 state's Workforce Investment and Opportunity Act plan. The  
706 Executive Director of the Office of Workforce Development shall  
707 give priority to the training of unemployed persons. Not more



708 than twenty-five percent (25%) of the funds may be allocated for  
709 the retention of jobs and/or creation of a work-ready applicant  
710 pool. Not more than Five Hundred Thousand Dollars (\$500,000.00)  
711 may be allocated annually for the training needs of any one (1)  
712 employer. The Mississippi Office of Workforce Development, in  
713 collaboration with the Mississippi Public Community College System  
714 and its partners, shall be the primary entity to facilitate  
715 training. In no case shall these funds be used to supplant  
716 workforce funds available from any other sources, including, but  
717 not limited to, local, state or federal sources that are available  
718 for workforce training and development. Training conducted  
719 utilizing these Mississippi Works funds may be subject to a  
720 minimal administrative fee to be paid from the Mississippi Works  
721 Fund as authorized by the Mississippi Office of Workforce  
722 Development. All costs associated with the administration of  
723 these funds shall be reimbursed to the Mississippi Department of  
724 Employment Security from the Mississippi Works Fund.

725 (iv) 1. The Department of Employment Security  
726 shall be the fiscal agent for the receipt and disbursement of all  
727 funds in the State Workforce Investment Board bank account,  
728 subject to the administrative oversight of the Office of Workforce  
729 Development.

730 2. In managing the State Workforce Investment  
731 Board bank account, the Office of Workforce Development, in  
732 coordination with the Mississippi Department of Employment



733 Security as fiscal agent, shall ensure that any funds expended for  
734 contractual services rendered to the Office of Workforce  
735 Development shall be paid only to service providers who have been  
736 selected on a competitive basis. Any contract for services  
737 entered into using funds from the Workforce Investment Fund bank  
738 account shall contain the deliverables stated in terms that allow  
739 for the assessment of work performance against measurable  
740 performance standards and shall include milestones for completion  
741 of each deliverable under the contract. For each contract for  
742 services entered into by the Office of Workforce Development, the  
743 office shall develop a quality assurance surveillance plan that  
744 specifies quality control obligations of the contractor as well as  
745 measurable inspection and acceptance criteria corresponding to the  
746 performance standards contained in the contract's statement of  
747 work.

748                   3. Any commodities procured for the office  
749 shall be procured in accordance with the provisions of Section  
750 31-7-13.

751                   (v) In addition to other expenditures, the Office  
752 of Workforce Development shall expend from the State Workforce  
753 Investment Board bank account for the use and benefit of the  
754 Office of Workforce Development, such funds as are necessary to  
755 prepare and develop a study of workforce development needs that  
756 will consist of the following:



757                   1. An identification of the state's workforce  
758 development needs through a well-documented quantitative and  
759 qualitative analysis of:

760                   a. The current and projected workforce  
761 training needs of existing and identified potential Mississippi  
762 industries, with priority given to assessing the needs of existing  
763 in-state industry and business. Where possible, the analysis  
764 should include a verification and expansion of existing  
765 information previously developed by workforce training and service  
766 providers, as well as analysis of existing workforce data, such as  
767 the data collected through the Statewide Longitudinal Data System.

768                   b. The needs of the state's workers and  
769 residents requiring additional workforce training to improve their  
770 work skills in order to compete for better employment  
771 opportunities, including a priority-based analysis of the critical  
772 factors currently limiting the state's ability to provide a  
773 trained and ready workforce.

774                   c. The needs of workforce service and  
775 training providers in improving their ability to offer  
776 industry-relevant training, including an assessment of the  
777 practical limits of keeping training programs on the leading edge  
778 and eliminating those programs with marginal workforce relevance.

779                   2. An assessment of Mississippi's current  
780 workforce development service delivery structure relative to the  
781 needs quantified in this subparagraph, including:



782 a. Development of a list of  
783 strengths/weaknesses/opportunities/threats (SWOT) of the current  
784 workforce development delivery system relative to the identified  
785 needs;

786 b. Identification of strategic options  
787 for workforce development services based on the results of the  
788 SWOT analysis; and

789 c. Development of results-oriented  
790 measures for each option that can be baselined and, if  
791 implemented, tracked over time, with quantifiable milestones and  
792 goals.

793 3. Preparation of a report presenting all  
794 subjects set out in this subparagraph to be delivered to the  
795 Lieutenant Governor, Speaker of the House of Representatives,  
796 Chairman of the Senate Finance Committee and Chairman of the House  
797 Appropriations Committee no later than February 1, 2015.

798 4. Following the preparation of the report,  
799 the State Workforce Investment Board shall make a recommendation  
800 to the House and Senate Appropriations Committees on future uses  
801 of funds deposited to the State Workforce Investment Fund account.  
802 Such future uses may include:

803 a. The development of promotion  
804 strategies for workforce development programs;





805                                   b. Initiatives designed to reduce the  
806 state's dropout rate, including the development of a statewide  
807 career awareness program;

808                                   c. The long-term monitoring of the  
809 state's workforce development programs to determine whether they  
810 are addressing the needs of business, industry, and the workers of  
811 the state; and

812                                   d. The study of the potential  
813 restructuring of the state's workforce programs and delivery  
814 systems.

815           (3)   (a)   (i) Mississippi Workforce Enhancement Training  
816 contributions and State Workforce Investment contributions shall  
817 be collected at the following rates:

818                                   1. For calendar year 2014 only, the rate of  
819 nineteen one-hundredths of one percent (.19%) based upon taxable  
820 wages of which eighteen one-hundredths of one percent (.18%) shall  
821 be the Workforce Enhancement Training contribution and  
822 one-hundredths of one percent (.01%) shall be the State Workforce  
823 Investment contribution; and

824                                   2. For calendar year 2015 only, the rate of  
825 sixteen one-hundredths of one percent (.16%), based upon taxable  
826 wages of which fifteen one-hundredths of one percent (.15%) shall  
827 be the Workforce Enhancement Training contribution and  
828 one-hundredths of one percent (.01%) shall be the State Workforce  
829 Investment contribution.



830 (ii) Mississippi Workforce Enhancement Training  
831 contributions, State Workforce Investment contributions and  
832 Mississippi Works contributions shall be collected at the  
833 following rates:

834 1. For calendar year 2016 only, at a rate of  
835 twenty-four one-hundredths percent (.24%), based upon taxable  
836 wages, of which fifteen one-hundredths percent (.15%) shall be the  
837 Workforce Enhancement Training contribution, one-hundredths of one  
838 percent (.01%) shall be the State Workforce Investment  
839 contribution and eight one-hundredths percent (.08%) shall be the  
840 Mississippi Works contribution.

841 2. For calendar years subsequent to calendar  
842 year 2016, at a rate of twenty one-hundredths percent (.20%),  
843 based upon taxable wages, of which fifteen one-hundredths percent  
844 (.15%) shall be the Workforce Enhancement Training contribution,  
845 one-hundredths of one percent (.01%) shall be the State Workforce  
846 Investment contribution and four one-hundredths percent (.04%)  
847 shall be the Mississippi Works contribution. The Mississippi  
848 Works contribution shall be collected for calendar years in which  
849 the general experience ratio, adjusted on the basis of the trust  
850 fund adjustment factor and reduced by fifty percent (50%), results  
851 in a general experience rate of less than two-tenths percent  
852 (.2%). In all other years the Mississippi Works contribution  
853 shall not be in effect.



854 (iii) The Mississippi Workforce Enhancement  
855 Training Fund contribution, the State Workforce Investment  
856 contribution and the Mississippi Works contribution shall be in  
857 addition to the general experience rate plus the individual  
858 experience rate of all employers but shall not be charged to  
859 reimbursing or rate-paying political subdivisions or institutions  
860 of higher learning, or reimbursing nonprofit organizations, as  
861 described in Sections 71-5-357 and 71-5-359.

862 (b) All Mississippi Workforce Enhancement Training  
863 contributions, State Workforce Investment contributions and  
864 Mississippi Works contributions collected shall be deposited  
865 initially into the Mississippi Department of Employment Security  
866 bank account for clearing contribution collections and shall  
867 within two (2) business days be transferred to the Workforce  
868 Investment and Training Holding Account. Any Mississippi  
869 Workforce Enhancement Training Fund and/or State Workforce  
870 Investment Board bank account and/or Mississippi Works Fund  
871 transactions from the Mississippi Department of Employment  
872 Security bank account for clearing contribution collections that  
873 are deposited into the Workforce Investment and Training Fund  
874 Holding Account and are not honored by a financial institution  
875 will be transferred back to the Mississippi Department of  
876 Employment Security bank account for clearing contribution  
877 collections out of funds in the Mississippi Workforce Investment  
878 and Training Fund Holding Account.



879           (c) Suspension of the Workforce Enhancement Training  
880 Fund contributions required pursuant to this chapter shall occur  
881 if the insured unemployment rate exceeds an average of five and  
882 five-tenths percent (5.5%) for the three (3) consecutive months  
883 immediately preceding the effective date of the new rate year  
884 following such occurrence and shall remain suspended throughout  
885 the duration of that rate year. Such suspension shall continue  
886 until such time as the three (3) consecutive months immediately  
887 preceding the effective date of the next rate year that has an  
888 insured unemployment rate of less than an average of four and  
889 five-tenths percent (4.5%). Upon such occurrence, reactivation  
890 shall be effective upon the first day of the rate year following  
891 the event that lifts suspension and shall be in effect for that  
892 year and shall continue until such time as a subsequent suspension  
893 event as described in this chapter occurs.

894           (d) Notwithstanding any other provision contained  
895 herein, contribution collections for the State Workforce  
896 Investment Fund, Mississippi Works Fund and Mississippi Workforce  
897 Enhancement Training Fund shall not be suspended, under any  
898 circumstances, for tax rate year 2021, and the resulting  
899 contribution rate of twenty one-hundredths percent (.20%) shall be  
900 added to the employer's general and individual experience rate to  
901 obtain the total unemployment insurance rate for 2021.

902           (4) All collections due or accrued prior to any suspension  
903 of the Mississippi Workforce Enhancement Training Fund will be



904 collected based upon the law at the time the contributions  
905 accrued, regardless of when they are actually collected.

906         **SECTION 6.** Section 71-5-453, Mississippi Code of 1972, is  
907 brought forward as follows:

908         71-5-453. The department shall be the treasurer and  
909 custodian of the fund, and shall administer such fund in  
910 accordance with the directions of the department, and shall issue  
911 its warrants upon it in accordance with such regulations as the  
912 department shall prescribe. The department shall maintain within  
913 the fund three (3) separate accounts: (a) a clearing account, (b)  
914 an unemployment trust fund account, and (c) a benefit payment  
915 account. All monies payable to the fund, upon receipt thereof by  
916 the department, shall be immediately deposited in the clearing  
917 account. Refunds payable pursuant to Section 71-5-383 may be paid  
918 from the clearing account by the department. Transfers pursuant  
919 to Section 71-5-114 of all interest, penalties and damages  
920 collected shall be made to the Special Employment Security  
921 Administration Fund as soon as practicable after the end of each  
922 calendar quarter. Workforce Enhancement Training contributions,  
923 State Workforce Investment contributions and Mississippi Works  
924 contributions shall be deposited into the Workforce Investment and  
925 Training Holding Account as described in this section. All other  
926 monies in the clearing account shall be immediately deposited with  
927 the Secretary of the Treasury of the United States of America to  
928 the Unemployment Trust Fund account for the State of Mississippi,



929 established and maintained pursuant to Section 904 of the Social  
930 Security Act, as amended, any provisions of law in this state  
931 relating to the deposit, administration, release or disbursement  
932 of monies in the possession or custody of this state to the  
933 contrary notwithstanding. The benefit account shall consist of  
934 all monies requisitioned from this state's account in the  
935 Unemployment Trust Fund. Except as herein otherwise provided,  
936 monies in the clearing and benefit accounts may be deposited by  
937 the department, in any bank or public depository in which general  
938 funds of the state may be deposited, but no public deposit  
939 insurance charge or premium shall be paid out of the fund. The  
940 department shall be liable for the faithful performance of its  
941 duties in connection with the Unemployment Compensation Fund under  
942 this chapter. A Workforce Investment and Training Holding Account  
943 shall be established by and maintained under the control of the  
944 Mississippi Department of Employment Security. Contributions  
945 collected pursuant to the provisions in this chapter for the  
946 Workforce Enhancement Training Fund, State Workforce Investment  
947 Fund and the Mississippi Works Fund shall be transferred from the  
948 clearing account into the Workforce Investment and Training  
949 Holding Account on the same schedule and under the same conditions  
950 as funds transferred to the Unemployment Compensation Fund. Such  
951 funds shall remain on deposit in the holding account for a period  
952 of thirty (30) days. After such period, Workforce Enhancement  
953 Training contributions shall be transferred to the appropriate



954 Mississippi Community College Board Treasury Account, with  
955 oversight provided by the Mississippi Office of Workforce  
956 Development, by the department. The State Workforce Investment  
957 contributions shall be transferred to the State Workforce  
958 Investment Board bank account established by the department, and  
959 the department shall have the authority to deposit and disburse  
960 funds from the State Workforce Investment Board bank account as  
961 directed by the State Workforce Investment Board. The Mississippi  
962 Works contributions shall be transferred to the Mississippi  
963 Department of Employment Security Treasury Account for the  
964 Mississippi Works Fund. Such transfers shall occur within fifteen  
965 (15) days after the funds have resided in the Workforce Investment  
966 and Training Holding Account for thirty (30) days. One (1) such  
967 transfer shall be made monthly, but the department, in its  
968 discretion, may make additional transfers in any month. In the  
969 event such funds transferred are subsequently determined to be  
970 erroneously paid or collected, or if deposit of such funds is  
971 denied or rejected by the banking institution for any reason, or  
972 deposits are unable to clear drawer's account for any reason, the  
973 funds must be reimbursed by the recipient of such funds within  
974 thirty (30) days of mailing of notice by the department demanding  
975 such refund, unless funds are available in the Workforce  
976 Investment and Training Holding Account. In that event such  
977 amounts shall be immediately withdrawn from the Workforce



978 Investment and Training Holding Account by the department and  
979 redeposited into the clearing account.

980         **SECTION 7.** Section 37-153-17, Mississippi Code of 1972, is  
981 brought forward as follows:

982             37-153-17. Sections 37-153-1, 37-153-3, 37-153-5, 37-153-7,  
983 37-153-9, 37-153-11, 37-153-13 and 37-153-15 shall stand repealed  
984 on July 1, 2023.

985         **SECTION 8.** Section 37-153-15, Mississippi Code of 1972, is  
986 brought forward as follows:

987             37-153-15. (1) As used in this chapter:

988                 (a) The words "industry certification" mean a voluntary  
989 process through which students are assessed by an independent,  
990 third-party certifying entity using predetermined standards for  
991 knowledge, skills and competencies, resulting in the award of a  
992 credential that is nationally recognized and must be at least one  
993 (1) of the following:

994                         (i) Within an industry that addresses a critical  
995 local, regional or statewide economic need;

996                         (ii) Linked to an occupation that is included in  
997 the State Department of Employment Security's occupations in  
998 high-demand list; or

999                         (iii) Linked to an occupation that is identified  
1000 as emerging.

1001                 (b) The words "qualifying industry certification" mean  
1002 an industry certification that is linked to an occupation with





1003 wages of at least seventy percent (70%) of the average annual wage  
1004 in this state unless the industry certification is stackable to  
1005 another postsecondary or professional credential which is linked  
1006 to an occupation which meets the wage criterion.

1007 (2) The State Workforce Investment Board shall provide the  
1008 State Board of Education annually with a list of qualifying  
1009 industry certifications. If the occupations identified in the  
1010 list are not substantially the same as those occupations  
1011 identified in the prior year, the State Board of Education shall  
1012 provide reasonable notice of the changes to school districts.

1013 (3) Beginning in fiscal year 2019-2020 and subject to  
1014 available funding, the Department of Education shall pay a career  
1015 and technical education incentive grant to the public school for  
1016 each student enrolled in the public school who earns a qualifying  
1017 industry certification. The amount per student for the career and  
1018 technical education incentive grant shall be Six Hundred Dollars  
1019 (\$600.00). If the statewide sum of the career and technical  
1020 education incentive grants awarded pursuant to this section  
1021 exceeds the amount of available funds appropriated for the grants,  
1022 the grants per student shall be reduced proportionately to cover  
1023 all eligible grants under this section.

1024 (4) The grants may be used for qualifying industry  
1025 certification examination fees, professional development for  
1026 teachers in career and technical education programs under this  
1027 section, student instructional support for programs that lead to



1028 qualifying industry certifications, or to increase access to  
1029 qualifying industry certifications. Any grants awarded under this  
1030 section may not be used to supplant funds provided for the basic  
1031 operation of the career and technical education programs.

1032 (5) On or before July 1 of each year, the Department of  
1033 Education shall submit a report to the Governor, the Lieutenant  
1034 Governor, the Speaker of the House of Representatives, the  
1035 Chairmen of the House and Senate Education Committees, the  
1036 Chairman of the House Workforce Development Committee and the  
1037 Chairman of the Senate Labor Committee on the following:

1038 (a) The number of students who enrolled in a career and  
1039 technical education course or program that leads to a qualifying  
1040 industry certification.

1041 (b) The number of students who earned a qualifying  
1042 industry certification by certification.

1043 (c) The amount of career and technical education  
1044 incentive grants awarded by the school.

1045 (d) The amount of career and technical education  
1046 incentive grants awarded per student.

1047 (e) Aggregated demographic data on the students who  
1048 earned a qualifying industry certification, including the  
1049 qualifying industry certifications earned by rural and urban  
1050 students.



1051           **SECTION 9.** The provisions of Sections 9 through 15 of this  
1052 act shall be known as the "Comprehensive Career and Technical  
1053 Education Reform" or "CCATER" Act.

1054           **SECTION 10.** Section 37-15-38, Mississippi Code of 1972, is  
1055 brought forward as follows:

1056           37-15-38. (1) The following phrases have the meanings  
1057 ascribed in this section unless the context clearly requires  
1058 otherwise:

1059                   (a) A dual enrolled student is a student who is  
1060 enrolled in a community or junior college or state institution of  
1061 higher learning while enrolled in high school.

1062                   (b) A dual credit student is a student who is enrolled  
1063 in a community or junior college or state institution of higher  
1064 learning while enrolled in high school and who is receiving high  
1065 school and college credit for postsecondary coursework.

1066                   (2) A local school board, the Board of Trustees of State  
1067 Institutions of Higher Learning and the Mississippi Community  
1068 College Board shall establish a dual enrollment system under which  
1069 students in the school district who meet the prescribed criteria  
1070 of this section may be enrolled in a postsecondary institution in  
1071 Mississippi while they are still in school.

1072                   (3) **Dual credit eligibility.** Before credits earned by a  
1073 qualified high school student from a community or junior college  
1074 or state institution of higher learning may be transferred to the



1075 student's home school district, the student must be properly  
1076 enrolled in a dual enrollment program.

1077       (4) **Admission criteria for dual enrollment in community and**  
1078 **junior college or university programs.** The Mississippi Community  
1079 College Board and the Board of Trustees of State Institutions of  
1080 Higher Learning may recommend to the State Board of Education  
1081 admission criteria for dual enrollment programs under which high  
1082 school students may enroll at a community or junior college or  
1083 university while they are still attending high school and enrolled  
1084 in high school courses. Students may be admitted to enroll in  
1085 community or junior college courses under the dual enrollment  
1086 programs if they meet that individual institution's stated dual  
1087 enrollment admission requirements.

1088       (5) **Tuition and cost responsibility.** Tuition and costs for  
1089 university-level courses and community and junior college courses  
1090 offered under a dual enrollment program may be paid for by the  
1091 postsecondary institution, the local school district, the parents  
1092 or legal guardians of the student, or by grants, foundations or  
1093 other private or public sources. Payment for tuition and any  
1094 other costs must be made directly to the credit-granting  
1095 institution.

1096       (6) **Transportation responsibility.** Any transportation  
1097 required by a student to participate in the dual enrollment  
1098 program is the responsibility of the parent, custodian or legal  
1099 guardian of the student. Transportation costs may be paid from



1100 any available public or private sources, including the local  
1101 school district.

1102 (7) **School district average daily attendance credit.** When  
1103 dually enrolled, the student may be counted, for adequate  
1104 education program funding purposes, in the average daily  
1105 attendance of the public school district in which the student  
1106 attends high school.

1107 (8) **High school student transcript transfer requirements.**  
1108 Grades and college credits earned by a student admitted to a dual  
1109 credit program must be recorded on the high school student record  
1110 and on the college transcript at the university or community or  
1111 junior college where the student attends classes. The transcript  
1112 of the university or community or junior college coursework may be  
1113 released to another institution or applied toward college  
1114 graduation requirements.

1115 (9) **Determining factor of prerequisites for dual enrollment**  
1116 **courses.** Each university and community or junior college  
1117 participating in a dual enrollment program shall determine course  
1118 prerequisites. Course prerequisites shall be the same for dual  
1119 enrolled students as for regularly enrolled students at that  
1120 university or community or junior college.

1121 (10) **Process for determining articulation of curriculum**  
1122 **between high school, university, and community and junior college**  
1123 **courses.** All dual credit courses must meet the standards  
1124 established at the postsecondary level. Postsecondary level



1125 developmental courses may not be considered as meeting the  
1126 requirements of the dual credit program. Dual credit memorandum  
1127 of understandings must be established between each postsecondary  
1128 institution and the school district implementing a dual credit  
1129 program.

1130 (11) [Deleted]

1131 (12) **Eligible courses for dual credit programs.** Courses  
1132 eligible for dual credit include, but are not necessarily limited  
1133 to, foreign languages, advanced math courses, advanced science  
1134 courses, performing arts, advanced business and technology, and  
1135 career and technical courses. Distance Learning Collaborative  
1136 Program courses approved under Section 37-67-1 shall be fully  
1137 eligible for dual credit. All courses being considered for dual  
1138 credit must receive unconditional approval from the superintendent  
1139 of the local school district and the chief instructional officer  
1140 at the participating community or junior college or university in  
1141 order for college credit to be awarded. A university or community  
1142 or junior college shall make the final decision on what courses  
1143 are eligible for semester hour credits.

1144 (13) **High school Carnegie unit equivalency.** One (1)  
1145 three-hour university or community or junior college course is  
1146 equal to one (1) high school Carnegie unit.

1147 (14) **Course alignment.** The universities, community and  
1148 junior colleges and the State Department of Education shall  
1149 periodically review their respective policies and assess the place



1150 of dual credit courses within the context of their traditional  
1151 offerings.

1152       (15) **Maximum dual credits allowed.** It is the intent of the  
1153 dual enrollment program to make it possible for every eligible  
1154 student who desires to earn a semester's worth of college credit  
1155 in high school to do so. A qualified dually enrolled high school  
1156 student must be allowed to earn an unlimited number of college or  
1157 university credits for dual credit.

1158       (16) **Dual credit program allowances.** A student may be  
1159 granted credit delivered through the following means:

1160           (a) Examination preparation taught at a high school by  
1161 a qualified teacher. A student may receive credit at the  
1162 secondary level after completion of an approved course and passing  
1163 the standard examination, such as an Advanced Placement or  
1164 International Baccalaureate course through which a high school  
1165 student is allowed CLEP credit by making a three (3) or higher on  
1166 the end-of-course examination.

1167           (b) College or university courses taught at a high  
1168 school or designated postsecondary site by a qualified teacher who  
1169 is an employee of the school district and approved as an  
1170 instructor by the collaborating college or university.

1171           (c) College or university courses taught at a college,  
1172 university or high school by an instructor employed by the college  
1173 or university and approved by the collaborating school district.



1174 (d) Online courses of any public university, community  
1175 or junior college in Mississippi.

1176 (17) **Qualifications of dual credit instructors.** A dual  
1177 credit academic instructor must meet the requirements set forth by  
1178 the regional accrediting association (Southern Association of  
1179 College and Schools). University and community and junior college  
1180 personnel have the sole authority in the selection of dual credit  
1181 instructors.

1182 A dual credit career and technical education instructor must  
1183 meet the requirements set forth by the Mississippi Community  
1184 College Board in the qualifications manual for postsecondary  
1185 career and technical personnel.

1186 (18) **Guidance on local agreements.** The Chief Academic  
1187 Officer of the State Board of Trustees of State Institutions of  
1188 Higher Learning and the Chief Instructional Officers of the  
1189 Mississippi Community College Board and the State Department of  
1190 Education, working collaboratively, shall develop a template to be  
1191 used by the individual community and junior colleges and  
1192 institutions of higher learning for consistent implementation of  
1193 the dual enrollment program throughout the State of Mississippi.

1194 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**  
1195 A local school board and the local community colleges board shall  
1196 establish a Mississippi Works Dual Enrollment-Dual Credit Option  
1197 Program under which potential or recent student dropouts may  
1198 dually enroll in their home school and a local community college





1199 in a dual credit program consisting of high school completion  
1200 coursework and a community college credential, certificate or  
1201 degree program. Students completing the dual enrollment-credit  
1202 option may obtain their high school diploma while obtaining a  
1203 community college credential, certificate or degree. The  
1204 Mississippi Department of Employment Security shall assist  
1205 students who have successfully completed the Mississippi Works  
1206 Dual Enrollment-Dual Credit Option in securing a job upon the  
1207 application of the student or the participating school or  
1208 community college. The Mississippi Works Dual Enrollment-Dual  
1209 Credit Option Program will be implemented statewide in the  
1210 2012-2013 school year and thereafter. The State Board of  
1211 Education, local school board and the local community college  
1212 board shall establish criteria for the Dual Enrollment-Dual Credit  
1213 Program. Students enrolled in the program will not be eligible to  
1214 participate in interscholastic sports or other extracurricular  
1215 activities at the home school district. Tuition and costs for  
1216 community college courses offered under the Dual Enrollment-Dual  
1217 Credit Program shall not be charged to the student, parents or  
1218 legal guardians. When dually enrolled, the student shall be  
1219 counted for adequate education program funding purposes, in the  
1220 average daily attendance of the public school district in which  
1221 the student attends high school, as provided in Section  
1222 37-151-7(1)(a). Any transportation required by the student to  
1223 participate in the Dual Enrollment-Dual Credit Program is the



1224 responsibility of the parent or legal guardian of the student, and  
1225 transportation costs may be paid from any available public or  
1226 private sources, including the local school district. Grades and  
1227 college credits earned by a student admitted to this Dual  
1228 Enrollment-Dual Credit Program shall be recorded on the high  
1229 school student record and on the college transcript at the  
1230 community college and high school where the student attends  
1231 classes. The transcript of the community college coursework may  
1232 be released to another institution or applied toward college  
1233 graduation requirements. Any course that is required for subject  
1234 area testing as a requirement for graduation from a public school  
1235 in Mississippi is eligible for dual credit, and courses eligible  
1236 for dual credit shall also include career, technical and degree  
1237 program courses. All courses eligible for dual credit shall be  
1238 approved by the superintendent of the local school district and  
1239 the chief instructional officer at the participating community  
1240 college in order for college credit to be awarded. A community  
1241 college shall make the final decision on what courses are eligible  
1242 for semester hour credits and the local school superintendent,  
1243 subject to approval by the Mississippi Department of Education,  
1244 shall make the final decision on the transfer of college courses  
1245 credited to the student's high school transcript.

1246       **SECTION 11.** Section 37-16-17, Mississippi Code of 1972, is  
1247 amended as follows:



1248 37-16-17. (1) Purpose. (a) The purpose of this section is  
1249 to create a quality option in Mississippi's high schools for  
1250 students not wishing to pursue a baccalaureate degree, which shall  
1251 consist of challenging academic courses and modern  
1252 career-technical studies. The goal for students pursuing the  
1253 career track is to graduate from high school with a standard  
1254 diploma and credit toward a community college certification in a  
1255 career-technical field. These students also shall be encouraged  
1256 to take the national assessment in the career-technical field in  
1257 which they become certified.

1258 (b) The State Board of Education shall develop and  
1259 adopt course and curriculum requirements for career track programs  
1260 offered by local public school boards in accordance with this  
1261 section. The Mississippi Community College Board and the State  
1262 Board of Education jointly shall determine course and curriculum  
1263 requirements for the career track program. The State Board of  
1264 Education shall provide notice to all incoming middle school  
1265 students and junior high students of the career and technical  
1266 education programs offered by local school boards. Such notice  
1267 shall include the career and technical education programs  
1268 available, the course requirements of each program, how to enroll  
1269 in the program and any other necessary information as determined  
1270 by the State Board of Education.

1271 (2) Alternative career track; description; curriculum. (a)  
1272 A career track shall provide a student with greater technical



1273 skill and a strong academic core and shall be offered to each high  
1274 school student enrolled in a public school district. The career  
1275 track program shall be linked to postsecondary options and shall  
1276 prepare students to pursue either a degree or certification from a  
1277 postsecondary institution, an industry-based training or  
1278 certification, an apprenticeship, the military, or immediate  
1279 entrance into a career field. The career track shall be designed  
1280 primarily for those students who are not college bound and shall  
1281 provide them with alternatives to entrance into a four-year  
1282 university or college after high school graduation. All students  
1283 shall be required to take the ACT WorkKeys Assessment. Each  
1284 individual school district shall determine whether the ACT  
1285 WorkKeys Assessment is administered in the ninth, tenth or  
1286 eleventh grade.

1287 (b) Students pursuing a career track shall be afforded  
1288 the opportunity to dually enroll in a community or technical  
1289 college or to participate in a business internship or work-study  
1290 program, when such opportunities are available and appropriate.

1291 (c) Each public school district shall offer a career  
1292 track program approved by the State Board of Education.

1293 (d) Students in a career track program shall complete  
1294 an academic core of courses and a career and technical sequence of  
1295 courses.

1296 (e) The twenty-one (21) course unit requirements for  
1297 the career track shall consist of the following:



1298 (i) At least four (4) English credits, including  
1299 English I \* \* \*, English II, technical writing and computer  
1300 programming.

1301 (ii) At least three (3) mathematics credits,  
1302 including one (1) unit of Algebra I, personal finance,  
1303 business/construction mathematics and computer science.

1304 (iii) At least three (3) science credits,  
1305 including one (1) unit of biology and earth/environmental science.

1306 (iv) At least three (3) social studies credits,  
1307 including one (1) unit of U.S. History and one (1) unit of  
1308 Mississippi Studies/U.S. Government.

1309 (v) At least one-half (1/2) credit in health or  
1310 physical education.

1311 (vi) School districts must incorporate in the  
1312 curriculum soft skills, which include, but are not limited to,  
1313 social graces, communication abilities, language skills, personal  
1314 habits, cognitive or emotional empathy, time management, teamwork  
1315 and leadership traits.

1316 ( \* \* \* vii) At least four (4) credits in career  
1317 and technical education courses in the dual enrollment-dual credit  
1318 programs authorized under Section 37-15-38.

1319 ( \* \* \* viii) At least one (1) credit in integrated  
1320 technology with optional end of course testing.

1321 ( \* \* \* ix) At least two and one-half (2-1/2)  
1322 credits in additional electives or career and technical education



1323 courses required by the local school board, as approved by the  
1324 State Board of Education. Academic courses within the career  
1325 track of the standard diploma shall provide the knowledge and  
1326 skill necessary for proficiency on the state subject area tests.

1327 (f) The courses provided in paragraph (e) of this  
1328 subsection may be tailored to the individual needs of the school  
1329 district as long as the amendments align with the basic course  
1330 requirements of paragraph (e).

1331 (3) Nothing in this section shall disallow the development  
1332 of a dual enrollment program with a technical college so long as  
1333 an individual school district, with approval from the State  
1334 Department of Education, agrees to implement such a program in  
1335 connection with a technical college and the agreement is also  
1336 approved by the proprietary school's commission.

1337 \* \* \*

1338 **SECTION 12.** Section 37-3-2, Mississippi Code of 1972, is  
1339 amended as follows:

1340 37-3-2. (1) There is established within the State  
1341 Department of Education the Commission on Teacher and  
1342 Administrator Education, Certification and Licensure and  
1343 Development. It shall be the purpose and duty of the commission  
1344 to make recommendations to the State Board of Education regarding  
1345 standards for the certification and licensure and continuing  
1346 professional development of those who teach or perform tasks of an  
1347 educational nature in the public schools of Mississippi.



1348           (2)   (a)   The commission shall be composed of fifteen (15)  
1349 qualified members. The membership of the commission shall be  
1350 composed of the following members to be appointed, three (3) from  
1351 each of the four (4) congressional districts, as such districts  
1352 existed on January 1, 2011, in accordance with the population  
1353 calculations determined by the 2010 federal decennial census,  
1354 including: four (4) classroom teachers; three (3) school  
1355 administrators; one (1) representative of schools of education of  
1356 public institutions of higher learning located within the state to  
1357 be recommended by the Board of Trustees of State Institutions of  
1358 Higher Learning; one (1) representative from the schools of  
1359 education of independent institutions of higher learning to be  
1360 recommended by the Board of the Mississippi Association of  
1361 Independent Colleges; one (1) representative from public community  
1362 and junior colleges located within the state to be recommended by  
1363 the Mississippi Community College Board; one (1) local school  
1364 board member; and four (4) laypersons. Three (3) members of the  
1365 commission, at the sole discretion of the State Board of  
1366 Education, shall be appointed from the state at large.

1367           (b)   All appointments shall be made by the State Board  
1368 of Education after consultation with the State Superintendent of  
1369 Public Education. The first appointments by the State Board of  
1370 Education shall be made as follows: five (5) members shall be  
1371 appointed for a term of one (1) year; five (5) members shall be  
1372 appointed for a term of two (2) years; and five (5) members shall



1373 be appointed for a term of three (3) years. Thereafter, all  
1374 members shall be appointed for a term of four (4) years.

1375 (3) The State Board of Education when making appointments  
1376 shall designate a chairman. The commission shall meet at least  
1377 once every two (2) months or more often if needed. Members of the  
1378 commission shall be compensated at a rate of per diem as  
1379 authorized by Section 25-3-69 and be reimbursed for actual and  
1380 necessary expenses as authorized by Section 25-3-41.

1381 (4) (a) An appropriate staff member of the State Department  
1382 of Education shall be designated and assigned by the State  
1383 Superintendent of Public Education to serve as executive secretary  
1384 and coordinator for the commission. No less than two (2) other  
1385 appropriate staff members of the State Department of Education  
1386 shall be designated and assigned by the State Superintendent of  
1387 Public Education to serve on the staff of the commission.

1388 (b) An Office of Educator Misconduct Evaluations shall  
1389 be established within the State Department of Education to assist  
1390 the commission in responding to infractions and violations, and in  
1391 conducting hearings and enforcing the provisions of subsections  
1392 (11), (12), (13), (14) and (15) of this section, and violations of  
1393 the Mississippi Educator Code of Ethics.

1394 (5) It shall be the duty of the commission to:

1395 (a) Set standards and criteria, subject to the approval  
1396 of the State Board of Education, for all educator preparation  
1397 programs in the state;





1398 (b) Recommend to the State Board of Education each year  
1399 approval or disapproval of each educator preparation program in  
1400 the state, subject to a process and schedule determined by the  
1401 State Board of Education;

1402 (c) Establish, subject to the approval of the State  
1403 Board of Education, standards for initial teacher certification  
1404 and licensure in all fields;

1405 (d) Establish, subject to the approval of the State  
1406 Board of Education, standards for the renewal of teacher licenses  
1407 in all fields;

1408 (e) Review and evaluate objective measures of teacher  
1409 performance, such as test scores, which may form part of the  
1410 licensure process, and to make recommendations for their use;

1411 (f) Review all existing requirements for certification  
1412 and licensure;

1413 (g) Consult with groups whose work may be affected by  
1414 the commission's decisions;

1415 (h) Prepare reports from time to time on current  
1416 practices and issues in the general area of teacher education and  
1417 certification and licensure;

1418 (i) Hold hearings concerning standards for teachers'  
1419 and administrators' education and certification and licensure with  
1420 approval of the State Board of Education;

1421 (j) Hire expert consultants with approval of the State  
1422 Board of Education;



1423 (k) Set up ad hoc committees to advise on specific  
1424 areas; and

1425 (l) Perform such other functions as may fall within  
1426 their general charge and which may be delegated to them by the  
1427 State Board of Education.

1428 (6) (a) **Standard License - Approved Program Route.** An  
1429 educator entering the school system of Mississippi for the first  
1430 time and meeting all requirements as established by the State  
1431 Board of Education shall be granted a standard five-year license.  
1432 Persons who possess two (2) years of classroom experience as an  
1433 assistant teacher or who have taught for one (1) year in an  
1434 accredited public or private school shall be allowed to fulfill  
1435 student teaching requirements under the supervision of a qualified  
1436 participating teacher approved by an accredited college of  
1437 education. The local school district in which the assistant  
1438 teacher is employed shall compensate such assistant teachers at  
1439 the required salary level during the period of time such  
1440 individual is completing student teaching requirements.

1441 Applicants for a standard license shall submit to the department:

1442 (i) An application on a department form;

1443 (ii) An official transcript of completion of a  
1444 teacher education program approved by the department or a  
1445 nationally accredited program, subject to the following:

1446 Licensure to teach in Mississippi prekindergarten through  
1447 kindergarten classrooms shall require completion of a teacher



1448 education program or a Bachelor of Science degree with child  
1449 development emphasis from a program accredited by the American  
1450 Association of Family and Consumer Sciences (AAFCS) or by the  
1451 National Association for Education of Young Children (NAEYC) or by  
1452 the National Council for Accreditation of Teacher Education  
1453 (NCATE). Licensure to teach in Mississippi kindergarten, for  
1454 those applicants who have completed a teacher education program,  
1455 and in Grade 1 through Grade 4 shall require the completion of an  
1456 interdisciplinary program of studies. Licenses for Grades 4  
1457 through 8 shall require the completion of an interdisciplinary  
1458 program of studies with two (2) or more areas of concentration.  
1459 Licensure to teach in Mississippi Grades 7 through 12 shall  
1460 require a major in an academic field other than education, or a  
1461 combination of disciplines other than education. Students  
1462 preparing to teach a subject shall complete a major in the  
1463 respective subject discipline. All applicants for standard  
1464 licensure shall demonstrate that such person's college preparation  
1465 in those fields was in accordance with the standards set forth by  
1466 the National Council for Accreditation of Teacher Education  
1467 (NCATE) or the National Association of State Directors of Teacher  
1468 Education and Certification (NASDTEC) or, for those applicants who  
1469 have a Bachelor of Science degree with child development emphasis,  
1470 the American Association of Family and Consumer Sciences (AAFCS).  
1471 Effective July 1, 2016, for initial elementary education  
1472 licensure, a teacher candidate must earn a passing score on a



1473 rigorous test of scientifically research-based reading instruction  
1474 and intervention and data-based decision-making principles as  
1475 approved by the State Board of Education;

1476 (iii) A copy of test scores evidencing  
1477 satisfactory completion of nationally administered examinations of  
1478 achievement, such as the Educational Testing Service's teacher  
1479 testing examinations;

1480 (iv) Any other document required by the State  
1481 Board of Education; and

1482 (v) From and after July 1, 2020, no teacher  
1483 candidate shall be licensed to teach in Mississippi who did not  
1484 meet the following criteria for entrance into an approved teacher  
1485 education program:

1486 1. An ACT Score of twenty-one (21) (or SAT  
1487 equivalent); or

1488 2. Achieve a qualifying passing score on the  
1489 Praxis Core Academic Skills for Educators examination as  
1490 established by the State Board of Education; or

1491 3. A minimum GPA of 3.0 on coursework prior  
1492 to admission to an approved teacher education program \* \* \*; and

1493 (vi) Except as otherwise provided, any teacher,  
1494 who has been granted a provisional license, but has not yet  
1495 achieved the nationally recommended passing scores on the Praxis  
1496 Core Academic Skills for Educators examination and Praxis II, and  
1497 has been employed by a public school district or a nonpublic



1498 school accredited/approved by the state for a minimum of five (5)  
1499 years in a full-time instructional capacity before the effective  
1500 date of this act, shall be granted a standard five-year renewable  
1501 license, and shall be required to complete all necessary  
1502 professional development trainings, continuing education unit  
1503 courses and any other requirement stipulated by the commission for  
1504 licensure renewal going forward.

1505 (b) (i) **Standard License - Nontraditional Teaching**

1506 **Route.** From and after July 1, 2020, no teacher candidate shall be  
1507 licensed to teach in Mississippi under the alternate route who did  
1508 not meet the following criteria:

1509 \* \* \*1. An ACT Score of twenty-one (21) (or  
1510 SAT equivalent); or

1511 \* \* \*2. Achieve a qualifying passing score  
1512 on the Praxis Core Academic Skills for Educators examination as  
1513 established by the State Board of Education; or

1514 \* \* \*3. A minimum GPA of 3.0 on coursework  
1515 prior to admission to an approved teacher education program.

1516 (ii) Beginning July 1, 2020, an individual who has  
1517 attained a passing score on the Praxis Core Academic Skills for  
1518 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)  
1519 or a minimum GPA of 3.0 on coursework prior to admission to an  
1520 approved teacher education program and a passing score on the  
1521 Praxis Subject Assessment in the requested area of endorsement may  
1522 apply for admission to the Teach Mississippi Institute (TMI)



1523 program to teach students in Grades 7 through 12 if the individual  
1524 meets the requirements of this paragraph (b). The State Board of  
1525 Education shall adopt rules requiring that teacher preparation  
1526 institutions which provide the Teach Mississippi Institute (TMI)  
1527 program for the preparation of nontraditional teachers shall meet  
1528 the standards and comply with the provisions of this paragraph.

1529                   \* \* \*1. The Teach Mississippi Institute  
1530 (TMI) shall include an intensive eight-week, nine-semester-hour  
1531 summer program or a curriculum of study in which the student  
1532 matriculates in the fall or spring semester, which shall include,  
1533 but not be limited to, instruction in education, effective  
1534 teaching strategies, classroom management, state curriculum  
1535 requirements, planning and instruction, instructional methods and  
1536 pedagogy, using test results to improve instruction, and a one (1)  
1537 semester three-hour supervised internship to be completed while  
1538 the teacher is employed as a full-time teacher intern in a local  
1539 school district. The TMI shall be implemented on a pilot program  
1540 basis, with courses to be offered at up to four (4) locations in  
1541 the state, with one (1) TMI site to be located in each of the  
1542 three (3) Mississippi Supreme Court districts.

1543                   \* \* \*2. The school sponsoring the teacher  
1544 intern shall enter into a written agreement with the institution  
1545 providing the Teach Mississippi Institute (TMI) program, under  
1546 terms and conditions as agreed upon by the contracting parties,  
1547 providing that the school district shall provide teacher interns



1548 seeking a nontraditional provisional teaching license with a  
1549 one-year classroom teaching experience. The teacher intern shall  
1550 successfully complete the one (1) semester three-hour intensive  
1551 internship in the school district during the semester immediately  
1552 following successful completion of the TMI and prior to the end of  
1553 the one-year classroom teaching experience.

1554                   \* \* \*3. Upon completion of the  
1555 nine-semester-hour TMI or the fall or spring semester option, the  
1556 individual shall submit his transcript to the commission for  
1557 provisional licensure of the intern teacher, and the intern  
1558 teacher shall be issued a provisional teaching license by the  
1559 commission, which will allow the individual to legally serve as a  
1560 teacher while the person completes a nontraditional teacher  
1561 preparation internship program.

1562                   \* \* \*4. During the semester of internship in  
1563 the school district, the teacher preparation institution shall  
1564 monitor the performance of the intern teacher. The school  
1565 district that employs the provisional teacher shall supervise the  
1566 provisional teacher during the teacher's intern year of employment  
1567 under a nontraditional provisional license, and shall, in  
1568 consultation with the teacher intern's mentor at the school  
1569 district of employment, submit to the commission a comprehensive  
1570 evaluation of the teacher's performance sixty (60) days prior to  
1571 the expiration of the nontraditional provisional license. If the  
1572 comprehensive evaluation establishes that the provisional teacher



1573 intern's performance fails to meet the standards of the approved  
1574 nontraditional teacher preparation internship program, the  
1575 individual shall not be approved for a standard license.

1576                   \* \* \*5. An individual issued a provisional  
1577 teaching license under this nontraditional route shall  
1578 successfully complete, at a minimum, a one-year beginning teacher  
1579 mentoring and induction program administered by the employing  
1580 school district with the assistance of the State Department of  
1581 Education.

1582                   \* \* \*6. Upon successful completion of the  
1583 TMI and the internship provisional license period, applicants for  
1584 a Standard License - Nontraditional Route shall submit to the  
1585 commission a transcript of successful completion of the twelve  
1586 (12) semester hours required in the internship program, and the  
1587 employing school district shall submit to the commission a  
1588 recommendation for standard licensure of the intern. If the  
1589 school district recommends licensure, the applicant shall be  
1590 issued a Standard License - Nontraditional Route which shall be  
1591 valid for a five-year period and be renewable.

1592                   \* \* \*7. At the discretion of the teacher  
1593 preparation institution, the individual shall be allowed to credit  
1594 the twelve (12) semester hours earned in the nontraditional  
1595 teacher internship program toward the graduate hours required for  
1596 a Master of Arts in Teacher (MAT) Degree.





1597                   \* \* \*8. The local school district in which  
1598 the nontraditional teacher intern or provisional licensee is  
1599 employed shall compensate such teacher interns at Step 1 of the  
1600 required salary level during the period of time such individual is  
1601 completing teacher internship requirements and shall compensate  
1602 such Standard License - Nontraditional Route teachers at Step 3 of  
1603 the required salary level when they complete license requirements.

1604                   (iii) Implementation of the TMI program provided  
1605 for under this paragraph (b) shall be contingent upon the  
1606 availability of funds appropriated specifically for such purpose  
1607 by the Legislature. Such implementation of the TMI program may  
1608 not be deemed to prohibit the State Board of Education from  
1609 developing and implementing additional alternative route teacher  
1610 licensure programs, as deemed appropriate by the board. The  
1611 emergency certification program in effect prior to July 1, 2002,  
1612 shall remain in effect.

1613                   (iv) A Standard License - Approved Program Route  
1614 shall be issued for a five-year period, and may be renewed.  
1615 Except as otherwise provided, any alternate route teacher, who has  
1616 been granted a provisional license, but has not yet achieved the  
1617 nationally recommended passing scores on the Praxis Core Academic  
1618 Skills for Educators examination and Praxis II, and has been  
1619 employed by a public school district or a nonpublic school  
1620 accredited/approved by the state for a minimum of five (5) years  
1621 in a full-time instructional capacity before the effective date of



1622 this act, shall be granted a standard five-year renewable license,  
1623 and shall be required to complete all necessary professional  
1624 development trainings, continuing education unit courses and any  
1625 other requirement stipulated by the commission for licensure  
1626 renewal going forward. Recognizing teaching as a profession, a  
1627 hiring preference shall be granted to persons holding a Standard  
1628 License - Approved Program Route or Standard License -  
1629 Nontraditional Teaching Route over persons holding any other  
1630 license.

1631 (c) **Special License - Expert Citizen.** In order to  
1632 allow a school district to offer specialized or technical courses,  
1633 the State Department of Education, in accordance with rules and  
1634 regulations established by the State Board of Education, may grant  
1635 a \* \* \* five-year expert citizen-teacher license to local business  
1636 or other professional personnel to teach in a public school or  
1637 nonpublic school accredited or approved by the state. Such person  
1638 shall be required to have a high school diploma and a minimum of  
1639 five (5) years experience but shall not be required to hold an  
1640 associate or bachelor's degree, provided that he or she possesses  
1641 the minimum qualifications required for his or her profession, and  
1642 may begin teaching upon his employment by the local school board  
1643 and licensure by the Mississippi Department of Education. The  
1644 board shall adopt rules and regulations to administer the expert  
1645 citizen-teacher license. A Special License - Expert Citizen may



1646 be renewed in accordance with the established rules and  
1647 regulations of the State Department of Education.

1648 (d) **Special License - Nonrenewable.** The State Board of  
1649 Education is authorized to establish rules and regulations to  
1650 allow those educators not meeting requirements in paragraph (a),  
1651 (b) or (c) of this subsection (6) to be licensed for a period of  
1652 not more than three (3) years, except by special approval of the  
1653 State Board of Education.

1654 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
1655 person may teach for a maximum of three (3) periods per teaching  
1656 day in a public school district or a nonpublic school  
1657 accredited/approved by the state. Such person shall submit to the  
1658 department a transcript or record of his education and experience  
1659 which substantiates his preparation for the subject to be taught  
1660 and shall meet other qualifications specified by the commission  
1661 and approved by the State Board of Education. In no case shall  
1662 any local school board hire nonlicensed personnel as authorized  
1663 under this paragraph in excess of \* \* \* ten percent (10%) of the  
1664 total number of licensed personnel in any single school. Any  
1665 person authorized to teach under the provisions of this paragraph  
1666 (e), who has been employed by a public school district or a  
1667 nonpublic school accredited/approved by the state for a minimum of  
1668 five (5) years before the effective date of this act, shall be  
1669 granted a standard five-year renewable license, and shall be  
1670 required to complete all necessary professional development



1671 trainings, continuing education unit courses and any other  
1672 requirement stipulated by the commission for licensure renewal  
1673 going forward.

1674 (f) **Special License - Transitional Bilingual Education.**  
1675 Beginning July 1, 2003, the commission shall grant special  
1676 licenses to teachers of transitional bilingual education who  
1677 possess such qualifications as are prescribed in this section.  
1678 Teachers of transitional bilingual education shall be compensated  
1679 by local school boards at not less than one (1) step on the  
1680 regular salary schedule applicable to permanent teachers licensed  
1681 under this section. The commission shall grant special licenses  
1682 to teachers of transitional bilingual education who present the  
1683 commission with satisfactory evidence that they (i) possess a  
1684 speaking and reading ability in a language, other than English, in  
1685 which bilingual education is offered and communicative skills in  
1686 English; (ii) are in good health and sound moral character; (iii)  
1687 possess a bachelor's degree or an associate's degree in teacher  
1688 education from an accredited institution of higher education; (iv)  
1689 meet such requirements as to courses of study, semester hours  
1690 therein, experience and training as may be required by the  
1691 commission; and (v) are legally present in the United States and  
1692 possess legal authorization for employment. A teacher of  
1693 transitional bilingual education serving under a special license  
1694 shall be under an exemption from standard licensure if he achieves  
1695 the requisite qualifications therefor. Two (2) years of service



1696 by a teacher of transitional bilingual education under such an  
1697 exemption shall be credited to the teacher in acquiring a Standard  
1698 Educator License. Nothing in this paragraph shall be deemed to  
1699 prohibit a local school board from employing a teacher licensed in  
1700 an appropriate field as approved by the State Department of  
1701 Education to teach in a program in transitional bilingual  
1702 education.

1703 (g) In the event any school district meets the highest  
1704 accreditation standards as defined by the State Board of Education  
1705 in the accountability system, the State Board of Education, in its  
1706 discretion, may exempt such school district from any restrictions  
1707 in paragraph (e) relating to the employment of nonlicensed  
1708 teaching personnel.

1709 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
1710 any teacher from any state meeting the federal definition of  
1711 highly qualified, as described in the No Child Left Behind Act,  
1712 must be granted a standard five-year license by the State  
1713 Department of Education.

1714 (7) **Administrator License.** The State Board of Education is  
1715 authorized to establish rules and regulations and to administer  
1716 the licensure process of the school administrators in the State of  
1717 Mississippi. There will be four (4) categories of administrator  
1718 licensure with exceptions only through special approval of the  
1719 State Board of Education.



1720 (a) **Administrator License - Nonpracticing.** Those  
1721 educators holding administrative endorsement but having no  
1722 administrative experience or not serving in an administrative  
1723 position on January 15, 1997.

1724 (b) **Administrator License - Entry Level.** Those  
1725 educators holding administrative endorsement and having met the  
1726 department's qualifications to be eligible for employment in a  
1727 Mississippi school district. Administrator License - Entry Level  
1728 shall be issued for a five-year period and shall be nonrenewable.

1729 (c) **Standard Administrator License - Career Level.** An  
1730 administrator who has met all the requirements of the department  
1731 for standard administrator licensure.

1732 (d) **Administrator License - Nontraditional Route.** The  
1733 board may establish a nontraditional route for licensing  
1734 administrative personnel. Such nontraditional route for  
1735 administrative licensure shall be available for persons holding,  
1736 but not limited to, a master of business administration degree, a  
1737 master of public administration degree, a master of public  
1738 planning and policy degree or a doctor of jurisprudence degree  
1739 from an accredited college or university, with five (5) years of  
1740 administrative or supervisory experience. Successful completion  
1741 of the requirements of alternate route licensure for  
1742 administrators shall qualify the person for a standard  
1743 administrator license.



1744 Individuals seeking school administrator licensure under  
1745 paragraph (b), (c) or (d) shall successfully complete a training  
1746 program and an assessment process prescribed by the State Board of  
1747 Education. All applicants for school administrator licensure  
1748 shall meet all requirements prescribed by the department under  
1749 paragraph (b), (c) or (d), and the cost of the assessment process  
1750 required shall be paid by the applicant.

1751 (8) **Reciprocity.** (a) The department shall grant a standard  
1752 license to any individual who possesses a valid standard license  
1753 from another state and meets minimum Mississippi license  
1754 requirements or equivalent requirements as determined by the State  
1755 Board of Education. The issuance of a license by reciprocity to a  
1756 military-trained applicant or military spouse shall be subject to  
1757 the provisions of Section 73-50-1.

1758 (b) The department shall grant a nonrenewable special  
1759 license to any individual who possesses a credential which is less  
1760 than a standard license or certification from another state. Such  
1761 special license shall be valid for the current school year plus  
1762 one (1) additional school year to expire on June 30 of the second  
1763 year, not to exceed a total period of twenty-four (24) months,  
1764 during which time the applicant shall be required to complete the  
1765 requirements for a standard license in Mississippi.

1766 (9) **Renewal and Reinstatement of Licenses.** The State Board  
1767 of Education is authorized to establish rules and regulations for  
1768 the renewal and reinstatement of educator and administrator



1769 licenses. Effective May 15, 1997, the valid standard license held  
1770 by an educator shall be extended five (5) years beyond the  
1771 expiration date of the license in order to afford the educator  
1772 adequate time to fulfill new renewal requirements established  
1773 pursuant to this subsection. An educator completing a master of  
1774 education, educational specialist or doctor of education degree in  
1775 May 1997 for the purpose of upgrading the educator's license to a  
1776 higher class shall be given this extension of five (5) years plus  
1777 five (5) additional years for completion of a higher degree.

1778 (10) All controversies involving the issuance, revocation,  
1779 suspension or any change whatsoever in the licensure of an  
1780 educator required to hold a license shall be initially heard in a  
1781 hearing de novo, by the commission or by a subcommittee  
1782 established by the commission and composed of commission members,  
1783 or by a hearing officer retained and appointed by the commission,  
1784 for the purpose of holding hearings. Any complaint seeking the  
1785 denial of issuance, revocation or suspension of a license shall be  
1786 by sworn affidavit filed with the Commission on Teacher and  
1787 Administrator Education, Certification and Licensure and  
1788 Development. The decision thereon by the commission, its  
1789 subcommittee or hearing officer, shall be final, unless the  
1790 aggrieved party shall appeal to the State Board of Education,  
1791 within ten (10) days, of the decision of the commission, its  
1792 subcommittee or hearing officer. An appeal to the State Board of  
1793 Education shall be perfected upon filing a notice of the appeal





1794 and by the prepayment of the costs of the preparation of the  
1795 record of proceedings by the commission, its subcommittee or  
1796 hearing officer. An appeal shall be on the record previously made  
1797 before the commission, its subcommittee or hearing officer, unless  
1798 otherwise provided by rules and regulations adopted by the board.  
1799 The decision of the commission, its subcommittee or hearing  
1800 officer shall not be disturbed on appeal if supported by  
1801 substantial evidence, was not arbitrary or capricious, within the  
1802 authority of the commission, and did not violate some statutory or  
1803 constitutional right. The State Board of Education in its  
1804 authority may reverse, or remand with instructions, the decision  
1805 of the commission, its subcommittee or hearing officer. The  
1806 decision of the State Board of Education shall be final.

1807 (11) (a) The State Board of Education, acting through the  
1808 commission, may deny an application for any teacher or  
1809 administrator license for one or more of the following:

1810 (i) Lack of qualifications which are prescribed by  
1811 law or regulations adopted by the State Board of Education;

1812 (ii) The applicant has a physical, emotional or  
1813 mental disability that renders the applicant unfit to perform the  
1814 duties authorized by the license, as certified by a licensed  
1815 psychologist or psychiatrist;

1816 (iii) The applicant is actively addicted to or  
1817 actively dependent on alcohol or other habit-forming drugs or is a  
1818 habitual user of narcotics, barbiturates, amphetamines,



1819 hallucinogens or other drugs having similar effect, at the time of  
1820 application for a license;

1821 (iv) Fraud or deceit committed by the applicant in  
1822 securing or attempting to secure such certification and license;

1823 (v) Failing or refusing to furnish reasonable  
1824 evidence of identification;

1825 (vi) The applicant has been convicted, has pled  
1826 guilty or entered a plea of nolo contendere to a felony, as  
1827 defined by federal or state law. For purposes of this  
1828 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
1829 a plea of guilty, entry of a plea of nolo contendere, or entry of  
1830 an order granting pretrial or judicial diversion;

1831 (vii) The applicant or licensee is on probation or  
1832 post-release supervision for a felony or conviction, as defined by  
1833 federal or state law. However, this disqualification expires upon  
1834 the end of the probationary or post-release supervision period.

1835 (b) The State Board of Education, acting through the  
1836 commission, shall deny an application for any teacher or  
1837 administrator license, or immediately revoke the current teacher  
1838 or administrator license, for one or more of the following:

1839 (i) If the applicant or licensee has been  
1840 convicted, has pled guilty or entered a plea of nolo contendere to  
1841 a sex offense as defined by federal or state law. For purposes of  
1842 this subparagraph (i) of this paragraph (b), a "guilty plea"



1843 includes a plea of guilty, entry of a plea of nolo contendere, or  
1844 entry of an order granting pretrial or judicial diversion;

1845 (ii) The applicant or licensee is on probation or  
1846 post-release supervision for a sex offense conviction, as defined  
1847 by federal or state law;

1848 (iii) The license holder has fondled a student as  
1849 described in Section 97-5-23, or had any type of sexual  
1850 involvement with a student as described in Section 97-3-95; or

1851 (iv) The license holder has failed to report  
1852 sexual involvement of a school employee with a student as required  
1853 by Section 97-5-24.

1854 (12) The State Board of Education, acting through the  
1855 commission, may revoke, suspend or refuse to renew any teacher or  
1856 administrator license for specified periods of time or may place  
1857 on probation, reprimand a licensee, or take other disciplinary  
1858 action with regard to any license issued under this chapter for  
1859 one or more of the following:

1860 (a) Breach of contract or abandonment of employment may  
1861 result in the suspension of the license for one (1) school year as  
1862 provided in Section 37-9-57;

1863 (b) Obtaining a license by fraudulent means shall  
1864 result in immediate suspension and continued suspension for one  
1865 (1) year after correction is made;

1866 (c) Suspension or revocation of a certificate or  
1867 license by another state shall result in immediate suspension or



1868 revocation and shall continue until records in the prior state  
1869 have been cleared;

1870 (d) The license holder has been convicted, has pled  
1871 guilty or entered a plea of nolo contendere to a felony, as  
1872 defined by federal or state law. For purposes of this paragraph,  
1873 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
1874 contendere, or entry of an order granting pretrial or judicial  
1875 diversion;

1876 (e) The license holder knowingly and willfully  
1877 committing any of the acts affecting validity of mandatory uniform  
1878 test results as provided in Section 37-16-4(1);

1879 (f) The license holder has engaged in unethical conduct  
1880 relating to an educator/student relationship as identified by the  
1881 State Board of Education in its rules;

1882 (g) The license holder served as superintendent or  
1883 principal in a school district during the time preceding and/or  
1884 that resulted in the Governor declaring a state of emergency and  
1885 the State Board of Education appointing a conservator;

1886 (h) The license holder submitted a false certification  
1887 to the State Department of Education that a statewide test was  
1888 administered in strict accordance with the Requirements of the  
1889 Mississippi Statewide Assessment System; or

1890 (i) The license holder has failed to comply with the  
1891 Procedures for Reporting Infractions as promulgated by the



1892 commission and approved by the State Board of Education pursuant  
1893 to subsection (15) of this section.

1894         For purposes of this subsection, probation shall be defined  
1895 as a length of time determined by the commission, its subcommittee  
1896 or hearing officer, and based on the severity of the offense in  
1897 which the license holder shall meet certain requirements as  
1898 prescribed by the commission, its subcommittee or hearing officer.  
1899 Failure to complete the requirements in the time specified shall  
1900 result in immediate suspension of the license for one (1) year.

1901         (13) (a) Dismissal or suspension of a licensed employee by  
1902 a local school board pursuant to Section 37-9-59 may result in the  
1903 suspension or revocation of a license for a length of time which  
1904 shall be determined by the commission and based upon the severity  
1905 of the offense.

1906         (b) Any offense committed or attempted in any other  
1907 state shall result in the same penalty as if committed or  
1908 attempted in this state.

1909         (c) A person may voluntarily surrender a license. The  
1910 surrender of such license may result in the commission  
1911 recommending any of the above penalties without the necessity of a  
1912 hearing. However, any such license which has voluntarily been  
1913 surrendered by a licensed employee may only be reinstated by a  
1914 majority vote of all members of the commission present at the  
1915 meeting called for such purpose.



1916           (14) (a) A person whose license has been suspended or  
1917 surrendered on any grounds except criminal grounds may petition  
1918 for reinstatement of the license after one (1) year from the date  
1919 of suspension or surrender, or after one-half (1/2) of the  
1920 suspended or surrendered time has lapsed, whichever is greater. A  
1921 person whose license has been suspended or revoked on any grounds  
1922 or violations under subsection (12) of this section may be  
1923 reinstated automatically or approved for a reinstatement hearing,  
1924 upon submission of a written request to the commission. A license  
1925 suspended, revoked or surrendered on criminal grounds may be  
1926 reinstated upon petition to the commission filed after expiration  
1927 of the sentence and parole or probationary period imposed upon  
1928 conviction. A revoked, suspended or surrendered license may be  
1929 reinstated upon satisfactory showing of evidence of  
1930 rehabilitation. The commission shall require all who petition for  
1931 reinstatement to furnish evidence satisfactory to the commission  
1932 of good character, good mental, emotional and physical health and  
1933 such other evidence as the commission may deem necessary to  
1934 establish the petitioner's rehabilitation and fitness to perform  
1935 the duties authorized by the license.

1936           (b) A person whose license expires while under  
1937 investigation by the Office of Educator Misconduct for an alleged  
1938 violation may not be reinstated without a hearing before the  
1939 commission if required based on the results of the investigation.



1940           (15) Reporting procedures and hearing procedures for dealing  
1941 with infractions under this section shall be promulgated by the  
1942 commission, subject to the approval of the State Board of  
1943 Education. The revocation or suspension of a license shall be  
1944 effected at the time indicated on the notice of suspension or  
1945 revocation. The commission shall immediately notify the  
1946 superintendent of the school district or school board where the  
1947 teacher or administrator is employed of any disciplinary action  
1948 and also notify the teacher or administrator of such revocation or  
1949 suspension and shall maintain records of action taken. The State  
1950 Board of Education may reverse or remand with instructions any  
1951 decision of the commission, its subcommittee or hearing officer  
1952 regarding a petition for reinstatement of a license, and any such  
1953 decision of the State Board of Education shall be final.

1954           (16) An appeal from the action of the State Board of  
1955 Education in denying an application, revoking or suspending a  
1956 license or otherwise disciplining any person under the provisions  
1957 of this section shall be filed in the Chancery Court of the First  
1958 Judicial District of Hinds County, Mississippi, on the record  
1959 made, including a verbatim transcript of the testimony at the  
1960 hearing. The appeal shall be filed within thirty (30) days after  
1961 notification of the action of the board is mailed or served and  
1962 the proceedings in chancery court shall be conducted as other  
1963 matters coming before the court. The appeal shall be perfected  
1964 upon filing notice of the appeal and by the prepayment of all



1965 costs, including the cost of preparation of the record of the  
1966 proceedings by the State Board of Education, and the filing of a  
1967 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
1968 if the action of the board be affirmed by the chancery court, the  
1969 applicant or license holder shall pay the costs of the appeal and  
1970 the action of the chancery court.

1971 (17) All such programs, rules, regulations, standards and  
1972 criteria recommended or authorized by the commission shall become  
1973 effective upon approval by the State Board of Education as  
1974 designated by appropriate orders entered upon the minutes thereof.

1975 (18) The granting of a license shall not be deemed a  
1976 property right nor a guarantee of employment in any public school  
1977 district. A license is a privilege indicating minimal eligibility  
1978 for teaching in the public school districts of Mississippi. This  
1979 section shall in no way alter or abridge the authority of local  
1980 school districts to require greater qualifications or standards of  
1981 performance as a prerequisite of initial or continued employment  
1982 in such districts.

1983 (19) In addition to the reasons specified in subsections  
1984 (12) and (13) of this section, the board shall be authorized to  
1985 suspend the license of any licensee for being out of compliance  
1986 with an order for support, as defined in Section 93-11-153. The  
1987 procedure for suspension of a license for being out of compliance  
1988 with an order for support, and the procedure for the reissuance or  
1989 reinstatement of a license suspended for that purpose, and the





1990 payment of any fees for the reissuance or reinstatement of a  
1991 license suspended for that purpose, shall be governed by Section  
1992 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
1993 board in suspending a license when required by Section 93-11-157  
1994 or 93-11-163 are not actions from which an appeal may be taken  
1995 under this section. Any appeal of a license suspension that is  
1996 required by Section 93-11-157 or 93-11-163 shall be taken in  
1997 accordance with the appeal procedure specified in Section  
1998 93-11-157 or 93-11-163, as the case may be, rather than the  
1999 procedure specified in this section. If there is any conflict  
2000 between any provision of Section 93-11-157 or 93-11-163 and any  
2001 provision of this chapter, the provisions of Section 93-11-157 or  
2002 93-11-163, as the case may be, shall control.

2003       **SECTION 13.** Section 37-16-3, Mississippi Code of 1972, is  
2004 amended as follows:

2005       37-16-3. (1) The State Department of Education is directed  
2006 to implement a program of statewide assessment testing which shall  
2007 provide for the improvement of the operation and management of the  
2008 public schools. The statewide program shall be timed, as far as  
2009 possible, so as not to conflict with ongoing district assessment  
2010 programs. As part of the program, the department shall:

2011       (a) Establish, with the approval of the State Board of  
2012 Education, minimum performance standards related to the goals for  
2013 education contained in the state's plan including, but not limited  
2014 to, basic skills in reading, writing and mathematics. The minimum



2015 performance standards shall be approved by April 1 in each year  
2016 they are established.

2017 (b) Conduct a uniform statewide testing program in  
2018 grades deemed appropriate in the public schools, including charter  
2019 schools, which shall provide for the administration of the ACT  
2020 WorkKeys Assessment to all public and charter school students.  
2021 Each individual school district shall determine whether the ACT  
2022 WorkKeys Assessment is administered in the ninth, tenth or  
2023 eleventh grade. The program may test skill areas, basic skills  
2024 and high school course content.

2025 (c) Monitor the results of the assessment program and,  
2026 at any time the composite student performance of a school or basic  
2027 program is found to be below the established minimum standards,  
2028 notify the district superintendent or the governing board of the  
2029 charter school, as the case may be, the school principal and the  
2030 school advisory committee or other existing parent group of the  
2031 situation within thirty (30) days of its determination. The  
2032 department shall further provide technical assistance to a school  
2033 district in the identification of the causes of this deficiency  
2034 and shall recommend courses of action for its correction.

2035 (d) Provide technical assistance to the school  
2036 districts, when requested, in the development of student  
2037 performance standards in addition to the established minimum  
2038 statewide standards.



2039 (e) Issue security procedure regulations providing for  
2040 the security and integrity of the tests that are administered  
2041 under the basic skills assessment program.

2042 (f) In case of an allegation of a testing irregularity  
2043 that prompts a need for an investigation by the Department of  
2044 Education, the department may, in its discretion, take complete  
2045 control of the statewide test administration in a school district  
2046 or any part thereof, including, but not limited to, obtaining  
2047 control of the test booklets and answer documents. In the case of  
2048 any verified testing irregularity that jeopardized the security  
2049 and integrity of the test(s), validity or the accuracy of the test  
2050 results, the cost of the investigation and any other actual and  
2051 necessary costs related to the investigation paid by the  
2052 Department of Education shall be reimbursed by the local school  
2053 district from funds other than federal funds, Mississippi Adequate  
2054 Education Program funds, or any other state funds within six (6)  
2055 months from the date of notice by the department to the school  
2056 district to make reimbursement to the department.

2057 (2) Uniform basic skills tests shall be completed by each  
2058 student in the appropriate grade. These tests shall be  
2059 administered in such a manner as to preserve the integrity and  
2060 validity of the assessment. In the event of excused or unexcused  
2061 student absences, make-up tests shall be given. The school  
2062 superintendent of every school district in the state and the  
2063 principal of each charter school shall annually certify to the



2064 State Department of Education that each student enrolled in the  
2065 appropriate grade has completed the required basic skills  
2066 assessment test for his or her grade in a valid test  
2067 administration.

2068 (3) Within five (5) days of completing the administration of  
2069 a statewide test, the principal of the school where the test was  
2070 administered shall certify under oath to the State Department of  
2071 Education that the statewide test was administered in strict  
2072 accordance with the Requirements of the Mississippi Statewide  
2073 Assessment System as adopted by the State Board of Education. The  
2074 principal's sworn certification shall be set forth on a form  
2075 developed and approved by the Department of Education. If,  
2076 following the administration of a statewide test, the principal  
2077 has reason to believe that the test was not administered in strict  
2078 accordance with the Requirements of the Mississippi Statewide  
2079 Assessment System as adopted by the State Board of Education, the  
2080 principal shall submit a sworn certification to the Department of  
2081 Education setting forth all information known or believed by the  
2082 principal about all potential violations of the Requirements of  
2083 the Mississippi Statewide Assessment System as adopted by the  
2084 State Board of Education. The submission of false information or  
2085 false certification to the Department of Education by any licensed  
2086 educator may result in licensure disciplinary action pursuant to  
2087 Section 37-3-2 and criminal prosecution pursuant to Section  
2088 37-16-4.





2113 (c) The assignment of certified school librarians to  
2114 the particular schools shall be at the discretion of the local  
2115 school district. No individual shall be employed as a certified  
2116 school librarian without appropriate training and certification as  
2117 a school librarian by the State Department of Education.

2118 (d) School librarians in the district shall spend at  
2119 least fifty percent (50%) of direct work time in a school library  
2120 and shall devote no more than one-fourth (1/4) of the workday to  
2121 administrative activities that are library related.

2122 (e) Nothing in this subsection shall prohibit any  
2123 school district from employing more certified school librarians  
2124 than are provided for in this section.

2125 (f) Any additional millage levied to fund school  
2126 librarians required for accreditation under this subsection shall  
2127 be included in the tax increase limitation set forth in Sections  
2128 37-57-105 and 37-57-107 and shall not be deemed a new program for  
2129 purposes of the limitation.

2130 (4) On or before December 31, 2002, the State Board of  
2131 Education shall implement the performance-based accreditation  
2132 system for school districts and for individual noncharter public  
2133 schools which shall include the following:

2134 (a) High expectations for students and high standards  
2135 for all schools, with a focus on the basic curriculum;

2136 (b) Strong accountability for results with appropriate  
2137 local flexibility for local implementation;



2138 (c) A process to implement accountability at both the  
2139 school district level and the school level;

2140 (d) Individual schools shall be held accountable for  
2141 student growth and performance;

2142 (e) Set annual performance standards for each of the  
2143 schools of the state and measure the performance of each school  
2144 against itself through the standard that has been set for it;

2145 (f) A determination of which schools exceed their  
2146 standards and a plan for providing recognition and rewards to  
2147 those schools;

2148 (g) A determination of which schools are failing to  
2149 meet their standards and a determination of the appropriate role  
2150 of the State Board of Education and the State Department of  
2151 Education in providing assistance and initiating possible  
2152 intervention. A failing district is a district that fails to meet  
2153 both the absolute student achievement standards and the rate of  
2154 annual growth expectation standards as set by the State Board of  
2155 Education for two (2) consecutive years. The State Board of  
2156 Education shall establish the level of benchmarks by which  
2157 absolute student achievement and growth expectations shall be  
2158 assessed. In setting the benchmarks for school districts, the  
2159 State Board of Education may also take into account such factors  
2160 as graduation rates, dropout rates, completion rates, the extent  
2161 to which the school or district employs qualified teachers in  
2162 every classroom, and any other factors deemed appropriate by the



2163 State Board of Education. The State Board of Education, acting  
2164 through the State Department of Education, shall apply a simple  
2165 "A," "B," "C," "D" and "F" designation to the current school and  
2166 school district statewide accountability performance  
2167 classification labels beginning with the State Accountability  
2168 Results for the 2011-2012 school year and following, and in the  
2169 school, district and state report cards required under state and  
2170 federal law. Under the new designations, a school or school  
2171 district that has earned a "Star" rating shall be designated an  
2172 "A" school or school district; a school or school district that  
2173 has earned a "High-Performing" rating shall be designated a "B"  
2174 school or school district; a school or school district that has  
2175 earned a "Successful" rating shall be designated a "C" school or  
2176 school district; a school or school district that has earned an  
2177 "Academic Watch" rating shall be designated a "D" school or school  
2178 district; a school or school district that has earned a  
2179 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
2180 be designated an "F" school or school district. Effective with  
2181 the implementation of any new curriculum and assessment standards,  
2182 the State Board of Education, acting through the State Department  
2183 of Education, is further authorized and directed to change the  
2184 school and school district accreditation rating system to a simple  
2185 "A," "B," "C," "D," and "F" designation based on a combination of  
2186 student achievement scores and student growth as measured by the  
2187 statewide testing programs developed by the State Board of





2188 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
2189 1972. In any statute or regulation containing the former  
2190 accreditation designations, the new designations shall be  
2191 applicable;

2192 (h) Development of a comprehensive student assessment  
2193 system to implement these requirements; and

2194 (i) The State Board of Education may, based on a  
2195 written request that contains specific reasons for requesting a  
2196 waiver from the school districts affected by Hurricane Katrina of  
2197 2005, hold harmless school districts from assignment of district  
2198 and school level accountability ratings for the 2005-2006 school  
2199 year. The State Board of Education upon finding an extreme  
2200 hardship in the school district may grant the request. It is the  
2201 intent of the Legislature that all school districts maintain the  
2202 highest possible academic standards and instructional programs in  
2203 all schools as required by law and the State Board of Education.

2204 (5) (a) Effective with the 2013-2014 school year, the State  
2205 Department of Education, acting through the Mississippi Commission  
2206 on School Accreditation, shall revise and implement a single "A"  
2207 through "F" school and school district accountability system  
2208 complying with applicable federal and state requirements in order  
2209 to reach the following educational goals:

2210 (i) To mobilize resources and supplies to ensure  
2211 that all students exit third grade reading on grade level by 2015;



2212 (ii) To reduce the student dropout rate to  
2213 thirteen percent (13%) by 2015; and

2214 (iii) To have sixty percent (60%) of students  
2215 scoring proficient and advanced on the assessments of the Common  
2216 Core State Standards by 2016 with incremental increases of three  
2217 percent (3%) each year thereafter.

2218 (b) The State Department of Education shall combine the  
2219 state school and school district accountability system with the  
2220 federal system in order to have a single system.

2221 (c) The State Department of Education shall establish  
2222 five (5) performance categories ("A," "B," "C," "D" and "F") for  
2223 the accountability system based on the following criteria:

2224 (i) Student Achievement: the percent of students  
2225 proficient and advanced on the current state assessments;

2226 (ii) Individual student growth: the percent of  
2227 students making one (1) year's progress in one (1) year's time on  
2228 the state assessment, with an emphasis on the progress of the  
2229 lowest twenty-five percent (25%) of students in the school or  
2230 district;

2231 (iii) Four-year graduation rate: the percent of  
2232 students graduating with a standard high school diploma in four  
2233 (4) years, as defined by federal regulations;

2234 (iv) Categories shall identify schools as Reward  
2235 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
2236 at least five percent (5%) of schools in the state are not graded



2237 as "F" schools, the lowest five percent (5%) of school grade point  
2238 designees will be identified as Priority schools. If at least ten  
2239 percent (10%) of schools in the state are not graded as "D"  
2240 schools, the lowest ten percent (10%) of school grade point  
2241 designees will be identified as Focus schools;

2242 (v) The State Department of Education shall  
2243 discontinue the use of Star School, High-Performing, Successful,  
2244 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
2245 school accountability designations;

2246 (vi) The system shall include the federally  
2247 compliant four-year graduation rate in school and school district  
2248 accountability system calculations. Graduation rate will apply to  
2249 high school and school district accountability ratings as a  
2250 compensatory component. The system shall discontinue the use of  
2251 the High School Completer Index (HSCI);

2252 (vii) The school and school district  
2253 accountability system shall incorporate a standards-based growth  
2254 model, in order to support improvement of individual student  
2255 learning;

2256 (viii) The State Department of Education shall  
2257 discontinue the use of the Quality Distribution Index (QDI);

2258 (ix) The State Department of Education shall  
2259 determine feeder patterns of schools that do not earn a school  
2260 grade because the grades and subjects taught at the school do not  
2261 have statewide standardized assessments needed to calculate a



2262 school grade. Upon determination of the feeder pattern, the  
2263 department shall notify schools and school districts prior to the  
2264 release of the school grades beginning in 2013. Feeder schools  
2265 will be assigned the accountability designation of the school to  
2266 which they provide students;

2267 (x) Standards for student, school and school  
2268 district performance will be increased when student proficiency is  
2269 at a seventy-five percent (75%) and/or when sixty-five percent  
2270 (65%) of the schools and/or school districts are earning a grade  
2271 of "B" or higher, in order to raise the standard on performance  
2272 after targets are met \* \* \*; and

2273 (xi) The system shall include student performance  
2274 on the administration of the ACT WorkKeys Assessment, which shall  
2275 be weighted in the same percentage as the standard ACT Assessment  
2276 as administered to students in Grade 11, for inclusion in the  
2277 college and career readiness portion of the accountability rating  
2278 system. The State Department of Education shall ensure equitable  
2279 distribution of points under the accountability rating, in  
2280 comparison to the ACT Assessment, for a Silver Status on the ACT  
2281 WorkKeys Assessment. A student shall not be required to complete  
2282 all of the courses within his or her career pathway for his or her  
2283 performance on the ACT WorkKeys Assessment to be included in the  
2284 system. Each individual school district shall determine whether  
2285 the ACT WorkKeys Assessment is administered in the ninth, tenth or  
2286 eleventh grade.



2287 (6) Nothing in this section shall be deemed to require a  
2288 nonpublic school that receives no local, state or federal funds  
2289 for support to become accredited by the State Board of Education.

2290 (7) The State Board of Education shall create an  
2291 accreditation audit unit under the Commission on School  
2292 Accreditation to determine whether schools are complying with  
2293 accreditation standards.

2294 (8) The State Board of Education shall be specifically  
2295 authorized and empowered to withhold adequate education program  
2296 fund allocations, whichever is applicable, to any public school  
2297 district for failure to timely report student, school personnel  
2298 and fiscal data necessary to meet state and/or federal  
2299 requirements.

2300 (9) [Deleted]

2301 (10) The State Board of Education shall establish, for those  
2302 school districts failing to meet accreditation standards, a  
2303 program of development to be complied with in order to receive  
2304 state funds, except as otherwise provided in subsection (15) of  
2305 this section when the Governor has declared a state of emergency  
2306 in a school district or as otherwise provided in Section 206,  
2307 Mississippi Constitution of 1890. The state board, in  
2308 establishing these standards, shall provide for notice to schools  
2309 and sufficient time and aid to enable schools to attempt to meet  
2310 these standards, unless procedures under subsection (15) of this  
2311 section have been invoked.



2312 (11) Beginning July 1, 1998, the State Board of Education  
2313 shall be charged with the implementation of the program of  
2314 development in each applicable school district as follows:

2315 (a) Develop an impairment report for each district  
2316 failing to meet accreditation standards in conjunction with school  
2317 district officials;

2318 (b) Notify any applicable school district failing to  
2319 meet accreditation standards that it is on probation until  
2320 corrective actions are taken or until the deficiencies have been  
2321 removed. The local school district shall develop a corrective  
2322 action plan to improve its deficiencies. For district academic  
2323 deficiencies, the corrective action plan for each such school  
2324 district shall be based upon a complete analysis of the following:  
2325 student test data, student grades, student attendance reports,  
2326 student dropout data, existence and other relevant data. The  
2327 corrective action plan shall describe the specific measures to be  
2328 taken by the particular school district and school to improve:  
2329 (i) instruction; (ii) curriculum; (iii) professional development;  
2330 (iv) personnel and classroom organization; (v) student incentives  
2331 for performance; (vi) process deficiencies; and (vii) reporting to  
2332 the local school board, parents and the community. The corrective  
2333 action plan shall describe the specific individuals responsible  
2334 for implementing each component of the recommendation and how each  
2335 will be evaluated. All corrective action plans shall be provided  
2336 to the State Board of Education as may be required. The decision



2337 of the State Board of Education establishing the probationary  
2338 period of time shall be final;

2339 (c) Offer, during the probationary period, technical  
2340 assistance to the school district in making corrective actions.  
2341 Beginning July 1, 1998, subject to the availability of funds, the  
2342 State Department of Education shall provide technical and/or  
2343 financial assistance to all such school districts in order to  
2344 implement each measure identified in that district's corrective  
2345 action plan through professional development and on-site  
2346 assistance. Each such school district shall apply for and utilize  
2347 all available federal funding in order to support its corrective  
2348 action plan in addition to state funds made available under this  
2349 paragraph;

2350 (d) Assign department personnel or contract, in its  
2351 discretion, with the institutions of higher learning or other  
2352 appropriate private entities with experience in the academic,  
2353 finance and other operational functions of schools to assist  
2354 school districts;

2355 (e) Provide for publication of public notice at least  
2356 one time during the probationary period, in a newspaper published  
2357 within the jurisdiction of the school district failing to meet  
2358 accreditation standards, or if no newspaper is published therein,  
2359 then in a newspaper having a general circulation therein. The  
2360 publication shall include the following: declaration of school  
2361 system's status as being on probation; all details relating to the



2362 impairment report; and other information as the State Board of  
2363 Education deems appropriate. Public notices issued under this  
2364 section shall be subject to Section 13-3-31 and not contrary to  
2365 other laws regarding newspaper publication.

2366 (12) (a) If the recommendations for corrective action are  
2367 not taken by the local school district or if the deficiencies are  
2368 not removed by the end of the probationary period, the Commission  
2369 on School Accreditation shall conduct a hearing to allow the  
2370 affected school district to present evidence or other reasons why  
2371 its accreditation should not be withdrawn. Additionally, if the  
2372 local school district violates accreditation standards that have  
2373 been determined by the policies and procedures of the State Board  
2374 of Education to be a basis for withdrawal of school district's  
2375 accreditation without a probationary period, the Commission on  
2376 School Accreditation shall conduct a hearing to allow the affected  
2377 school district to present evidence or other reasons why its  
2378 accreditation should not be withdrawn. After its consideration of  
2379 the results of the hearing, the Commission on School Accreditation  
2380 shall be authorized, with the approval of the State Board of  
2381 Education, to withdraw the accreditation of a public school  
2382 district, and issue a request to the Governor that a state of  
2383 emergency be declared in that district.

2384 (b) If the State Board of Education and the Commission  
2385 on School Accreditation determine that an extreme emergency  
2386 situation exists in a school district that jeopardizes the safety,





2387 security or educational interests of the children enrolled in the  
2388 schools in that district and that emergency situation is believed  
2389 to be related to a serious violation or violations of  
2390 accreditation standards or state or federal law, or when a school  
2391 district meets the State Board of Education's definition of a  
2392 failing school district for two (2) consecutive full school years,  
2393 or if more than fifty percent (50%) of the schools within the  
2394 school district are designated as Schools At-Risk in any one (1)  
2395 year, the State Board of Education may request the Governor to  
2396 declare a state of emergency in that school district. For  
2397 purposes of this paragraph, the declarations of a state of  
2398 emergency shall not be limited to those instances when a school  
2399 district's impairments are related to a lack of financial  
2400 resources, but also shall include serious failure to meet minimum  
2401 academic standards, as evidenced by a continued pattern of poor  
2402 student performance.

2403 (c) Whenever the Governor declares a state of emergency  
2404 in a school district in response to a request made under paragraph  
2405 (a) or (b) of this subsection, the State Board of Education may  
2406 take one or more of the following actions:

2407 (i) Declare a state of emergency, under which some  
2408 or all of state funds can be escrowed except as otherwise provided  
2409 in Section 206, Constitution of 1890, until the board determines  
2410 corrective actions are being taken or the deficiencies have been  
2411 removed, or that the needs of students warrant the release of



2412 funds. The funds may be released from escrow for any program  
2413 which the board determines to have been restored to standard even  
2414 though the state of emergency may not as yet be terminated for the  
2415 district as a whole;

2416 (ii) Override any decision of the local school  
2417 board or superintendent of education, or both, concerning the  
2418 management and operation of the school district, or initiate and  
2419 make decisions concerning the management and operation of the  
2420 school district;

2421 (iii) Assign an interim superintendent, or in its  
2422 discretion, contract with a private entity with experience in the  
2423 academic, finance and other operational functions of schools and  
2424 school districts, who will have those powers and duties prescribed  
2425 in subsection (15) of this section;

2426 (iv) Grant transfers to students who attend this  
2427 school district so that they may attend other accredited schools  
2428 or districts in a manner that is not in violation of state or  
2429 federal law;

2430 (v) For states of emergency declared under  
2431 paragraph (a) only, if the accreditation deficiencies are related  
2432 to the fact that the school district is too small, with too few  
2433 resources, to meet the required standards and if another school  
2434 district is willing to accept those students, abolish that  
2435 district and assign that territory to another school district or  
2436 districts. If the school district has proposed a voluntary



2437 consolidation with another school district or districts, then if  
2438 the State Board of Education finds that it is in the best interest  
2439 of the pupils of the district for the consolidation to proceed,  
2440 the voluntary consolidation shall have priority over any such  
2441 assignment of territory by the State Board of Education;

2442 (vi) For states of emergency declared under  
2443 paragraph (b) only, reduce local supplements paid to school  
2444 district employees, including, but not limited to, instructional  
2445 personnel, assistant teachers and extracurricular activities  
2446 personnel, if the district's impairment is related to a lack of  
2447 financial resources, but only to an extent that will result in the  
2448 salaries being comparable to districts similarly situated, as  
2449 determined by the State Board of Education;

2450 (vii) For states of emergency declared under  
2451 paragraph (b) only, the State Board of Education may take any  
2452 action as prescribed in Section 37-17-13.

2453 (d) At the time that satisfactory corrective action has  
2454 been taken in a school district in which a state of emergency has  
2455 been declared, the State Board of Education may request the  
2456 Governor to declare that the state of emergency no longer exists  
2457 in the district.

2458 (e) The parent or legal guardian of a school-age child  
2459 who is enrolled in a school district whose accreditation has been  
2460 withdrawn by the Commission on School Accreditation and without  
2461 approval of that school district may file a petition in writing to



2462 a school district accredited by the Commission on School  
2463 Accreditation for a legal transfer. The school district  
2464 accredited by the Commission on School Accreditation may grant the  
2465 transfer according to the procedures of Section 37-15-31(1)(b).  
2466 In the event the accreditation of the student's home district is  
2467 restored after a transfer has been approved, the student may  
2468 continue to attend the transferee school district. The per-pupil  
2469 amount of the adequate education program allotment, including the  
2470 collective "add-on program" costs for the student's home school  
2471 district shall be transferred monthly to the school district  
2472 accredited by the Commission on School Accreditation that has  
2473 granted the transfer of the school-age child.

2474 (f) Upon the declaration of a state of emergency for  
2475 any school district in which the Governor has previously declared  
2476 a state of emergency, the State Board of Education may either:

2477 (i) Place the school district into district  
2478 transformation, in which the school district shall remain until it  
2479 has fulfilled all conditions related to district transformation.  
2480 If the district was assigned an accreditation rating of "D" or "F"  
2481 when placed into district transformation, the district shall be  
2482 eligible to return to local control when the school district has  
2483 attained a "C" rating or higher for five (5) consecutive years,  
2484 unless the State Board of Education determines that the district  
2485 is eligible to return to local control in less than the five-year  
2486 period;



2487 (ii) Abolish the school district and  
2488 administratively consolidate the school district with one or more  
2489 existing school districts;

2490 (iii) Reduce the size of the district and  
2491 administratively consolidate parts of the district, as determined  
2492 by the State Board of Education. However, no school district  
2493 which is not in district transformation shall be required to  
2494 accept additional territory over the objection of the district; or

2495 (iv) Require the school district to develop and  
2496 implement a district improvement plan with prescriptive guidance  
2497 and support from the State Department of Education, with the goal  
2498 of helping the district improve student achievement. Failure of  
2499 the school board, superintendent and school district staff to  
2500 implement the plan with fidelity and participate in the activities  
2501 provided as support by the department shall result in the school  
2502 district retaining its eligibility for district transformation.

2503 (g) There is established a Mississippi Recovery School  
2504 District within the State Department of Education under the  
2505 supervision of a deputy superintendent appointed by the State  
2506 Superintendent of Public Education, who is subject to the approval  
2507 by the State Board of Education. The Mississippi Recovery School  
2508 District shall provide leadership and oversight of all school  
2509 districts that are subject to district transformation status, as  
2510 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
2511 and shall have all the authority granted under these two (2)



2512 chapters. The Mississippi Department of Education, with the  
2513 approval of the State Board of Education, shall develop policies  
2514 for the operation and management of the Mississippi Recovery  
2515 School District. The deputy state superintendent is responsible  
2516 for the Mississippi Recovery School District and shall be  
2517 authorized to oversee the administration of the Mississippi  
2518 Recovery School District, oversee the interim superintendent  
2519 assigned by the State Board of Education to a local school  
2520 district, hear appeals that would normally be filed by students,  
2521 parents or employees and heard by a local school board, which  
2522 hearings on appeal shall be conducted in a prompt and timely  
2523 manner in the school district from which the appeal originated in  
2524 order to ensure the ability of appellants, other parties and  
2525 witnesses to appeal without undue burden of travel costs or loss  
2526 of time from work, and perform other related duties as assigned by  
2527 the State Superintendent of Public Education. The deputy state  
2528 superintendent is responsible for the Mississippi Recovery School  
2529 District and shall determine, based on rigorous professional  
2530 qualifications set by the State Board of Education, the  
2531 appropriate individuals to be engaged to be interim  
2532 superintendents and financial advisors, if applicable, of all  
2533 school districts subject to district transformation status. After  
2534 State Board of Education approval, these individuals shall be  
2535 deemed independent contractors.



2536 (13) Upon the declaration of a state of emergency in a  
2537 school district under subsection (12) of this section, the  
2538 Commission on School Accreditation shall be responsible for public  
2539 notice at least once a week for at least three (3) consecutive  
2540 weeks in a newspaper published within the jurisdiction of the  
2541 school district failing to meet accreditation standards, or if no  
2542 newspaper is published therein, then in a newspaper having a  
2543 general circulation therein. The size of the notice shall be no  
2544 smaller than one-fourth (1/4) of a standard newspaper page and  
2545 shall be printed in bold print. If an interim superintendent has  
2546 been appointed for the school district, the notice shall begin as  
2547 follows: "By authority of Section 37-17-6, Mississippi Code of  
2548 1972, as amended, adopted by the Mississippi Legislature during  
2549 the 1991 Regular Session, this school district (name of school  
2550 district) is hereby placed under the jurisdiction of the State  
2551 Department of Education acting through its appointed interim  
2552 superintendent (name of interim superintendent)."

2553 The notice also shall include, in the discretion of the State  
2554 Board of Education, any or all details relating to the school  
2555 district's emergency status, including the declaration of a state  
2556 of emergency in the school district and a description of the  
2557 district's impairment deficiencies, conditions of any district  
2558 transformation status and corrective actions recommended and being  
2559 taken. Public notices issued under this section shall be subject



2560 to Section 13-3-31 and not contrary to other laws regarding  
2561 newspaper publication.

2562       Upon termination of the state of emergency in a school  
2563 district, the Commission on School Accreditation shall cause  
2564 notice to be published in the school district in the same manner  
2565 provided in this section, to include any or all details relating  
2566 to the corrective action taken in the school district that  
2567 resulted in the termination of the state of emergency.

2568       (14) The State Board of Education or the Commission on  
2569 School Accreditation shall have the authority to require school  
2570 districts to produce the necessary reports, correspondence,  
2571 financial statements, and any other documents and information  
2572 necessary to fulfill the requirements of this section.

2573       Nothing in this section shall be construed to grant any  
2574 individual, corporation, board or interim superintendent the  
2575 authority to levy taxes except in accordance with presently  
2576 existing statutory provisions.

2577       (15) (a) Whenever the Governor declares a state of  
2578 emergency in a school district in response to a request made under  
2579 subsection (12) of this section, the State Board of Education, in  
2580 its discretion, may assign an interim superintendent to the school  
2581 district, or in its discretion, may contract with an appropriate  
2582 private entity with experience in the academic, finance and other  
2583 operational functions of schools and school districts, who will be  
2584 responsible for the administration, management and operation of





2585 the school district, including, but not limited to, the following  
2586 activities:

2587                   (i) Approving or disapproving all financial  
2588 obligations of the district, including, but not limited to, the  
2589 employment, termination, nonrenewal and reassignment of all  
2590 licensed and nonlicensed personnel, contractual agreements and  
2591 purchase orders, and approving or disapproving all claim dockets  
2592 and the issuance of checks; in approving or disapproving  
2593 employment contracts of superintendents, assistant superintendents  
2594 or principals, the interim superintendent shall not be required to  
2595 comply with the time limitations prescribed in Sections 37-9-15  
2596 and 37-9-105;

2597                   (ii) Supervising the day-to-day activities of the  
2598 district's staff, including reassigning the duties and  
2599 responsibilities of personnel in a manner which, in the  
2600 determination of the interim superintendent, will best suit the  
2601 needs of the district;

2602                   (iii) Reviewing the district's total financial  
2603 obligations and operations and making recommendations to the  
2604 district for cost savings, including, but not limited to,  
2605 reassigning the duties and responsibilities of staff;

2606                   (iv) Attending all meetings of the district's  
2607 school board and administrative staff;



2608 (v) Approving or disapproving all athletic, band  
2609 and other extracurricular activities and any matters related to  
2610 those activities;

2611 (vi) Maintaining a detailed account of  
2612 recommendations made to the district and actions taken in response  
2613 to those recommendations;

2614 (vii) Reporting periodically to the State Board of  
2615 Education on the progress or lack of progress being made in the  
2616 district to improve the district's impairments during the state of  
2617 emergency; and

2618 (viii) Appointing a parent advisory committee,  
2619 comprised of parents of students in the school district that may  
2620 make recommendations to the interim superintendent concerning the  
2621 administration, management and operation of the school district.

2622 The cost of the salary of the interim superintendent and any  
2623 other actual and necessary costs related to district  
2624 transformation status paid by the State Department of Education  
2625 shall be reimbursed by the local school district from funds other  
2626 than adequate education program funds. The department shall  
2627 submit an itemized statement to the superintendent of the local  
2628 school district for reimbursement purposes, and any unpaid balance  
2629 may be withheld from the district's adequate education program  
2630 funds.

2631 At the time that the Governor, in accordance with the request  
2632 of the State Board of Education, declares that the state of



2633 emergency no longer exists in a school district, the powers and  
2634 responsibilities of the interim superintendent assigned to the  
2635 district shall cease.

2636 (b) In order to provide loans to school districts under  
2637 a state of emergency or in district transformation status that  
2638 have impairments related to a lack of financial resources, the  
2639 School District Emergency Assistance Fund is created as a special  
2640 fund in the State Treasury into which monies may be transferred or  
2641 appropriated by the Legislature from any available public  
2642 education funds. Funds in the School District Emergency  
2643 Assistance Fund up to a maximum balance of Three Million Dollars  
2644 (\$3,000,000.00) annually shall not lapse but shall be available  
2645 for expenditure in subsequent years subject to approval of the  
2646 State Board of Education. Any amount in the fund in excess of  
2647 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
2648 year shall lapse into the State General Fund or the Education  
2649 Enhancement Fund, depending on the source of the fund.

2650 The State Board of Education may loan monies from the School  
2651 District Emergency Assistance Fund to a school district that is  
2652 under a state of emergency or in district transformation status,  
2653 in those amounts, as determined by the board, that are necessary  
2654 to correct the district's impairments related to a lack of  
2655 financial resources. The loans shall be evidenced by an agreement  
2656 between the school district and the State Board of Education and  
2657 shall be repayable in principal, without necessity of interest, to



2658 the School District Emergency Assistance Fund by the school  
2659 district from any allowable funds that are available. The total  
2660 amount loaned to the district shall be due and payable within five  
2661 (5) years after the impairments related to a lack of financial  
2662 resources are corrected. If a school district fails to make  
2663 payments on the loan in accordance with the terms of the agreement  
2664 between the district and the State Board of Education, the State  
2665 Department of Education, in accordance with rules and regulations  
2666 established by the State Board of Education, may withhold that  
2667 district's adequate education program funds in an amount and  
2668 manner that will effectuate repayment consistent with the terms of  
2669 the agreement; the funds withheld by the department shall be  
2670 deposited into the School District Emergency Assistance Fund.

2671 The State Board of Education shall develop a protocol that  
2672 will outline the performance standards and requisite timeline  
2673 deemed necessary for extreme emergency measures. If the State  
2674 Board of Education determines that an extreme emergency exists,  
2675 simultaneous with the powers exercised in this subsection, it  
2676 shall take immediate action against all parties responsible for  
2677 the affected school districts having been determined to be in an  
2678 extreme emergency. The action shall include, but not be limited  
2679 to, initiating civil actions to recover funds and criminal actions  
2680 to account for criminal activity. Any funds recovered by the  
2681 State Auditor or the State Board of Education from the surety  
2682 bonds of school officials or from any civil action brought under



2683 this subsection shall be applied toward the repayment of any loan  
2684 made to a school district hereunder.

2685 (16) If a majority of the membership of the school board of  
2686 any school district resigns from office, the State Board of  
2687 Education shall be authorized to assign an interim superintendent,  
2688 who shall be responsible for the administration, management and  
2689 operation of the school district until the time as new board  
2690 members are selected or the Governor declares a state of emergency  
2691 in that school district under subsection (12), whichever occurs  
2692 first. In that case, the State Board of Education, acting through  
2693 the interim superintendent, shall have all powers which were held  
2694 by the previously existing school board, and may take any action  
2695 as prescribed in Section 37-17-13 and/or one or more of the  
2696 actions authorized in this section.

2697 (17) (a) If the Governor declares a state of emergency in a  
2698 school district, the State Board of Education may take all such  
2699 action pertaining to that school district as is authorized under  
2700 subsection (12) or (15) of this section, including the appointment  
2701 of an interim superintendent. The State Board of Education shall  
2702 also have the authority to issue a written request with  
2703 documentation to the Governor asking that the office of the  
2704 superintendent of the school district be subject to recall. If  
2705 the Governor declares that the office of the superintendent of the  
2706 school district is subject to recall, the local school board or



2707 the county election commission, as the case may be, shall take the  
2708 following action:

2709 (i) If the office of superintendent is an elected  
2710 office, in those years in which there is no general election, the  
2711 name shall be submitted by the State Board of Education to the  
2712 county election commission, and the county election commission  
2713 shall submit the question at a special election to the voters  
2714 eligible to vote for the office of superintendent within the  
2715 county, and the special election shall be held within sixty (60)  
2716 days from notification by the State Board of Education. The  
2717 ballot shall read substantially as follows:

2718 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
2719 name of the superintendent shall be inserted) of the \_\_\_\_\_  
2720 (here the title of the school district shall be inserted) be  
2721 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

2722 If a majority of those voting on the question votes against  
2723 retaining the superintendent in office, a vacancy shall exist  
2724 which shall be filled in the manner provided by law; otherwise,  
2725 the superintendent shall remain in office for the term of that  
2726 office, and at the expiration of the term shall be eligible for  
2727 qualification and election to another term or terms.

2728 (ii) If the office of superintendent is an  
2729 appointive office, the name of the superintendent shall be  
2730 submitted by the president of the local school board at the next  
2731 regular meeting of the school board for retention in office or



2732 dismissal from office. If a majority of the school board voting  
2733 on the question vote against retaining the superintendent in  
2734 office, a vacancy shall exist which shall be filled as provided by  
2735 law, otherwise the superintendent shall remain in office for the  
2736 duration of his employment contract.

2737 (b) The State Board of Education may issue a written  
2738 request with documentation to the Governor asking that the  
2739 membership of the school board of the school district shall be  
2740 subject to recall. Whenever the Governor declares that the  
2741 membership of the school board is subject to recall, the county  
2742 election commission or the local governing authorities, as the  
2743 case may be, shall take the following action:

2744 (i) If the members of the local school board are  
2745 elected to office, in those years in which the specific member's  
2746 office is not up for election, the name of the school board member  
2747 shall be submitted by the State Board of Education to the county  
2748 election commission, and the county election commission at a  
2749 special election shall submit the question to the voters eligible  
2750 to vote for the particular member's office within the county or  
2751 school district, as the case may be, and the special election  
2752 shall be held within sixty (60) days from notification by the  
2753 State Board of Education. The ballot shall read substantially as  
2754 follows:

2755 "Members of the \_\_\_\_\_ (here the title of the school  
2756 district shall be inserted) School Board who are not up for



2757 election this year are subject to recall because of the school  
2758 district's failure to meet critical accountability standards as  
2759 defined in the letter of notification to the Governor from the  
2760 State Board of Education. Shall the member of the school board  
2761 representing this area, \_\_\_\_\_ (here the name of the school  
2762 board member holding the office shall be inserted), be retained in  
2763 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

2764 If a majority of those voting on the question vote against  
2765 retaining the member of the school board in office, a vacancy in  
2766 that board member's office shall exist, which shall be filled in  
2767 the manner provided by law; otherwise, the school board member  
2768 shall remain in office for the term of that office, and at the  
2769 expiration of the term of office, the member shall be eligible for  
2770 qualification and election to another term or terms of office.  
2771 However, if a majority of the school board members are recalled in  
2772 the special election, the Governor shall authorize the board of  
2773 supervisors of the county in which the school district is situated  
2774 to appoint members to fill the offices of the members recalled.  
2775 The board of supervisors shall make those appointments in the  
2776 manner provided by law for filling vacancies on the school board,  
2777 and the appointed members shall serve until the office is filled  
2778 at the next regular special election or general election.

2779 (ii) If the local school board is an appointed  
2780 school board, the name of all school board members shall be  
2781 submitted as a collective board by the president of the municipal





2782 or county governing authority, as the case may be, at the next  
2783 regular meeting of the governing authority for retention in office  
2784 or dismissal from office. If a majority of the governing  
2785 authority voting on the question vote against retaining the board  
2786 in office, a vacancy shall exist in each school board member's  
2787 office, which shall be filled as provided by law; otherwise, the  
2788 members of the appointed school board shall remain in office for  
2789 the duration of their term of appointment, and those members may  
2790 be reappointed.

2791 (iii) If the local school board is comprised of  
2792 both elected and appointed members, the elected members shall be  
2793 subject to recall in the manner provided in subparagraph (i) of  
2794 this paragraph (b), and the appointed members shall be subject to  
2795 recall in the manner provided in subparagraph (ii).

2796 (18) Beginning with the school district audits conducted for  
2797 the 1997-1998 fiscal year, the State Board of Education, acting  
2798 through the Commission on School Accreditation, shall require each  
2799 school district to comply with standards established by the State  
2800 Department of Audit for the verification of fixed assets and the  
2801 auditing of fixed assets records as a minimum requirement for  
2802 accreditation.

2803 (19) Before December 1, 1999, the State Board of Education  
2804 shall recommend a program to the Education Committees of the House  
2805 of Representatives and the Senate for identifying and rewarding  
2806 public schools that improve or are high performing. The program



2807 shall be described by the board in a written report, which shall  
2808 include criteria and a process through which improving schools and  
2809 high-performing schools will be identified and rewarded.

2810 The State Superintendent of Public Education and the State  
2811 Board of Education also shall develop a comprehensive  
2812 accountability plan to ensure that local school boards,  
2813 superintendents, principals and teachers are held accountable for  
2814 student achievement. A written report on the accountability plan  
2815 shall be submitted to the Education Committees of both houses of  
2816 the Legislature before December 1, 1999, with any necessary  
2817 legislative recommendations.

2818 (20) Before January 1, 2008, the State Board of Education  
2819 shall evaluate and submit a recommendation to the Education  
2820 Committees of the House of Representatives and the Senate on  
2821 inclusion of graduation rate and dropout rate in the school level  
2822 accountability system.

2823 (21) If a local school district is determined as failing and  
2824 placed into district transformation status for reasons authorized  
2825 by the provisions of this section, the interim superintendent  
2826 appointed to the district shall, within forty-five (45) days after  
2827 being appointed, present a detailed and structured corrective  
2828 action plan to move the local school district out of district  
2829 transformation status to the deputy superintendent. A copy of the  
2830 interim superintendent's corrective action plan shall also be  
2831 filed with the State Board of Education.



2832           **SECTION 15.** Beginning with the 2021-2022 academic year, the  
2833 State Board of Education, acting through the Commission on Teacher  
2834 and Administrator Education, Certification and Licensure and  
2835 Development, and in conjunction with the Board of Trustees of  
2836 State Institutions of Higher Learning, shall require each educator  
2837 preparation program in the state to include, as part of its  
2838 curriculum, a Praxis Core Academic Skills for Educators  
2839 examination and a Praxis II examination course of study, which  
2840 shall serve as a preparatory review course with emphasis on the  
2841 concepts and exam skills necessary for success on the exam, and  
2842 reinforces students' knowledge through thought-provoking examples  
2843 and Praxis exam questions. Upon completion of the course,  
2844 students shall have mastered concepts as they are tested so that  
2845 students can excel within the time constraints of the exam.

2846           **SECTION 16.** This act shall take effect and be in force from  
2847 and after July 1, 2021.

