

By: Representative Bell (21st)

To: Workforce Development

HOUSE BILL NO. 1253  
(As Passed the House)

1 AN ACT TO AMEND SECTION 31-7-13.2, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE CONSTRUCTION MANAGEMENT AT RISK METHOD OF PROJECT  
3 DELIVERY; TO PROVIDE THAT FOR THE PURPOSES OF A  
4 QUALIFICATIONS-BASED SELECTION PROCEDURE, A CONTRACT FOR  
5 CONSTRUCTION MANAGEMENT AT RISK SERVICES SHALL BE TREATED THE SAME  
6 AS A CONTRACT FOR ARCHITECTURAL, ENGINEERING AND LAND SURVEYING  
7 SERVICES; TO PROVIDE THAT THE CONSTRUCTION MANAGER SELECTED BY AN  
8 AGENCY OR GOVERNING AUTHORITY TO PROVIDE CONSTRUCTION MANAGEMENT  
9 AT RISK SERVICES SHALL SOLICIT BIDS FOR CONSTRUCTION ON THE  
10 PROJECT AS PROVIDED IN THE PUBLIC PURCHASING LAW; TO PROVIDE THAT  
11 THE CONSTRUCTION MANAGER MAY PREQUALIFY VENDORS AND CONTRACTORS  
12 WITH CERTAIN QUALIFICATIONS BEFORE SOLICITING ANY BIDS OR ENTERING  
13 INTO ANY CONTRACTS; TO PROVIDE THAT A BIDDER'S CONFIDENTIAL AND  
14 PROPRIETARY INFORMATION SHALL NOT BE DISCLOSED TO ANYONE OUTSIDE  
15 OF THE AGENCY, GOVERNING AUTHORITY OR CONSTRUCTION MANAGER WITHOUT  
16 THE BIDDER'S PRIOR WRITTEN CONSENT; TO BRING FORWARD SECTION  
17 25-61-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
18 AMENDMENT; TO CREATE THE "COMPREHENSIVE CAREER AND TECHNICAL  
19 EDUCATION REFORM (CCATER) ACT"; TO BRING FORWARD SECTION 37-15-38,  
20 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
21 TO AMEND SECTION 37-16-17, MISSISSIPPI CODE OF 1972, TO REQUIRE  
22 THE STATE BOARD OF EDUCATION TO PROVIDE NOTICE TO ALL INCOMING  
23 MIDDLE SCHOOL AND JUNIOR HIGH STUDENTS OF THE CAREER AND TECHNICAL  
24 EDUCATION PROGRAMS OFFERED BY LOCAL SCHOOL BOARDS; TO REQUIRE ALL  
25 STUDENTS TO TAKE THE ACT WORKKEYS ASSESSMENT; TO PROVIDE THAT EACH  
26 INDIVIDUAL SCHOOL DISTRICT SHALL DETERMINE WHETHER THE ACT  
27 WORKKEYS ASSESSMENT IS ADMINISTERED IN THE NINTH, TENTH OR  
28 ELEVENTH GRADE; TO REVISE THE CURRICULUM IN THE CAREER AND  
29 TECHNICAL EDUCATION PROGRAM; TO AMEND SECTION 37-3-2, MISSISSIPPI  
30 CODE OF 1972, TO PROVIDE THAT LOCAL BUSINESS OR OTHER PROFESSIONAL  
31 PERSONNEL SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE OR BACHELOR'S  
32 DEGREE IN ORDER TO BE GRANTED AN EXPERT CITIZEN-TEACHER LICENSE;  
33 TO EXPAND THE EXPERT CITIZEN-TEACHER LICENSE FROM ONE YEAR TO FIVE  
34 YEARS; TO PROVIDE THAT CERTAIN INSTRUCTIONAL STAFF EMPLOYED BY A



35 PUBLIC SCHOOL DISTRICT OR NONPUBLIC SCHOOL ACCREDITED OR APPROVED  
36 BY THE STATE FOR A MINIMUM OF FIVE YEARS SHALL BE GRANTED A  
37 STANDARD TEACHER LICENSE; TO REQUIRE SUCH TEACHERS TO COMPLY WITH  
38 ANY ADDITIONAL REQUIREMENTS FOR EXISTING TEACHERS, INCLUDING  
39 PROFESSIONAL DEVELOPMENT TRAINING AND COMPLETION OF THE REQUIRED  
40 CONTINUING EDUCATION UNITS; TO AMEND SECTION 37-16-3, MISSISSIPPI  
41 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND  
42 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
43 ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE  
44 ADMINISTRATION OF THE ACT WORKKEYS ASSESSMENT, WHICH SHALL BE  
45 WEIGHTED IN THE SAME PERCENTAGE AS THE STANDARD ACT ASSESSMENT; TO  
46 REQUIRE THE STATE BOARD OF EDUCATION, ACTING THROUGH THE  
47 COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION  
48 AND LICENSURE AND DEVELOPMENT, AND IN CONJUNCTION WITH THE BOARD  
49 OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, TO REQUIRE  
50 EACH EDUCATOR PREPARATION PROGRAM IN THE STATE TO INCLUDE A PRAXIS  
51 CORE ACADEMIC SKILLS FOR EDUCATORS EXAMINATION AND A PRAXIS II  
52 EXAMINATION PREPARATORY REVIEW COURSE, AS PART OF ITS CURRICULUM;  
53 AND FOR RELATED PURPOSES.

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

55 **SECTION 1.** Section 31-7-13.2, Mississippi Code of 1972, is  
56 amended as follows:

57 31-7-13.2 (1) When used in this section, "construction  
58 manager at risk" means a method of project delivery in which a  
59 construction manager guarantees a maximum price for the  
60 construction of a project and in which the governing authority or  
61 board, before using this method of project delivery, shall include  
62 a detailed explanation of why using the construction manager at  
63 risk method of project delivery for a particular project satisfies  
64 the public need better than that traditional design-bid-build  
65 method based on the following criteria:

66 (a) The use of construction manager at risk for the  
67 project provides a savings in time or cost over traditional  
68 methods; and



69           (b) The size and type of the project is suitable for  
70 use of the construction management at risk method of project  
71 delivery.

72           (2) When the construction manager at risk method of project  
73 delivery is used:

74           (a) There may be a separate contract for design  
75 services and a separate contract for construction services;

76           (b) The contract for construction services may be  
77 entered into at the same time as a contract for the design  
78 services or later;

79           (c) Design and construction of the project may be in  
80 sequential or concurrent phases; and

81           (d) Finance, maintenance, operation, reconstruction or  
82 other related services may be included for a guaranteed maximum  
83 price.

84           (3) When procuring design professional services under a  
85 construction manager at risk project delivery method, the agency  
86 or governing authority shall procure the services of a design  
87 professional pursuant to qualifications-based selection  
88 procedures.

89           (4) Before the substantial completion of the design  
90 documents, the agency or governing authority may elect to hire a  
91 construction manager.

92           (5) When procuring construction management services, the  
93 agency or governing authority shall follow the



94 qualifications-based selection procedures as outlined in  
95 subsection (10) of this section or the competitive sealed proposal  
96 procedures as outlined in Section 31-17-13.

97 (6) The agency or governing authority may require the  
98 architect or engineer and the construction manager, by contract,  
99 to cooperate in the design, planning and scheduling, and  
100 construction process. The contract shall not make the primary  
101 designer or construction manager a subcontractor or joint-venture  
102 partner to the other or limit the primary designer's or  
103 construction manager's independent obligations to the agency or  
104 governing authority.

105 (7) Notwithstanding anything to the contrary in this  
106 chapter:

107 (a) Each project for construction under a construction  
108 manager at risk contract shall be a specific, single project with  
109 a minimum construction cost of Twenty-five Million Dollars  
110 (\$25,000,000.00).

111 (b) Each project under a construction manager at risk  
112 contract shall be a specific, single project. For the purposes of  
113 this paragraph, "specific, single project" means a project that is  
114 constructed at a single location, at a common location or for a  
115 common purpose.

116 (8) Agencies shall retain an independent architectural or  
117 engineering firm to provide guidance and administration of the  
118 professional engineering or professional architecture aspects of



119 the project throughout the development of the scope, design, and  
120 construction of the project.

121 (9) The state shall, on an annual basis, compile and make  
122 public all proceedings, records, contracts and other public  
123 records relating to procurement transactions authorized under this  
124 section.

125 (10) For purposes of this section, the "qualifications-based  
126 selection procedure" shall include:

127 (a) Publicly announcing all requirements for  
128 construction management at risk, architectural, engineering, and  
129 land surveying services, to procure these services on the basis of  
130 demonstrated competence and qualifications, and to negotiate  
131 contracts at fair and reasonable prices after the most qualified  
132 firm has been selected.

133 (b) Agencies or governing authorities shall establish  
134 procedures to prequalify firms seeking to provide construction  
135 management at risk, architectural, engineering, and land surveying  
136 services or may use prequalification lists from other state  
137 agencies or governing authorities to meet the requirements of this  
138 section.

139 (c) Whenever a project requiring construction  
140 management at risk, architectural, engineering, or land surveying  
141 services is proposed for an agency or governing authority, the  
142 agency or governing authority shall provide advance notice  
143 published in a professional services bulletin or advertised within



144 the official state newspaper setting forth the projects and  
145 services to be procured for not less than fourteen (14) days. The  
146 professional services bulletin shall be mailed to each firm that  
147 has requested the information or is prequalified under Section  
148 31-7-13. The professional services bulletin shall include a  
149 description of each project and shall state the time and place for  
150 interested firms to submit a letter of interest and, if required  
151 by the public notice, a statement of qualifications.

152 (d) The agency or governing authority shall evaluate  
153 the firms submitting letters of interest and other prequalified  
154 firms, taking into account qualifications. The agency or  
155 governing authority may consider, but shall not be limited to,  
156 considering:

- 157 (i) Ability of professional personnel;
- 158 (ii) Past record and experience;
- 159 (iii) Performance data on file;
- 160 (iv) Willingness to meet time requirements;
- 161 (v) Location;
- 162 (vi) Workload of the firm; and
- 163 (vii) Any other qualifications-based factors as  
164 the agency or governing authority may determine in writing are  
165 applicable.

166 The agency or governing authority may conduct discussions  
167 with and require public presentations by firms deemed to be the



168 most qualified regarding their qualifications, approach to the  
169 project and ability to furnish the required services.

170 (e) The agency or governing authority shall establish a  
171 committee to select firms to provide construction management at  
172 risk, architectural, engineering, and land surveying services. A  
173 selection committee may include at least one (1) public member  
174 nominated by a statewide association of the profession affected.  
175 The public member may not be employed or associated with any firm  
176 holding a contract with the agency or governing authority nor may  
177 the public member's firm be considered for a contract with that  
178 agency or governing authority while serving as a public member of  
179 the committee. In no case shall the agency or governing  
180 authority, before selecting a firm for negotiation under paragraph  
181 (f) of this subsection (10), seek formal or informal submission of  
182 verbal or written estimates of costs or proposals in terms of  
183 dollars, hours required, percentage of construction cost, or any  
184 other measure of compensation.

185 (f) On the basis of evaluations, discussions, and any  
186 presentations, the agency or governing authority shall select no  
187 less than three (3) firms that it determines to be qualified to  
188 provide services for the project and rank them in order of  
189 qualifications to provide services regarding the specific project.  
190 The agency or governing authority shall then contact the firm  
191 ranked most preferred to negotiate a contract at a fair and  
192 reasonable compensation. If fewer than three (3) firms submit



193 letters of interest and the agency or governing authority  
194 determines that one (1) or both of those firms are so qualified,  
195 the agency or governing authority may proceed to negotiate a  
196 contract under paragraph (g) of this subsection (10).

197 (g) The agency or governing authority shall prepare a  
198 written description of the scope of the proposed services to be  
199 used as a basis for negotiations and shall negotiate a contract  
200 with the highest qualified firm at compensation that the agency or  
201 governing authority determines in writing to be fair and  
202 reasonable. In making this decision, the agency or governing  
203 authority shall take into account the estimated value, scope,  
204 complexity, and professional nature of the services to be  
205 rendered. In no case may the agency or governing authority  
206 establish a maximum overhead rate or other payment formula  
207 designed to eliminate firms from contention or restrict  
208 competition or negotiation of fees. If the agency or governing  
209 authority is unable to negotiate a satisfactory contract with the  
210 firm that is most preferred, negotiations with that firm shall be  
211 terminated. The agency or governing authority shall then begin  
212 negotiations with the firm that is next preferred. If the agency  
213 or governing authority is unable to negotiate a satisfactory  
214 contract with that firm, negotiations with that firm shall be  
215 terminated. The agency or governing authority shall then begin  
216 negotiations with the firm that is next preferred. If the agency  
217 or governing authority is unable to negotiate a satisfactory





218 contract with any of the selected firms, the agency or governing  
219 authority shall reevaluate the construction management at risk,  
220 architectural, engineering, or land surveying services requested,  
221 including the estimated value, scope, complexity, and fee  
222 requirements. The agency or governing authority shall then  
223 compile a second list of not less than three (3) qualified firms  
224 and proceed in accordance with the provisions of this section. A  
225 firm negotiating a contract with an agency or governing authority  
226 shall negotiate subcontracts for architectural, engineering, and  
227 land surveying services at compensation that the firm determines  
228 in writing to be fair and reasonable based upon a written  
229 description of the scope of the proposed services.

230 (11) (a) The construction manager selected by the agency or  
231 governing authority to provide construction management at risk  
232 services shall solicit bids for construction on the project  
233 pursuant to Section 31-7-13. The construction manager shall be  
234 entitled to enter into contracts for construction with the lowest  
235 and best bidders, as determined in consultation with the agency or  
236 governing authority. Before soliciting bids or entering into any  
237 such contract, the construction manager, in consultation with the  
238 agency or governing authority, may prequalify any contractors or  
239 vendors seeking to submit a bid on the project, taking into  
240 account defined qualifications which may include, but not be  
241 limited to, the following:



242 (i) Past experience and performance record on  
243 projects of similar size and scope;  
244 (ii) Current financial status and ability to  
245 provide acceptable payment and performance bonds and meet defined  
246 insurance requirements;  
247 (iii) Current workload and backlog of committed  
248 work for the period scheduled for the project under consideration;  
249 (iv) Safety record to include prior citations and  
250 finances if applicable;  
251 (v) History of legal disputes or performance  
252 defaults;  
253 (vi) Identification and experience of project  
254 personnel and required manpower;  
255 (vii) Plan for and ability to meet the applicable  
256 project schedule; and  
257 (viii) Any other qualification-based factors as  
258 the agency, governing authority or construction manager may  
259 determine are applicable.  
260 (b) The construction manager, in consultation with the  
261 agency or governing authority, shall publish the defined  
262 qualifications that shall be considered in the prequalification  
263 process at least two (2) weeks in advance of any prequalification  
264 of contractors or vendors seeking to submit a bid on the project.  
265 Publication shall be in a regular newspaper published in the  
266 county or municipality in which the agency or governing authority



267 is located. The agency or governing authority shall also post the  
268 defined prequalification requirements on its website.

269 (c) The failure of a bidder to provide information in a  
270 timely and complete manner in response to any prequalification  
271 process may result in the disqualification of such bidder in the  
272 discretion of the agency, governing authority, and construction  
273 manager.

274 (d) Except as otherwise provided in Section 25-61-9,  
275 confidential and proprietary information furnished by a bidder  
276 pursuant to this section shall not be disclosed outside of the  
277 agency, governing authority, or construction manager without the  
278 prior written consent of the bidder. The bidder shall identify  
279 and label any information considered to be confidential and  
280 proprietary at the time of submission of the same to the agency,  
281 governing authority, or construction manager.

282 ( \* \* \*12) The provisions of this section shall not affect  
283 any procurement by the Mississippi Transportation Commission.

284 **SECTION 2.** Section 25-61-9, Mississippi Code of 1972, is  
285 brought forward as follows:

286 25-61-9. (1) Records furnished to public bodies by third  
287 parties which contain trade secrets or confidential commercial or  
288 financial information shall not be subject to inspection,  
289 examination, copying or reproduction under this chapter until  
290 notice to third parties has been given, but the records shall be  
291 released no later than twenty-one (21) days from the date the



292 third parties are given notice by the public body unless the third  
293 parties have filed in chancery court a petition seeking a  
294 protective order on or before the expiration of the twenty-one-day  
295 time period. Any party seeking the protective order shall give  
296 notice to the party requesting the information in accordance with  
297 the Mississippi Rules of Civil Procedure.

298 (2) If any public record which is held to be exempt from  
299 disclosure pursuant to this chapter contains material which is not  
300 exempt pursuant to this chapter, the public body shall separate  
301 the exempt material and make the nonexempt material available for  
302 examination or copying, or both, as provided for in this chapter.

303 (3) Trade secrets and confidential commercial and financial  
304 information of a proprietary nature developed by a college,  
305 university or public hospital under contract with a firm,  
306 business, partnership, association, corporation, individual or  
307 other like entity shall not be subject to inspection, examination,  
308 copying or reproduction under this chapter.

309 (4) Misappropriation of a trade secret shall be governed by  
310 the provisions of the Mississippi Uniform Trade Secrets Act,  
311 Sections 75-26-1 through 75-26-19.

312 (5) A waste minimization plan and any updates developed by  
313 generators and facility operators under the Mississippi  
314 Comprehensive Multimedia Waste Minimization Act of 1990 shall be  
315 retained at the facility and shall not be subject to inspection,  
316 examination, copying or reproduction under this chapter.



317 (6) Data processing software obtained by an agency under a  
318 licensing agreement that prohibits its disclosure and which  
319 software is a trade secret, as defined in Section 75-26-3, and  
320 data processing software produced by a public body which is  
321 sensitive must not be subject to inspection, copying or  
322 reproduction under this chapter.

323 As used in this subsection, "sensitive" means only those  
324 portions of data processing software, including the specifications  
325 and documentation, used to:

326 (a) Collect, process, store, and retrieve information  
327 which is exempt under this chapter.

328 (b) Control and direct access authorizations and  
329 security measures for automated systems.

330 (c) Collect, process, store, and retrieve information,  
331 disclosure of which would require a significant intrusion into the  
332 business of the public body.

333 (7) For all procurement contracts awarded by state agencies,  
334 the provisions of the contract which contain the commodities  
335 purchased or the personal or professional services provided, the  
336 unit prices contained within the procurement contracts, the  
337 overall price to be paid, and the term of the contract shall not  
338 be deemed to be a trade secret or confidential commercial or  
339 financial information under this section, and shall be available  
340 for examination, copying or reproduction as provided for in this  
341 chapter. Any party seeking a protective order for a procurement



342 contract awarded by state agencies shall give notice to and  
343 provide the reasons for the protective order to the party  
344 requesting the information in accordance with the Mississippi  
345 Rules of Civil Procedure. The notice and reasons for the  
346 protective order must be posted on the Mississippi procurement  
347 portal for a minimum of seven (7) days before filing the petition  
348 seeking the protective order in chancery court. Any party seeking  
349 a protective order in violation of this subsection may be barred  
350 by a state agency from submitting bids, proposals or  
351 qualifications for procurement for a period not to exceed five (5)  
352 years.

353 **SECTION 3.** The provisions of Sections 3 through 9 of this  
354 act shall be known as the "Comprehensive Career and Technical  
355 Education Reform" or "CCATER" Act.

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

358 37-15-38. (1) The following phrases have the meanings  
359 ascribed in this section unless the context clearly requires  
360 otherwise:

361 (a) A dual enrolled student is a student who is  
362 enrolled in a community or junior college or state institution of  
363 higher learning while enrolled in high school.

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



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

368 (2) A local school board, the Board of Trustees of State  
369 Institutions of Higher Learning and the Mississippi Community  
370 College Board shall establish a dual enrollment system under which  
371 students in the school district who meet the prescribed criteria  
372 of this section may be enrolled in a postsecondary institution in  
373 Mississippi while they are still in school.

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

379 (4) **Admission criteria for dual enrollment in community and**  
380 **junior college or university programs.** The Mississippi Community  
381 College Board and the Board of Trustees of State Institutions of  
382 Higher Learning may recommend to the State Board of Education  
383 admission criteria for dual enrollment programs under which high  
384 school students may enroll at a community or junior college or  
385 university while they are still attending high school and enrolled  
386 in high school courses. Students may be admitted to enroll in  
387 community or junior college courses under the dual enrollment  
388 programs if they meet that individual institution's stated dual  
389 enrollment admission requirements.



390           (5) **Tuition and cost responsibility.** Tuition and costs for  
391 university-level courses and community and junior college courses  
392 offered under a dual enrollment program may be paid for by the  
393 postsecondary institution, the local school district, the parents  
394 or legal guardians of the student, or by grants, foundations or  
395 other private or public sources. Payment for tuition and any  
396 other costs must be made directly to the credit-granting  
397 institution.

398           (6) **Transportation responsibility.** Any transportation  
399 required by a student to participate in the dual enrollment  
400 program is the responsibility of the parent, custodian or legal  
401 guardian of the student. Transportation costs may be paid from  
402 any available public or private sources, including the local  
403 school district.

404           (7) **School district average daily attendance credit.** When  
405 dually enrolled, the student may be counted, for adequate  
406 education program funding purposes, in the average daily  
407 attendance of the public school district in which the student  
408 attends high school.

409           (8) **High school student transcript transfer requirements.**  
410 Grades and college credits earned by a student admitted to a dual  
411 credit program must be recorded on the high school student record  
412 and on the college transcript at the university or community or  
413 junior college where the student attends classes. The transcript  
414 of the university or community or junior college coursework may be





415 released to another institution or applied toward college  
416 graduation requirements.

417       (9) **Determining factor of prerequisites for dual enrollment**  
418 **courses.** Each university and community or junior college  
419 participating in a dual enrollment program shall determine course  
420 prerequisites. Course prerequisites shall be the same for dual  
421 enrolled students as for regularly enrolled students at that  
422 university or community or junior college.

423       (10) **Process for determining articulation of curriculum**  
424 **between high school, university, and community and junior college**  
425 **courses.** All dual credit courses must meet the standards  
426 established at the postsecondary level. Postsecondary level  
427 developmental courses may not be considered as meeting the  
428 requirements of the dual credit program. Dual credit memorandum  
429 of understandings must be established between each postsecondary  
430 institution and the school district implementing a dual credit  
431 program.

432       (11) [Deleted]

433       (12) **Eligible courses for dual credit programs.** Courses  
434 eligible for dual credit include, but are not necessarily limited  
435 to, foreign languages, advanced math courses, advanced science  
436 courses, performing arts, advanced business and technology, and  
437 career and technical courses. Distance Learning Collaborative  
438 Program courses approved under Section 37-67-1 shall be fully  
439 eligible for dual credit. All courses being considered for dual



440 credit must receive unconditional approval from the superintendent  
441 of the local school district and the chief instructional officer  
442 at the participating community or junior college or university in  
443 order for college credit to be awarded. A university or community  
444 or junior college shall make the final decision on what courses  
445 are eligible for semester hour credits.

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

449 (14) **Course alignment.** The universities, community and  
450 junior colleges and the State Department of Education shall  
451 periodically review their respective policies and assess the place  
452 of dual credit courses within the context of their traditional  
453 offerings.

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

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

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



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

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

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

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

478 (17) **Qualifications of dual credit instructors.** A dual  
479 credit academic instructor must meet the requirements set forth by  
480 the regional accrediting association (Southern Association of  
481 College and Schools). University and community and junior college  
482 personnel have the sole authority in the selection of dual credit  
483 instructors.

484 A dual credit career and technical education instructor must  
485 meet the requirements set forth by the Mississippi Community  
486 College Board in the qualifications manual for postsecondary  
487 career and technical personnel.

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



490 Higher Learning and the Chief Instructional Officers of the  
491 Mississippi Community College Board and the State Department of  
492 Education, working collaboratively, shall develop a template to be  
493 used by the individual community and junior colleges and  
494 institutions of higher learning for consistent implementation of  
495 the dual enrollment program throughout the State of Mississippi.

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

497 A local school board and the local community colleges board shall  
498 establish a Mississippi Works Dual Enrollment-Dual Credit Option  
499 Program under which potential or recent student dropouts may  
500 dually enroll in their home school and a local community college  
501 in a dual credit program consisting of high school completion  
502 coursework and a community college credential, certificate or  
503 degree program. Students completing the dual enrollment-credit  
504 option may obtain their high school diploma while obtaining a  
505 community college credential, certificate or degree. The  
506 Mississippi Department of Employment Security shall assist  
507 students who have successfully completed the Mississippi Works  
508 Dual Enrollment-Dual Credit Option in securing a job upon the  
509 application of the student or the participating school or  
510 community college. The Mississippi Works Dual Enrollment-Dual  
511 Credit Option Program will be implemented statewide in the  
512 2012-2013 school year and thereafter. The State Board of  
513 Education, local school board and the local community college  
514 board shall establish criteria for the Dual Enrollment-Dual Credit



515 Program. Students enrolled in the program will not be eligible to  
516 participate in interscholastic sports or other extracurricular  
517 activities at the home school district. Tuition and costs for  
518 community college courses offered under the Dual Enrollment-Dual  
519 Credit Program shall not be charged to the student, parents or  
520 legal guardians. When dually enrolled, the student shall be  
521 counted for adequate education program funding purposes, in the  
522 average daily attendance of the public school district in which  
523 the student attends high school, as provided in Section  
524 37-151-7(1)(a). Any transportation required by the student to  
525 participate in the Dual Enrollment-Dual Credit Program is the  
526 responsibility of the parent or legal guardian of the student, and  
527 transportation costs may be paid from any available public or  
528 private sources, including the local school district. Grades and  
529 college credits earned by a student admitted to this Dual  
530 Enrollment-Dual Credit Program shall be recorded on the high  
531 school student record and on the college transcript at the  
532 community college and high school where the student attends  
533 classes. The transcript of the community college coursework may  
534 be released to another institution or applied toward college  
535 graduation requirements. Any course that is required for subject  
536 area testing as a requirement for graduation from a public school  
537 in Mississippi is eligible for dual credit, and courses eligible  
538 for dual credit shall also include career, technical and degree  
539 program courses. All courses eligible for dual credit shall be



540 approved by the superintendent of the local school district and  
541 the chief instructional officer at the participating community  
542 college in order for college credit to be awarded. A community  
543 college shall make the final decision on what courses are eligible  
544 for semester hour credits and the local school superintendent,  
545 subject to approval by the Mississippi Department of Education,  
546 shall make the final decision on the transfer of college courses  
547 credited to the student's high school transcript.

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

550 37-16-17. (1) Purpose. (a) The purpose of this section is  
551 to create a quality option in Mississippi's high schools for  
552 students not wishing to pursue a baccalaureate degree, which shall  
553 consist of challenging academic courses and modern  
554 career-technical studies. The goal for students pursuing the  
555 career \* \* \* technical education pathways is to graduate from high  
556 school with a standard diploma and credit toward a community  
557 college certification in a career-technical field. These students  
558 also shall be encouraged to take the national assessment in the  
559 career-technical field in which they become certified.

560 (b) The State Board of Education shall develop and  
561 adopt course and curriculum requirements for career \* \* \*  
562 technical education pathways offered by local public school boards  
563 in accordance with this section. The Mississippi Community  
564 College Board and the State Board of Education jointly shall



565 determine course and curriculum requirements for the career \* \* \*  
566 technical education pathways. The State Board of Education shall  
567 require school districts to provide notice to all incoming middle  
568 school students and junior high students of the career technical  
569 education pathways offered by local school boards. Such notice  
570 shall include the career technical education pathways available,  
571 the course requirements of each pathways, how to enroll in the  
572 pathway and any other necessary information as determined by the  
573 State Board of Education.

574 (2) \* \* \* Career technical education pathway; description;  
575 curriculum. (a) A career \* \* \* technical education pathway shall  
576 provide a student with greater technical skill and a strong  
577 academic core and shall be offered to each high school student  
578 enrolled in a public school district. The career \* \* \* technical  
579 education pathway shall be linked to postsecondary options and  
580 shall prepare students to pursue either a degree or certification  
581 from a postsecondary institution, an industry-based training or  
582 certification, an apprenticeship, the military, or immediate  
583 entrance into a career field. The career \* \* \* technical  
584 education pathway shall be designed primarily for those students  
585 who are not college bound and shall provide them with alternatives  
586 to entrance into a four-year university or college after high  
587 school graduation.

588 (b) Students pursuing a career \* \* \* technical  
589 education pathway shall be afforded the opportunity to dually



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

593 (c) Each public school district shall offer a  
594 career \* \* \* technical education pathway approved by the State  
595 Board of Education.

596 (d) Students in a career \* \* \* technical education  
597 pathway shall complete an academic core of courses and a career  
598 and technical sequence of courses.

599 (e) Students pursuing a career technical education  
600 pathway must complete the \* \* \* twenty-four (24) course unit  
601 requirements for \* \* \* a regular high school diploma, which may  
602 include, but not be limited to \* \* \* the following course content:

603 \* \* \*

604 (i) English I;

605 (ii) English II;

606 (iii) Technical writing;

607 (iv) Computer programming;

608 (v) Algebra I;

609 (vi) Personal Finance;

610 (vii) Advanced technical mathematics;

611 (viii) Computer science;

612 (ix) Biology;

613 (x) Earth and Space Science;

614 (xi) U.S. History;





- 615                   (xii) Mississippi Studies/U.S. Government;  
616                   (xiii) Health;  
617                   (xiv) Physical Education;  
618                   (xv) Soft skills, which include, but are not  
619 limited to, social graces, communication abilities, language  
620 skills, personal habits, cognitive or emotional empathy, time  
621 management, teamwork and leadership traits;  
622                   (xvi) Career technical education pathway courses;  
623 and  
624                   (xvii) Integrated technology.

625           Academic courses within the career \* \* \* technical education  
626 pathway of the standard diploma shall provide the knowledge and  
627 skill necessary for proficiency on the state subject area tests.

628                   (f) The courses provided in paragraph (e) of this  
629 subsection may be tailored to the individual needs of the school  
630 district as long as the amendments align with the basic course  
631 requirements of paragraph (e).

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

638           \* \* \*



639           SECTION 6. Section 37-3-2, Mississippi Code of 1972, is  
640 amended as follows:

641           37-3-2. (1) There is established within the State  
642 Department of Education the Commission on Teacher and  
643 Administrator Education, Certification and Licensure and  
644 Development. It shall be the purpose and duty of the commission  
645 to make recommendations to the State Board of Education regarding  
646 standards for the certification and licensure and continuing  
647 professional development of those who teach or perform tasks of an  
648 educational nature in the public schools of Mississippi.

649           (2) (a) The commission shall be composed of fifteen (15)  
650 qualified members. The membership of the commission shall be  
651 composed of the following members to be appointed, three (3) from  
652 each of the four (4) congressional districts, as such districts  
653 existed on January 1, 2011, in accordance with the population  
654 calculations determined by the 2010 federal decennial census,  
655 including: four (4) classroom teachers; three (3) school  
656 administrators; one (1) representative of schools of education of  
657 public institutions of higher learning located within the state to  
658 be recommended by the Board of Trustees of State Institutions of  
659 Higher Learning; one (1) representative from the schools of  
660 education of independent institutions of higher learning to be  
661 recommended by the Board of the Mississippi Association of  
662 Independent Colleges; one (1) representative from public community  
663 and junior colleges located within the state to be recommended by



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

668 (b) All appointments shall be made by the State Board  
669 of Education after consultation with the State Superintendent of  
670 Public Education. The first appointments by the State Board of  
671 Education shall be made as follows: five (5) members shall be  
672 appointed for a term of one (1) year; five (5) members shall be  
673 appointed for a term of two (2) years; and five (5) members shall  
674 be appointed for a term of three (3) years. Thereafter, all  
675 members shall be appointed for a term of four (4) years.

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

682 (4) (a) An appropriate staff member of the State Department  
683 of Education shall be designated and assigned by the State  
684 Superintendent of Public Education to serve as executive secretary  
685 and coordinator for the commission. No less than two (2) other  
686 appropriate staff members of the State Department of Education  
687 shall be designated and assigned by the State Superintendent of  
688 Public Education to serve on the staff of the commission.



689           (b) An Office of Educator Misconduct Evaluations shall  
690 be established within the State Department of Education to assist  
691 the commission in responding to infractions and violations, and in  
692 conducting hearings and enforcing the provisions of subsections  
693 (11), (12), (13), (14) and (15) of this section, and violations of  
694 the Mississippi Educator Code of Ethics.

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

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

699           (b) Recommend to the State Board of Education each year  
700 approval or disapproval of each educator preparation program in  
701 the state, subject to a process and schedule determined by the  
702 State Board of Education;

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

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

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

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



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

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

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

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

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

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

729 (6) (a) **Standard License - Approved Program Route.** An  
730 educator entering the school system of Mississippi for the first  
731 time and meeting all requirements as established by the State  
732 Board of Education shall be granted a standard five-year license.  
733 Persons who possess two (2) years of classroom experience as an  
734 assistant teacher or who have taught for one (1) year in an  
735 accredited public or private school shall be allowed to fulfill  
736 student teaching requirements under the supervision of a qualified  
737 participating teacher approved by an accredited college of  
738 education. The local school district in which the assistant



739 teacher is employed shall compensate such assistant teachers at  
740 the required salary level during the period of time such  
741 individual is completing student teaching requirements.

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

743 (i) An application on a department form;

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

747 Licensure to teach in Mississippi prekindergarten through  
748 kindergarten classrooms shall require completion of a teacher  
749 education program or a Bachelor of Science degree with child  
750 development emphasis from a program accredited by the American  
751 Association of Family and Consumer Sciences (AAFCS) or by the  
752 National Association for Education of Young Children (NAEYC) or by  
753 the National Council for Accreditation of Teacher Education  
754 (NCATE). Licensure to teach in Mississippi kindergarten, for  
755 those applicants who have completed a teacher education program,  
756 and in Grade 1 through Grade 4 shall require the completion of an  
757 interdisciplinary program of studies. Licenses for Grades 4  
758 through 8 shall require the completion of an interdisciplinary  
759 program of studies with two (2) or more areas of concentration.  
760 Licensure to teach in Mississippi Grades 7 through 12 shall  
761 require a major in an academic field other than education, or a  
762 combination of disciplines other than education. Students  
763 preparing to teach a subject shall complete a major in the



764 respective subject discipline. All applicants for standard  
765 licensure shall demonstrate that such person's college preparation  
766 in those fields was in accordance with the standards set forth by  
767 the National Council for Accreditation of Teacher Education  
768 (NCATE) or the National Association of State Directors of Teacher  
769 Education and Certification (NASDTEC) or, for those applicants who  
770 have a Bachelor of Science degree with child development emphasis,  
771 the American Association of Family and Consumer Sciences (AAFCS).  
772 Effective July 1, 2016, for initial elementary education  
773 licensure, a teacher candidate must earn a passing score on a  
774 rigorous test of scientifically research-based reading instruction  
775 and intervention and data-based decision-making principles as  
776 approved by the State Board of Education;

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

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

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

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



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

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

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

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

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

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

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

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





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

818           \* \* \*1. The Teach Mississippi Institute  
819 (TMI) shall include an intensive eight-week, nine-semester-hour  
820 summer program or a curriculum of study in which the student  
821 matriculates in the fall or spring semester, which shall include,  
822 but not be limited to, instruction in education, effective  
823 teaching strategies, classroom management, state curriculum  
824 requirements, planning and instruction, instructional methods and  
825 pedagogy, using test results to improve instruction, and a one (1)  
826 semester three-hour supervised internship to be completed while  
827 the teacher is employed as a full-time teacher intern in a local  
828 school district. The TMI shall be implemented on a pilot program  
829 basis, with courses to be offered at up to four (4) locations in  
830 the state, with one (1) TMI site to be located in each of the  
831 three (3) Mississippi Supreme Court districts.

832           \* \* \*2. The school sponsoring the teacher  
833 intern shall enter into a written agreement with the institution  
834 providing the Teach Mississippi Institute (TMI) program, under  
835 terms and conditions as agreed upon by the contracting parties,  
836 providing that the school district shall provide teacher interns  
837 seeking a nontraditional provisional teaching license with a  
838 one-year classroom teaching experience. The teacher intern shall



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

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

851                   \* \* \*4. During the semester of internship in  
852 the school district, the teacher preparation institution shall  
853 monitor the performance of the intern teacher. The school  
854 district that employs the provisional teacher shall supervise the  
855 provisional teacher during the teacher's intern year of employment  
856 under a nontraditional provisional license, and shall, in  
857 consultation with the teacher intern's mentor at the school  
858 district of employment, submit to the commission a comprehensive  
859 evaluation of the teacher's performance sixty (60) days prior to  
860 the expiration of the nontraditional provisional license. If the  
861 comprehensive evaluation establishes that the provisional teacher  
862 intern's performance fails to meet the standards of the approved



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

865                   \* \* \*5. An individual issued a provisional  
866 teaching license under this nontraditional route shall  
867 successfully complete, at a minimum, a one-year beginning teacher  
868 mentoring and induction program administered by the employing  
869 school district with the assistance of the State Department of  
870 Education.

871                   \* \* \*6. Upon successful completion of the  
872 TMI and the internship provisional license period, applicants for  
873 a Standard License - Nontraditional Route shall submit to the  
874 commission a transcript of successful completion of the twelve  
875 (12) semester hours required in the internship program, and the  
876 employing school district shall submit to the commission a  
877 recommendation for standard licensure of the intern. If the  
878 school district recommends licensure, the applicant shall be  
879 issued a Standard License - Nontraditional Route which shall be  
880 valid for a five-year period and be renewable.

881                   \* \* \*7. At the discretion of the teacher  
882 preparation institution, the individual shall be allowed to credit  
883 the twelve (12) semester hours earned in the nontraditional  
884 teacher internship program toward the graduate hours required for  
885 a Master of Arts in Teacher (MAT) Degree.

886                   \* \* \*8. The local school district in which  
887 the nontraditional teacher intern or provisional licensee is



888 employed shall compensate such teacher interns at Step 1 of the  
889 required salary level during the period of time such individual is  
890 completing teacher internship requirements and shall compensate  
891 such Standard License - Nontraditional Route teachers at Step 3 of  
892 the required salary level when they complete license requirements.

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

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

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



913 or other professional personnel to teach in a public school or  
914 nonpublic school accredited or approved by the state. Such person  
915 shall be required to have a high school diploma, an  
916 industry-recognized certification related to the subject area in  
917 which they are teaching and a minimum of five (5) years of  
918 relevant experience but shall not be required to hold an associate  
919 or bachelor's degree, provided that he or she possesses the  
920 minimum qualifications required for his or her profession, and may  
921 begin teaching upon his employment by the local school board and  
922 licensure by the Mississippi Department of Education. If a school  
923 board hires a career technical education pathway instructor who  
924 does not have an industry certification in his or her area of  
925 expertise but does have the required experience, the school board  
926 shall spread their decision on the minutes at their next meeting  
927 and provide a detailed explanation for why they hired the  
928 instructor. Such instructor shall present the minutes of the  
929 school board to the State Department of Education when he or she  
930 applies for an expert citizen license. The board shall adopt  
931 rules and regulations to administer the expert citizen-teacher  
932 license. A Special License - Expert Citizen may be renewed in  
933 accordance with the established rules and regulations of the State  
934 Department of Education.

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



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

941 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
942 person may teach for a maximum of three (3) periods per teaching  
943 day in a public school district or a nonpublic school  
944 accredited/approved by the state. Such person shall submit to the  
945 department a transcript or record of his education and experience  
946 which substantiates his preparation for the subject to be taught  
947 and shall meet other qualifications specified by the commission  
948 and approved by the State Board of Education. In no case shall  
949 any local school board hire nonlicensed personnel as authorized  
950 under this paragraph in excess of five percent (5%) of the total  
951 number of licensed personnel in any single school.

952 (f) **Special License - Transitional Bilingual Education.**  
953 Beginning July 1, 2003, the commission shall grant special  
954 licenses to teachers of transitional bilingual education who  
955 possess such qualifications as are prescribed in this section.  
956 Teachers of transitional bilingual education shall be compensated  
957 by local school boards at not less than one (1) step on the  
958 regular salary schedule applicable to permanent teachers licensed  
959 under this section. The commission shall grant special licenses  
960 to teachers of transitional bilingual education who present the  
961 commission with satisfactory evidence that they (i) possess a  
962 speaking and reading ability in a language, other than English, in



963 which bilingual education is offered and communicative skills in  
964 English; (ii) are in good health and sound moral character; (iii)  
965 possess a bachelor's degree or an associate's degree in teacher  
966 education from an accredited institution of higher education; (iv)  
967 meet such requirements as to courses of study, semester hours  
968 therein, experience and training as may be required by the  
969 commission; and (v) are legally present in the United States and  
970 possess legal authorization for employment. A teacher of  
971 transitional bilingual education serving under a special license  
972 shall be under an exemption from standard licensure if he achieves  
973 the requisite qualifications therefor. Two (2) years of service  
974 by a teacher of transitional bilingual education under such an  
975 exemption shall be credited to the teacher in acquiring a Standard  
976 Educator License. Nothing in this paragraph shall be deemed to  
977 prohibit a local school board from employing a teacher licensed in  
978 an appropriate field as approved by the State Department of  
979 Education to teach in a program in transitional bilingual  
980 education.

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



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

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

998           (a) **Administrator License - Nonpracticing.** Those  
999 educators holding administrative endorsement but having no  
1000 administrative experience or not serving in an administrative  
1001 position on January 15, 1997.

1002           (b) **Administrator License - Entry Level.** Those  
1003 educators holding administrative endorsement and having met the  
1004 department's qualifications to be eligible for employment in a  
1005 Mississippi school district. Administrator License - Entry Level  
1006 shall be issued for a five-year period and shall be nonrenewable.

1007           (c) **Standard Administrator License - Career Level.** An  
1008 administrator who has met all the requirements of the department  
1009 for standard administrator licensure.

1010           (d) **Administrator License - Nontraditional Route.** The  
1011 board may establish a nontraditional route for licensing





1012 administrative personnel. Such nontraditional route for  
1013 administrative licensure shall be available for persons holding,  
1014 but not limited to, a master of business administration degree, a  
1015 master of public administration degree, a master of public  
1016 planning and policy degree or a doctor of jurisprudence degree  
1017 from an accredited college or university, with five (5) years of  
1018 administrative or supervisory experience. Successful completion  
1019 of the requirements of alternate route licensure for  
1020 administrators shall qualify the person for a standard  
1021 administrator license.

1022 Individuals seeking school administrator licensure under  
1023 paragraph (b), (c) or (d) shall successfully complete a training  
1024 program and an assessment process prescribed by the State Board of  
1025 Education. All applicants for school administrator licensure  
1026 shall meet all requirements prescribed by the department under  
1027 paragraph (b), (c) or (d), and the cost of the assessment process  
1028 required shall be paid by the applicant.

1029 (8) **Reciprocity.** (a) The department shall grant a standard  
1030 license to any individual who possesses a valid standard license  
1031 from another state and meets minimum Mississippi license  
1032 requirements or equivalent requirements as determined by the State  
1033 Board of Education. The issuance of a license by reciprocity to a  
1034 military-trained applicant or military spouse shall be subject to  
1035 the provisions of Section 73-50-1.



1036 (b) The department shall grant a nonrenewable special  
1037 license to any individual who possesses a credential which is less  
1038 than a standard license or certification from another state. Such  
1039 special license shall be valid for the current school year plus  
1040 one (1) additional school year to expire on June 30 of the second  
1041 year, not to exceed a total period of twenty-four (24) months,  
1042 during which time the applicant shall be required to complete the  
1043 requirements for a standard license in Mississippi.

1044 (9) **Renewal and Reinstatement of Licenses.** The State Board  
1045 of Education is authorized to establish rules and regulations for  
1046 the renewal and reinstatement of educator and administrator  
1047 licenses. Effective May 15, 1997, the valid standard license held  
1048 by an educator shall be extended five (5) years beyond the  
1049 expiration date of the license in order to afford the educator  
1050 adequate time to fulfill new renewal requirements established  
1051 pursuant to this subsection. An educator completing a master of  
1052 education, educational specialist or doctor of education degree in  
1053 May 1997 for the purpose of upgrading the educator's license to a  
1054 higher class shall be given this extension of five (5) years plus  
1055 five (5) additional years for completion of a higher degree.

1056 (10) All controversies involving the issuance, revocation,  
1057 suspension or any change whatsoever in the licensure of an  
1058 educator required to hold a license shall be initially heard in a  
1059 hearing de novo, by the commission or by a subcommittee  
1060 established by the commission and composed of commission members,



1061 or by a hearing officer retained and appointed by the commission,  
1062 for the purpose of holding hearings. Any complaint seeking the  
1063 denial of issuance, revocation or suspension of a license shall be  
1064 by sworn affidavit filed with the Commission on Teacher and  
1065 Administrator Education, Certification and Licensure and  
1066 Development. The decision thereon by the commission, its  
1067 subcommittee or hearing officer, shall be final, unless the  
1068 aggrieved party shall appeal to the State Board of Education,  
1069 within ten (10) days, of the decision of the commission, its  
1070 subcommittee or hearing officer. An appeal to the State Board of  
1071 Education shall be perfected upon filing a notice of the appeal  
1072 and by the prepayment of the costs of the preparation of the  
1073 record of proceedings by the commission, its subcommittee or  
1074 hearing officer. An appeal shall be on the record previously made  
1075 before the commission, its subcommittee or hearing officer, unless  
1076 otherwise provided by rules and regulations adopted by the board.  
1077 The decision of the commission, its subcommittee or hearing  
1078 officer shall not be disturbed on appeal if supported by  
1079 substantial evidence, was not arbitrary or capricious, within the  
1080 authority of the commission, and did not violate some statutory or  
1081 constitutional right. The State Board of Education in its  
1082 authority may reverse, or remand with instructions, the decision  
1083 of the commission, its subcommittee or hearing officer. The  
1084 decision of the State Board of Education shall be final.



1085           (11) (a) The State Board of Education, acting through the  
1086 commission, may deny an application for any teacher or  
1087 administrator license for one or more of the following:

1088                   (i) Lack of qualifications which are prescribed by  
1089 law or regulations adopted by the State Board of Education;

1090                   (ii) The applicant has a physical, emotional or  
1091 mental disability that renders the applicant unfit to perform the  
1092 duties authorized by the license, as certified by a licensed  
1093 psychologist or psychiatrist;

1094                   (iii) The applicant is actively addicted to or  
1095 actively dependent on alcohol or other habit-forming drugs or is a  
1096 habitual user of narcotics, barbiturates, amphetamines,  
1097 hallucinogens or other drugs having similar effect, at the time of  
1098 application for a license;

1099                   (iv) Fraud or deceit committed by the applicant in  
1100 securing or attempting to secure such certification and license;

1101                   (v) Failing or refusing to furnish reasonable  
1102 evidence of identification;

1103                   (vi) The applicant has been convicted, has pled  
1104 guilty or entered a plea of nolo contendere to a felony, as  
1105 defined by federal or state law. For purposes of this  
1106 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
1107 a plea of guilty, entry of a plea of nolo contendere, or entry of  
1108 an order granting pretrial or judicial diversion;



1109 (vii) The applicant or licensee is on probation or  
1110 post-release supervision for a felony or conviction, as defined by  
1111 federal or state law. However, this disqualification expires upon  
1112 the end of the probationary or post-release supervision period.

1113 (b) The State Board of Education, acting through the  
1114 commission, shall deny an application for any teacher or  
1115 administrator license, or immediately revoke the current teacher  
1116 or administrator license, for one or more of the following:

1117 (i) If the applicant or licensee has been  
1118 convicted, has pled guilty or entered a plea of nolo contendere to  
1119 a sex offense as defined by federal or state law. For purposes of  
1120 this subparagraph (i) of this paragraph (b), a "guilty plea"  
1121 includes a plea of guilty, entry of a plea of nolo contendere, or  
1122 entry of an order granting pretrial or judicial diversion;

1123 (ii) The applicant or licensee is on probation or  
1124 post-release supervision for a sex offense conviction, as defined  
1125 by federal or state law;

1126 (iii) The license holder has fondled a student as  
1127 described in Section 97-5-23, or had any type of sexual  
1128 involvement with a student as described in Section 97-3-95; or

1129 (iv) The license holder has failed to report  
1130 sexual involvement of a school employee with a student as required  
1131 by Section 97-5-24.

1132 (12) The State Board of Education, acting through the  
1133 commission, may revoke, suspend or refuse to renew any teacher or



1134 administrator license for specified periods of time or may place  
1135 on probation, reprimand a licensee, or take other disciplinary  
1136 action with regard to any license issued under this chapter for  
1137 one or more of the following:

1138           (a) Breach of contract or abandonment of employment may  
1139 result in the suspension of the license for one (1) school year as  
1140 provided in Section 37-9-57;

1141           (b) Obtaining a license by fraudulent means shall  
1142 result in immediate suspension and continued suspension for one  
1143 (1) year after correction is made;

1144           (c) Suspension or revocation of a certificate or  
1145 license by another state shall result in immediate suspension or  
1146 revocation and shall continue until records in the prior state  
1147 have been cleared;

1148           (d) The license holder has been convicted, has pled  
1149 guilty or entered a plea of nolo contendere to a felony, as  
1150 defined by federal or state law. For purposes of this paragraph,  
1151 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
1152 contendere, or entry of an order granting pretrial or judicial  
1153 diversion;

1154           (e) The license holder knowingly and willfully  
1155 committing any of the acts affecting validity of mandatory uniform  
1156 test results as provided in Section 37-16-4(1);



1157 (f) The license holder has engaged in unethical conduct  
1158 relating to an educator/student relationship as identified by the  
1159 State Board of Education in its rules;

1160 (g) The license holder served as superintendent or  
1161 principal in a school district during the time preceding and/or  
1162 that resulted in the Governor declaring a state of emergency and  
1163 the State Board of Education appointing a conservator;

1164 (h) The license holder submitted a false certification  
1165 to the State Department of Education that a statewide test was  
1166 administered in strict accordance with the Requirements of the  
1167 Mississippi Statewide Assessment System; or

1168 (i) The license holder has failed to comply with the  
1169 Procedures for Reporting Infractions as promulgated by the  
1170 commission and approved by the State Board of Education pursuant  
1171 to subsection (15) of this section.

1172 For purposes of this subsection, probation shall be defined  
1173 as a length of time determined by the commission, its subcommittee  
1174 or hearing officer, and based on the severity of the offense in  
1175 which the license holder shall meet certain requirements as  
1176 prescribed by the commission, its subcommittee or hearing officer.  
1177 Failure to complete the requirements in the time specified shall  
1178 result in immediate suspension of the license for one (1) year.

1179 (13) (a) Dismissal or suspension of a licensed employee by  
1180 a local school board pursuant to Section 37-9-59 may result in the  
1181 suspension or revocation of a license for a length of time which



1182 shall be determined by the commission and based upon the severity  
1183 of the offense.

1184 (b) Any offense committed or attempted in any other  
1185 state shall result in the same penalty as if committed or  
1186 attempted in this state.

1187 (c) A person may voluntarily surrender a license. The  
1188 surrender of such license may result in the commission  
1189 recommending any of the above penalties without the necessity of a  
1190 hearing. However, any such license which has voluntarily been  
1191 surrendered by a licensed employee may only be reinstated by a  
1192 majority vote of all members of the commission present at the  
1193 meeting called for such purpose.

1194 (14) (a) A person whose license has been suspended or  
1195 surrendered on any grounds except criminal grounds may petition  
1196 for reinstatement of the license after one (1) year from the date  
1197 of suspension or surrender, or after one-half (1/2) of the  
1198 suspended or surrendered time has lapsed, whichever is greater. A  
1199 person whose license has been suspended or revoked on any grounds  
1200 or violations under subsection (12) of this section may be  
1201 reinstated automatically or approved for a reinstatement hearing,  
1202 upon submission of a written request to the commission. A license  
1203 suspended, revoked or surrendered on criminal grounds may be  
1204 reinstated upon petition to the commission filed after expiration  
1205 of the sentence and parole or probationary period imposed upon  
1206 conviction. A revoked, suspended or surrendered license may be





1207 reinstated upon satisfactory showing of evidence of  
1208 rehabilitation. The commission shall require all who petition for  
1209 reinstatement to furnish evidence satisfactory to the commission  
1210 of good character, good mental, emotional and physical health and  
1211 such other evidence as the commission may deem necessary to  
1212 establish the petitioner's rehabilitation and fitness to perform  
1213 the duties authorized by the license.

1214 (b) A person whose license expires while under  
1215 investigation by the Office of Educator Misconduct for an alleged  
1216 violation may not be reinstated without a hearing before the  
1217 commission if required based on the results of the investigation.

1218 (15) Reporting procedures and hearing procedures for dealing  
1219 with infractions under this section shall be promulgated by the  
1220 commission, subject to the approval of the State Board of  
1221 Education. The revocation or suspension of a license shall be  
1222 effected at the time indicated on the notice of suspension or  
1223 revocation. The commission shall immediately notify the  
1224 superintendent of the school district or school board where the  
1225 teacher or administrator is employed of any disciplinary action  
1226 and also notify the teacher or administrator of such revocation or  
1227 suspension and shall maintain records of action taken. The State  
1228 Board of Education may reverse or remand with instructions any  
1229 decision of the commission, its subcommittee or hearing officer  
1230 regarding a petition for reinstatement of a license, and any such  
1231 decision of the State Board of Education shall be final.



1232           (16) An appeal from the action of the State Board of  
1233 Education in denying an application, revoking or suspending a  
1234 license or otherwise disciplining any person under the provisions  
1235 of this section shall be filed in the Chancery Court of the First  
1236 Judicial District of Hinds County, Mississippi, on the record  
1237 made, including a verbatim transcript of the testimony at the  
1238 hearing. The appeal shall be filed within thirty (30) days after  
1239 notification of the action of the board is mailed or served and  
1240 the proceedings in chancery court shall be conducted as other  
1241 matters coming before the court. The appeal shall be perfected  
1242 upon filing notice of the appeal and by the prepayment of all  
1243 costs, including the cost of preparation of the record of the  
1244 proceedings by the State Board of Education, and the filing of a  
1245 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
1246 if the action of the board be affirmed by the chancery court, the  
1247 applicant or license holder shall pay the costs of the appeal and  
1248 the action of the chancery court.

1249           (17) All such programs, rules, regulations, standards and  
1250 criteria recommended or authorized by the commission shall become  
1251 effective upon approval by the State Board of Education as  
1252 designated by appropriate orders entered upon the minutes thereof.

1253           (18) The granting of a license shall not be deemed a  
1254 property right nor a guarantee of employment in any public school  
1255 district. A license is a privilege indicating minimal eligibility  
1256 for teaching in the public school districts of Mississippi. This



1257 section shall in no way alter or abridge the authority of local  
1258 school districts to require greater qualifications or standards of  
1259 performance as a prerequisite of initial or continued employment  
1260 in such districts.

1261 (19) In addition to the reasons specified in subsections  
1262 (12) and (13) of this section, the board shall be authorized to  
1263 suspend the license of any licensee for being out of compliance  
1264 with an order for support, as defined in Section 93-11-153. The  
1265 procedure for suspension of a license for being out of compliance  
1266 with an order for support, and the procedure for the reissuance or  
1267 reinstatement of a license suspended for that purpose, and the  
1268 payment of any fees for the reissuance or reinstatement of a  
1269 license suspended for that purpose, shall be governed by Section  
1270 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
1271 board in suspending a license when required by Section 93-11-157  
1272 or 93-11-163 are not actions from which an appeal may be taken  
1273 under this section. Any appeal of a license suspension that is  
1274 required by Section 93-11-157 or 93-11-163 shall be taken in  
1275 accordance with the appeal procedure specified in Section  
1276 93-11-157 or 93-11-163, as the case may be, rather than the  
1277 procedure specified in this section. If there is any conflict  
1278 between any provision of Section 93-11-157 or 93-11-163 and any  
1279 provision of this chapter, the provisions of Section 93-11-157 or  
1280 93-11-163, as the case may be, shall control.



1281           **SECTION 7.** Section 37-16-3, Mississippi Code of 1972, is  
1282 amended as follows:

1283           37-16-3. (1) The State Department of Education is directed  
1284 to implement a program of statewide assessment testing which shall  
1285 provide for the improvement of the operation and management of the  
1286 public schools. The statewide program shall be timed, as far as  
1287 possible, so as not to conflict with ongoing district assessment  
1288 programs. As part of the program, the department shall:

1289           (a) Establish, with the approval of the State Board of  
1290 Education, minimum performance standards related to the goals for  
1291 education contained in the state's plan including, but not limited  
1292 to, basic skills in reading, writing and mathematics. The minimum  
1293 performance standards shall be approved by April 1 in each year  
1294 they are established.

1295           (b) Conduct a uniform statewide testing program in  
1296 grades deemed appropriate in the public schools, including charter  
1297 schools, which shall provide for the administration of the ACT  
1298 WorkKeys Assessment to any students electing to take the  
1299 assessment. Each individual school district shall determine  
1300 whether the ACT WorkKeys Assessment is administered in the ninth,  
1301 tenth or eleventh grade. The program may test skill areas, basic  
1302 skills and high school course content.

1303           (c) Monitor the results of the assessment program and,  
1304 at any time the composite student performance of a school or basic  
1305 program is found to be below the established minimum standards,



1306 notify the district superintendent or the governing board of the  
1307 charter school, as the case may be, the school principal and the  
1308 school advisory committee or other existing parent group of the  
1309 situation within thirty (30) days of its determination. The  
1310 department shall further provide technical assistance to a school  
1311 district in the identification of the causes of this deficiency  
1312 and shall recommend courses of action for its correction.

1313 (d) Provide technical assistance to the school  
1314 districts, when requested, in the development of student  
1315 performance standards in addition to the established minimum  
1316 statewide standards.

1317 (e) Issue security procedure regulations providing for  
1318 the security and integrity of the tests that are administered  
1319 under the basic skills assessment program.

1320 (f) In case of an allegation of a testing irregularity  
1321 that prompts a need for an investigation by the Department of  
1322 Education, the department may, in its discretion, take complete  
1323 control of the statewide test administration in a school district  
1324 or any part thereof, including, but not limited to, obtaining  
1325 control of the test booklets and answer documents. In the case of  
1326 any verified testing irregularity that jeopardized the security  
1327 and integrity of the test(s), validity or the accuracy of the test  
1328 results, the cost of the investigation and any other actual and  
1329 necessary costs related to the investigation paid by the  
1330 Department of Education shall be reimbursed by the local school



1331 district from funds other than federal funds, Mississippi Adequate  
1332 Education Program funds, or any other state funds within six (6)  
1333 months from the date of notice by the department to the school  
1334 district to make reimbursement to the department.

1335 (2) Uniform basic skills tests shall be completed by each  
1336 student in the appropriate grade. These tests shall be  
1337 administered in such a manner as to preserve the integrity and  
1338 validity of the assessment. In the event of excused or unexcused  
1339 student absences, make-up tests shall be given. The school  
1340 superintendent of every school district in the state and the  
1341 principal of each charter school shall annually certify to the  
1342 State Department of Education that each student enrolled in the  
1343 appropriate grade has completed the required basic skills  
1344 assessment test for his or her grade in a valid test  
1345 administration.

1346 (3) Within five (5) days of completing the administration of  
1347 a statewide test, the principal of the school where the test was  
1348 administered shall certify under oath to the State Department of  
1349 Education that the statewide test was administered in strict  
1350 accordance with the Requirements of the Mississippi Statewide  
1351 Assessment System as adopted by the State Board of Education. The  
1352 principal's sworn certification shall be set forth on a form  
1353 developed and approved by the Department of Education. If,  
1354 following the administration of a statewide test, the principal  
1355 has reason to believe that the test was not administered in strict



1356 accordance with the Requirements of the Mississippi Statewide  
1357 Assessment System as adopted by the State Board of Education, the  
1358 principal shall submit a sworn certification to the Department of  
1359 Education setting forth all information known or believed by the  
1360 principal about all potential violations of the Requirements of  
1361 the Mississippi Statewide Assessment System as adopted by the  
1362 State Board of Education. The submission of false information or  
1363 false certification to the Department of Education by any licensed  
1364 educator may result in licensure disciplinary action pursuant to  
1365 Section 37-3-2 and criminal prosecution pursuant to Section  
1366 37-16-4.

1367 **SECTION 8.** Section 37-17-6, Mississippi Code of 1972, is  
1368 amended as follows:

1369 37-17-6. (1) The State Board of Education, acting through  
1370 the Commission on School Accreditation, shall establish and  
1371 implement a permanent performance-based accreditation system, and  
1372 all noncharter public elementary and secondary schools shall be  
1373 accredited under this system.

1374 (2) No later than June 30, 1995, the State Board of  
1375 Education, acting through the Commission on School Accreditation,  
1376 shall require school districts to provide school classroom space  
1377 that is air-conditioned as a minimum requirement for  
1378 accreditation.

1379 (3) (a) Beginning with the 1994-1995 school year, the State  
1380 Board of Education, acting through the Commission on School



1381 Accreditation, shall require that school districts employ  
1382 certified school librarians according to the following formula:

1383	Number of Students	Number of Certified
1384	Per School Library	School Librarians
1385	0 - 499 Students	1/2 Full-time Equivalent
1386		Certified Librarian
1387	500 or More Students	1 Full-time Certified
1388		Librarian

1389 (b) The State Board of Education, however, may increase  
1390 the number of positions beyond the above requirements.

1391 (c) The assignment of certified school librarians to  
1392 the particular schools shall be at the discretion of the local  
1393 school district. No individual shall be employed as a certified  
1394 school librarian without appropriate training and certification as  
1395 a school librarian by the State Department of Education.

1396 (d) School librarians in the district shall spend at  
1397 least fifty percent (50%) of direct work time in a school library  
1398 and shall devote no more than one-fourth (1/4) of the workday to  
1399 administrative activities that are library related.

1400 (e) Nothing in this subsection shall prohibit any  
1401 school district from employing more certified school librarians  
1402 than are provided for in this section.

1403 (f) Any additional millage levied to fund school  
1404 librarians required for accreditation under this subsection shall  
1405 be included in the tax increase limitation set forth in Sections





1406 37-57-105 and 37-57-107 and shall not be deemed a new program for  
1407 purposes of the limitation.

1408 (4) On or before December 31, 2002, the State Board of  
1409 Education shall implement the performance-based accreditation  
1410 system for school districts and for individual noncharter public  
1411 schools which shall include the following:

1412 (a) High expectations for students and high standards  
1413 for all schools, with a focus on the basic curriculum;

1414 (b) Strong accountability for results with appropriate  
1415 local flexibility for local implementation;

1416 (c) A process to implement accountability at both the  
1417 school district level and the school level;

1418 (d) Individual schools shall be held accountable for  
1419 student growth and performance;

1420 (e) Set annual performance standards for each of the  
1421 schools of the state and measure the performance of each school  
1422 against itself through the standard that has been set for it;

1423 (f) A determination of which schools exceed their  
1424 standards and a plan for providing recognition and rewards to  
1425 those schools;

1426 (g) A determination of which schools are failing to  
1427 meet their standards and a determination of the appropriate role  
1428 of the State Board of Education and the State Department of  
1429 Education in providing assistance and initiating possible  
1430 intervention. A failing district is a district that fails to meet



1431 both the absolute student achievement standards and the rate of  
1432 annual growth expectation standards as set by the State Board of  
1433 Education for two (2) consecutive years. The State Board of  
1434 Education shall establish the level of benchmarks by which  
1435 absolute student achievement and growth expectations shall be  
1436 assessed. In setting the benchmarks for school districts, the  
1437 State Board of Education may also take into account such factors  
1438 as graduation rates, dropout rates, completion rates, the extent  
1439 to which the school or district employs qualified teachers in  
1440 every classroom, and any other factors deemed appropriate by the  
1441 State Board of Education. The State Board of Education, acting  
1442 through the State Department of Education, shall apply a simple  
1443 "A," "B," "C," "D" and "F" designation to the current school and  
1444 school district statewide accountability performance  
1445 classification labels beginning with the State Accountability  
1446 Results for the 2011-2012 school year and following, and in the  
1447 school, district and state report cards required under state and  
1448 federal law. Under the new designations, a school or school  
1449 district that has earned a "Star" rating shall be designated an  
1450 "A" school or school district; a school or school district that  
1451 has earned a "High-Performing" rating shall be designated a "B"  
1452 school or school district; a school or school district that has  
1453 earned a "Successful" rating shall be designated a "C" school or  
1454 school district; a school or school district that has earned an  
1455 "Academic Watch" rating shall be designated a "D" school or school



1456 district; a school or school district that has earned a  
1457 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
1458 be designated an "F" school or school district. Effective with  
1459 the implementation of any new curriculum and assessment standards,  
1460 the State Board of Education, acting through the State Department  
1461 of Education, is further authorized and directed to change the  
1462 school and school district accreditation rating system to a simple  
1463 "A," "B," "C," "D," and "F" designation based on a combination of  
1464 student achievement scores and student growth as measured by the  
1465 statewide testing programs developed by the State Board of  
1466 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
1467 1972. In any statute or regulation containing the former  
1468 accreditation designations, the new designations shall be  
1469 applicable;

1470 (h) Development of a comprehensive student assessment  
1471 system to implement these requirements; and

1472 (i) The State Board of Education may, based on a  
1473 written request that contains specific reasons for requesting a  
1474 waiver from the school districts affected by Hurricane Katrina of  
1475 2005, hold harmless school districts from assignment of district  
1476 and school level accountability ratings for the 2005-2006 school  
1477 year. The State Board of Education upon finding an extreme  
1478 hardship in the school district may grant the request. It is the  
1479 intent of the Legislature that all school districts maintain the



1480 highest possible academic standards and instructional programs in  
1481 all schools as required by law and the State Board of Education.

1482 (5) (a) Effective with the 2013-2014 school year, the State  
1483 Department of Education, acting through the Mississippi Commission  
1484 on School Accreditation, shall revise and implement a single "A"  
1485 through "F" school and school district accountability system  
1486 complying with applicable federal and state requirements in order  
1487 to reach the following educational goals:

1488 (i) To mobilize resources and supplies to ensure  
1489 that all students exit third grade reading on grade level by 2015;

1490 (ii) To reduce the student dropout rate to  
1491 thirteen percent (13%) by 2015; and

1492 (iii) To have sixty percent (60%) of students  
1493 scoring proficient and advanced on the assessments of the Common  
1494 Core State Standards by 2016 with incremental increases of three  
1495 percent (3%) each year thereafter.

1496 (b) The State Department of Education shall combine the  
1497 state school and school district accountability system with the  
1498 federal system in order to have a single system.

1499 (c) The State Department of Education shall establish  
1500 five (5) performance categories ("A," "B," "C," "D" and "F") for  
1501 the accountability system based on the following criteria:

1502 (i) Student Achievement: the percent of students  
1503 proficient and advanced on the current state assessments;



1504                   (ii) Individual student growth: the percent of  
1505 students making one (1) year's progress in one (1) year's time on  
1506 the state assessment, with an emphasis on the progress of the  
1507 lowest twenty-five percent (25%) of students in the school or  
1508 district;

1509                   (iii) Four-year graduation rate: the percent of  
1510 students graduating with a standard high school diploma in four  
1511 (4) years, as defined by federal regulations;

1512                   (iv) Categories shall identify schools as Reward  
1513 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
1514 at least five percent (5%) of schools in the state are not graded  
1515 as "F" schools, the lowest five percent (5%) of school grade point  
1516 designees will be identified as Priority schools. If at least ten  
1517 percent (10%) of schools in the state are not graded as "D"  
1518 schools, the lowest ten percent (10%) of school grade point  
1519 designees will be identified as Focus schools;

1520                   (v) The State Department of Education shall  
1521 discontinue the use of Star School, High-Performing, Successful,  
1522 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
1523 school accountability designations;

1524                   (vi) The system shall include the federally  
1525 compliant four-year graduation rate in school and school district  
1526 accountability system calculations. Graduation rate will apply to  
1527 high school and school district accountability ratings as a



1528 compensatory component. The system shall discontinue the use of  
1529 the High School Completer Index (HSCI);

1530 (vii) The school and school district  
1531 accountability system shall incorporate a standards-based growth  
1532 model, in order to support improvement of individual student  
1533 learning;

1534 (viii) The State Department of Education shall  
1535 discontinue the use of the Quality Distribution Index (QDI);

1536 (ix) The State Department of Education shall  
1537 determine feeder patterns of schools that do not earn a school  
1538 grade because the grades and subjects taught at the school do not  
1539 have statewide standardized assessments needed to calculate a  
1540 school grade. Upon determination of the feeder pattern, the  
1541 department shall notify schools and school districts prior to the  
1542 release of the school grades beginning in 2013. Feeder schools  
1543 will be assigned the accountability designation of the school to  
1544 which they provide students;

1545 (x) Standards for student, school and school  
1546 district performance will be increased when student proficiency is  
1547 at a seventy-five percent (75%) and/or when sixty-five percent  
1548 (65%) of the schools and/or school districts are earning a grade  
1549 of "B" or higher, in order to raise the standard on performance  
1550 after targets are met \* \* \*; and

1551 (xi) The system shall include student performance  
1552 on the administration of the ACT WorkKeys Assessment, which shall



1553 be weighted in the same percentage as the standard ACT Assessment  
1554 as administered to students in Grade 11, for inclusion in the  
1555 college and career readiness portion of the accountability rating  
1556 system. The State Department of Education shall ensure equitable  
1557 distribution of points under the accountability rating, in  
1558 comparison to the ACT Assessment, for a Silver Status on the ACT  
1559 WorkKeys Assessment. A student shall not be required to complete  
1560 all of the courses within his or her career pathway for his or her  
1561 performance on the ACT WorkKeys Assessment to be included in the  
1562 system.

1563 (6) Nothing in this section shall be deemed to require a  
1564 nonpublic school that receives no local, state or federal funds  
1565 for support to become accredited by the State Board of Education.

1566 (7) The State Board of Education shall create an  
1567 accreditation audit unit under the Commission on School  
1568 Accreditation to determine whether schools are complying with  
1569 accreditation standards.

1570 (8) The State Board of Education shall be specifically  
1571 authorized and empowered to withhold adequate education program  
1572 fund allocations, whichever is applicable, to any public school  
1573 district for failure to timely report student, school personnel  
1574 and fiscal data necessary to meet state and/or federal  
1575 requirements.

1576 (9) [Deleted]



1577           (10) The State Board of Education shall establish, for those  
1578 school districts failing to meet accreditation standards, a  
1579 program of development to be complied with in order to receive  
1580 state funds, except as otherwise provided in subsection (15) of  
1581 this section when the Governor has declared a state of emergency  
1582 in a school district or as otherwise provided in Section 206,  
1583 Mississippi Constitution of 1890. The state board, in  
1584 establishing these standards, shall provide for notice to schools  
1585 and sufficient time and aid to enable schools to attempt to meet  
1586 these standards, unless procedures under subsection (15) of this  
1587 section have been invoked.

1588           (11) Beginning July 1, 1998, the State Board of Education  
1589 shall be charged with the implementation of the program of  
1590 development in each applicable school district as follows:

1591           (a) Develop an impairment report for each district  
1592 failing to meet accreditation standards in conjunction with school  
1593 district officials;

1594           (b) Notify any applicable school district failing to  
1595 meet accreditation standards that it is on probation until  
1596 corrective actions are taken or until the deficiencies have been  
1597 removed. The local school district shall develop a corrective  
1598 action plan to improve its deficiencies. For district academic  
1599 deficiencies, the corrective action plan for each such school  
1600 district shall be based upon a complete analysis of the following:  
1601 student test data, student grades, student attendance reports,





1602 student dropout data, existence and other relevant data. The  
1603 corrective action plan shall describe the specific measures to be  
1604 taken by the particular school district and school to improve:  
1605 (i) instruction; (ii) curriculum; (iii) professional development;  
1606 (iv) personnel and classroom organization; (v) student incentives  
1607 for performance; (vi) process deficiencies; and (vii) reporting to  
1608 the local school board, parents and the community. The corrective  
1609 action plan shall describe the specific individuals responsible  
1610 for implementing each component of the recommendation and how each  
1611 will be evaluated. All corrective action plans shall be provided  
1612 to the State Board of Education as may be required. The decision  
1613 of the State Board of Education establishing the probationary  
1614 period of time shall be final;

1615 (c) Offer, during the probationary period, technical  
1616 assistance to the school district in making corrective actions.  
1617 Beginning July 1, 1998, subject to the availability of funds, the  
1618 State Department of Education shall provide technical and/or  
1619 financial assistance to all such school districts in order to  
1620 implement each measure identified in that district's corrective  
1621 action plan through professional development and on-site  
1622 assistance. Each such school district shall apply for and utilize  
1623 all available federal funding in order to support its corrective  
1624 action plan in addition to state funds made available under this  
1625 paragraph;



1626 (d) Assign department personnel or contract, in its  
1627 discretion, with the institutions of higher learning or other  
1628 appropriate private entities with experience in the academic,  
1629 finance and other operational functions of schools to assist  
1630 school districts;

1631 (e) Provide for publication of public notice at least  
1632 one time during the probationary period, in a newspaper published  
1633 within the jurisdiction of the school district failing to meet  
1634 accreditation standards, or if no newspaper is published therein,  
1635 then in a newspaper having a general circulation therein. The  
1636 publication shall include the following: declaration of school  
1637 system's status as being on probation; all details relating to the  
1638 impairment report; and other information as the State Board of  
1639 Education deems appropriate. Public notices issued under this  
1640 section shall be subject to Section 13-3-31 and not contrary to  
1641 other laws regarding newspaper publication.

1642 (12) (a) If the recommendations for corrective action are  
1643 not taken by the local school district or if the deficiencies are  
1644 not removed by the end of the probationary period, the Commission  
1645 on School Accreditation shall conduct a hearing to allow the  
1646 affected school district to present evidence or other reasons why  
1647 its accreditation should not be withdrawn. Additionally, if the  
1648 local school district violates accreditation standards that have  
1649 been determined by the policies and procedures of the State Board  
1650 of Education to be a basis for withdrawal of school district's



1651 accreditation without a probationary period, the Commission on  
1652 School Accreditation shall conduct a hearing to allow the affected  
1653 school district to present evidence or other reasons why its  
1654 accreditation should not be withdrawn. After its consideration of  
1655 the results of the hearing, the Commission on School Accreditation  
1656 shall be authorized, with the approval of the State Board of  
1657 Education, to withdraw the accreditation of a public school  
1658 district, and issue a request to the Governor that a state of  
1659 emergency be declared in that district.

1660           (b) If the State Board of Education and the Commission  
1661 on School Accreditation determine that an extreme emergency  
1662 situation exists in a school district that jeopardizes the safety,  
1663 security or educational interests of the children enrolled in the  
1664 schools in that district and that emergency situation is believed  
1665 to be related to a serious violation or violations of  
1666 accreditation standards or state or federal law, or when a school  
1667 district meets the State Board of Education's definition of a  
1668 failing school district for two (2) consecutive full school years,  
1669 or if more than fifty percent (50%) of the schools within the  
1670 school district are designated as Schools At-Risk in any one (1)  
1671 year, the State Board of Education may request the Governor to  
1672 declare a state of emergency in that school district. For  
1673 purposes of this paragraph, the declarations of a state of  
1674 emergency shall not be limited to those instances when a school  
1675 district's impairments are related to a lack of financial



1676 resources, but also shall include serious failure to meet minimum  
1677 academic standards, as evidenced by a continued pattern of poor  
1678 student performance.

1679           (c) Whenever the Governor declares a state of emergency  
1680 in a school district in response to a request made under paragraph  
1681 (a) or (b) of this subsection, the State Board of Education may  
1682 take one or more of the following actions:

1683                   (i) Declare a state of emergency, under which some  
1684 or all of state funds can be escrowed except as otherwise provided  
1685 in Section 206, Constitution of 1890, until the board determines  
1686 corrective actions are being taken or the deficiencies have been  
1687 removed, or that the needs of students warrant the release of  
1688 funds. The funds may be released from escrow for any program  
1689 which the board determines to have been restored to standard even  
1690 though the state of emergency may not as yet be terminated for the  
1691 district as a whole;

1692                   (ii) Override any decision of the local school  
1693 board or superintendent of education, or both, concerning the  
1694 management and operation of the school district, or initiate and  
1695 make decisions concerning the management and operation of the  
1696 school district;

1697                   (iii) Assign an interim superintendent, or in its  
1698 discretion, contract with a private entity with experience in the  
1699 academic, finance and other operational functions of schools and



1700 school districts, who will have those powers and duties prescribed  
1701 in subsection (15) of this section;

1702 (iv) Grant transfers to students who attend this  
1703 school district so that they may attend other accredited schools  
1704 or districts in a manner that is not in violation of state or  
1705 federal law;

1706 (v) For states of emergency declared under  
1707 paragraph (a) only, if the accreditation deficiencies are related  
1708 to the fact that the school district is too small, with too few  
1709 resources, to meet the required standards and if another school  
1710 district is willing to accept those students, abolish that  
1711 district and assign that territory to another school district or  
1712 districts. If the school district has proposed a voluntary  
1713 consolidation with another school district or districts, then if  
1714 the State Board of Education finds that it is in the best interest  
1715 of the pupils of the district for the consolidation to proceed,  
1716 the voluntary consolidation shall have priority over any such  
1717 assignment of territory by the State Board of Education;

1718 (vi) For states of emergency declared under  
1719 paragraph (b) only, reduce local supplements paid to school  
1720 district employees, including, but not limited to, instructional  
1721 personnel, assistant teachers and extracurricular activities  
1722 personnel, if the district's impairment is related to a lack of  
1723 financial resources, but only to an extent that will result in the



1724 salaries being comparable to districts similarly situated, as  
1725 determined by the State Board of Education;

1726 (vii) For states of emergency declared under  
1727 paragraph (b) only, the State Board of Education may take any  
1728 action as prescribed in Section 37-17-13.

1729 (d) At the time that satisfactory corrective action has  
1730 been taken in a school district in which a state of emergency has  
1731 been declared, the State Board of Education may request the  
1732 Governor to declare that the state of emergency no longer exists  
1733 in the district.

1734 (e) The parent or legal guardian of a school-age child  
1735 who is enrolled in a school district whose accreditation has been  
1736 withdrawn by the Commission on School Accreditation and without  
1737 approval of that school district may file a petition in writing to  
1738 a school district accredited by the Commission on School  
1739 Accreditation for a legal transfer. The school district  
1740 accredited by the Commission on School Accreditation may grant the  
1741 transfer according to the procedures of Section 37-15-31(1)(b).  
1742 In the event the accreditation of the student's home district is  
1743 restored after a transfer has been approved, the student may  
1744 continue to attend the transferee school district. The per-pupil  
1745 amount of the adequate education program allotment, including the  
1746 collective "add-on program" costs for the student's home school  
1747 district shall be transferred monthly to the school district



1748 accredited by the Commission on School Accreditation that has  
1749 granted the transfer of the school-age child.

1750 (f) Upon the declaration of a state of emergency for  
1751 any school district in which the Governor has previously declared  
1752 a state of emergency, the State Board of Education may either:

1753 (i) Place the school district into district  
1754 transformation, in which the school district shall remain until it  
1755 has fulfilled all conditions related to district transformation.  
1756 If the district was assigned an accreditation rating of "D" or "F"  
1757 when placed into district transformation, the district shall be  
1758 eligible to return to local control when the school district has  
1759 attained a "C" rating or higher for five (5) consecutive years,  
1760 unless the State Board of Education determines that the district  
1761 is eligible to return to local control in less than the five-year  
1762 period;

1763 (ii) Abolish the school district and  
1764 administratively consolidate the school district with one or more  
1765 existing school districts;

1766 (iii) Reduce the size of the district and  
1767 administratively consolidate parts of the district, as determined  
1768 by the State Board of Education. However, no school district  
1769 which is not in district transformation shall be required to  
1770 accept additional territory over the objection of the district; or

1771 (iv) Require the school district to develop and  
1772 implement a district improvement plan with prescriptive guidance



1773 and support from the State Department of Education, with the goal  
1774 of helping the district improve student achievement. Failure of  
1775 the school board, superintendent and school district staff to  
1776 implement the plan with fidelity and participate in the activities  
1777 provided as support by the department shall result in the school  
1778 district retaining its eligibility for district transformation.

1779 (g) There is established a Mississippi Recovery School  
1780 District within the State Department of Education under the  
1781 supervision of a deputy superintendent appointed by the State  
1782 Superintendent of Public Education, who is subject to the approval  
1783 by the State Board of Education. The Mississippi Recovery School  
1784 District shall provide leadership and oversight of all school  
1785 districts that are subject to district transformation status, as  
1786 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
1787 and shall have all the authority granted under these two (2)  
1788 chapters. The Mississippi Department of Education, with the  
1789 approval of the State Board of Education, shall develop policies  
1790 for the operation and management of the Mississippi Recovery  
1791 School District. The deputy state superintendent is responsible  
1792 for the Mississippi Recovery School District and shall be  
1793 authorized to oversee the administration of the Mississippi  
1794 Recovery School District, oversee the interim superintendent  
1795 assigned by the State Board of Education to a local school  
1796 district, hear appeals that would normally be filed by students,  
1797 parents or employees and heard by a local school board, which





1798 hearings on appeal shall be conducted in a prompt and timely  
1799 manner in the school district from which the appeal originated in  
1800 order to ensure the ability of appellants, other parties and  
1801 witnesses to appeal without undue burden of travel costs or loss  
1802 of time from work, and perform other related duties as assigned by  
1803 the State Superintendent of Public Education. The deputy state  
1804 superintendent is responsible for the Mississippi Recovery School  
1805 District and shall determine, based on rigorous professional  
1806 qualifications set by the State Board of Education, the  
1807 appropriate individuals to be engaged to be interim  
1808 superintendents and financial advisors, if applicable, of all  
1809 school districts subject to district transformation status. After  
1810 State Board of Education approval, these individuals shall be  
1811 deemed independent contractors.

1812 (13) Upon the declaration of a state of emergency in a  
1813 school district under subsection (12) of this section, the  
1814 Commission on School Accreditation shall be responsible for public  
1815 notice at least once a week for at least three (3) consecutive  
1816 weeks in a newspaper published within the jurisdiction of the  
1817 school district failing to meet accreditation standards, or if no  
1818 newspaper is published therein, then in a newspaper having a  
1819 general circulation therein. The size of the notice shall be no  
1820 smaller than one-fourth (1/4) of a standard newspaper page and  
1821 shall be printed in bold print. If an interim superintendent has  
1822 been appointed for the school district, the notice shall begin as



1823 follows: "By authority of Section 37-17-6, Mississippi Code of  
1824 1972, as amended, adopted by the Mississippi Legislature during  
1825 the 1991 Regular Session, this school district (name of school  
1826 district) is hereby placed under the jurisdiction of the State  
1827 Department of Education acting through its appointed interim  
1828 superintendent (name of interim superintendent)."

1829 The notice also shall include, in the discretion of the State  
1830 Board of Education, any or all details relating to the school  
1831 district's emergency status, including the declaration of a state  
1832 of emergency in the school district and a description of the  
1833 district's impairment deficiencies, conditions of any district  
1834 transformation status and corrective actions recommended and being  
1835 taken. Public notices issued under this section shall be subject  
1836 to Section 13-3-31 and not contrary to other laws regarding  
1837 newspaper publication.

1838 Upon termination of the state of emergency in a school  
1839 district, the Commission on School Accreditation shall cause  
1840 notice to be published in the school district in the same manner  
1841 provided in this section, to include any or all details relating  
1842 to the corrective action taken in the school district that  
1843 resulted in the termination of the state of emergency.

1844 (14) The State Board of Education or the Commission on  
1845 School Accreditation shall have the authority to require school  
1846 districts to produce the necessary reports, correspondence,



1847 financial statements, and any other documents and information  
1848 necessary to fulfill the requirements of this section.

1849 Nothing in this section shall be construed to grant any  
1850 individual, corporation, board or interim superintendent the  
1851 authority to levy taxes except in accordance with presently  
1852 existing statutory provisions.

1853 (15) (a) Whenever the Governor declares a state of  
1854 emergency in a school district in response to a request made under  
1855 subsection (12) of this section, the State Board of Education, in  
1856 its discretion, may assign an interim superintendent to the school  
1857 district, or in its discretion, may contract with an appropriate  
1858 private entity with experience in the academic, finance and other  
1859 operational functions of schools and school districts, who will be  
1860 responsible for the administration, management and operation of  
1861 the school district, including, but not limited to, the following  
1862 activities:

1863 (i) Approving or disapproving all financial  
1864 obligations of the district, including, but not limited to, the  
1865 employment, termination, nonrenewal and reassignment of all  
1866 licensed and nonlicensed personnel, contractual agreements and  
1867 purchase orders, and approving or disapproving all claim dockets  
1868 and the issuance of checks; in approving or disapproving  
1869 employment contracts of superintendents, assistant superintendents  
1870 or principals, the interim superintendent shall not be required to



1871 comply with the time limitations prescribed in Sections 37-9-15  
1872 and 37-9-105;

1873 (ii) Supervising the day-to-day activities of the  
1874 district's staff, including reassigning the duties and  
1875 responsibilities of personnel in a manner which, in the  
1876 determination of the interim superintendent, will best suit the  
1877 needs of the district;

1878 (iii) Reviewing the district's total financial  
1879 obligations and operations and making recommendations to the  
1880 district for cost savings, including, but not limited to,  
1881 reassigning the duties and responsibilities of staff;

1882 (iv) Attending all meetings of the district's  
1883 school board and administrative staff;

1884 (v) Approving or disapproving all athletic, band  
1885 and other extracurricular activities and any matters related to  
1886 those activities;

1887 (vi) Maintaining a detailed account of  
1888 recommendations made to the district and actions taken in response  
1889 to those recommendations;

1890 (vii) Reporting periodically to the State Board of  
1891 Education on the progress or lack of progress being made in the  
1892 district to improve the district's impairments during the state of  
1893 emergency; and

1894 (viii) Appointing a parent advisory committee,  
1895 comprised of parents of students in the school district that may



1896 make recommendations to the interim superintendent concerning the  
1897 administration, management and operation of the school district.

1898         The cost of the salary of the interim superintendent and any  
1899 other actual and necessary costs related to district  
1900 transformation status paid by the State Department of Education  
1901 shall be reimbursed by the local school district from funds other  
1902 than adequate education program funds. The department shall  
1903 submit an itemized statement to the superintendent of the local  
1904 school district for reimbursement purposes, and any unpaid balance  
1905 may be withheld from the district's adequate education program  
1906 funds.

1907         At the time that the Governor, in accordance with the request  
1908 of the State Board of Education, declares that the state of  
1909 emergency no longer exists in a school district, the powers and  
1910 responsibilities of the interim superintendent assigned to the  
1911 district shall cease.

1912         (b) In order to provide loans to school districts under  
1913 a state of emergency or in district transformation status that  
1914 have impairments related to a lack of financial resources, the  
1915 School District Emergency Assistance Fund is created as a special  
1916 fund in the State Treasury into which monies may be transferred or  
1917 appropriated by the Legislature from any available public  
1918 education funds. Funds in the School District Emergency  
1919 Assistance Fund up to a maximum balance of Three Million Dollars  
1920 (\$3,000,000.00) annually shall not lapse but shall be available



1921 for expenditure in subsequent years subject to approval of the  
1922 State Board of Education. Any amount in the fund in excess of  
1923 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
1924 year shall lapse into the State General Fund or the Education  
1925 Enhancement Fund, depending on the source of the fund.

1926 The State Board of Education may loan monies from the School  
1927 District Emergency Assistance Fund to a school district that is  
1928 under a state of emergency or in district transformation status,  
1929 in those amounts, as determined by the board, that are necessary  
1930 to correct the district's impairments related to a lack of  
1931 financial resources. The loans shall be evidenced by an agreement  
1932 between the school district and the State Board of Education and  
1933 shall be repayable in principal, without necessity of interest, to  
1934 the School District Emergency Assistance Fund by the school  
1935 district from any allowable funds that are available. The total  
1936 amount loaned to the district shall be due and payable within five  
1937 (5) years after the impairments related to a lack of financial  
1938 resources are corrected. If a school district fails to make  
1939 payments on the loan in accordance with the terms of the agreement  
1940 between the district and the State Board of Education, the State  
1941 Department of Education, in accordance with rules and regulations  
1942 established by the State Board of Education, may withhold that  
1943 district's adequate education program funds in an amount and  
1944 manner that will effectuate repayment consistent with the terms of



1945 the agreement; the funds withheld by the department shall be  
1946 deposited into the School District Emergency Assistance Fund.

1947         The State Board of Education shall develop a protocol that  
1948 will outline the performance standards and requisite timeline  
1949 deemed necessary for extreme emergency measures. If the State  
1950 Board of Education determines that an extreme emergency exists,  
1951 simultaneous with the powers exercised in this subsection, it  
1952 shall take immediate action against all parties responsible for  
1953 the affected school districts having been determined to be in an  
1954 extreme emergency. The action shall include, but not be limited  
1955 to, initiating civil actions to recover funds and criminal actions  
1956 to account for criminal activity. Any funds recovered by the  
1957 State Auditor or the State Board of Education from the surety  
1958 bonds of school officials or from any civil action brought under  
1959 this subsection shall be applied toward the repayment of any loan  
1960 made to a school district hereunder.

1961         (16) If a majority of the membership of the school board of  
1962 any school district resigns from office, the State Board of  
1963 Education shall be authorized to assign an interim superintendent,  
1964 who shall be responsible for the administration, management and  
1965 operation of the school district until the time as new board  
1966 members are selected or the Governor declares a state of emergency  
1967 in that school district under subsection (12), whichever occurs  
1968 first. In that case, the State Board of Education, acting through  
1969 the interim superintendent, shall have all powers which were held



1970 by the previously existing school board, and may take any action  
1971 as prescribed in Section 37-17-13 and/or one or more of the  
1972 actions authorized in this section.

1973 (17) (a) If the Governor declares a state of emergency in a  
1974 school district, the State Board of Education may take all such  
1975 action pertaining to that school district as is authorized under  
1976 subsection (12) or (15) of this section, including the appointment  
1977 of an interim superintendent. The State Board of Education shall  
1978 also have the authority to issue a written request with  
1979 documentation to the Governor asking that the office of the  
1980 superintendent of the school district be subject to recall. If  
1981 the Governor declares that the office of the superintendent of the  
1982 school district is subject to recall, the local school board or  
1983 the county election commission, as the case may be, shall take the  
1984 following action:

1985 (i) If the office of superintendent is an elected  
1986 office, in those years in which there is no general election, the  
1987 name shall be submitted by the State Board of Education to the  
1988 county election commission, and the county election commission  
1989 shall submit the question at a special election to the voters  
1990 eligible to vote for the office of superintendent within the  
1991 county, and the special election shall be held within sixty (60)  
1992 days from notification by the State Board of Education. The  
1993 ballot shall read substantially as follows:





1994 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
1995 name of the superintendent shall be inserted) of the \_\_\_\_\_  
1996 (here the title of the school district shall be inserted) be  
1997 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

1998 If a majority of those voting on the question votes against  
1999 retaining the superintendent in office, a vacancy shall exist  
2000 which shall be filled in the manner provided by law; otherwise,  
2001 the superintendent shall remain in office for the term of that  
2002 office, and at the expiration of the term shall be eligible for  
2003 qualification and election to another term or terms.

2004 (ii) If the office of superintendent is an  
2005 appointive office, the name of the superintendent shall be  
2006 submitted by the president of the local school board at the next  
2007 regular meeting of the school board for retention in office or  
2008 dismissal from office. If a majority of the school board voting  
2009 on the question vote against retaining the superintendent in  
2010 office, a vacancy shall exist which shall be filled as provided by  
2011 law, otherwise the superintendent shall remain in office for the  
2012 duration of his employment contract.

2013 (b) The State Board of Education may issue a written  
2014 request with documentation to the Governor asking that the  
2015 membership of the school board of the school district shall be  
2016 subject to recall. Whenever the Governor declares that the  
2017 membership of the school board is subject to recall, the county



2018 election commission or the local governing authorities, as the  
2019 case may be, shall take the following action:

2020 (i) If the members of the local school board are  
2021 elected to office, in those years in which the specific member's  
2022 office is not up for election, the name of the school board member  
2023 shall be submitted by the State Board of Education to the county  
2024 election commission, and the county election commission at a  
2025 special election shall submit the question to the voters eligible  
2026 to vote for the particular member's office within the county or  
2027 school district, as the case may be, and the special election  
2028 shall be held within sixty (60) days from notification by the  
2029 State Board of Education. The ballot shall read substantially as  
2030 follows:

2031 "Members of the \_\_\_\_\_ (here the title of the school  
2032 district shall be inserted) School Board who are not up for  
2033 election this year are subject to recall because of the school  
2034 district's failure to meet critical accountability standards as  
2035 defined in the letter of notification to the Governor from the  
2036 State Board of Education. Shall the member of the school board  
2037 representing this area, \_\_\_\_\_ (here the name of the school  
2038 board member holding the office shall be inserted), be retained in  
2039 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

2040 If a majority of those voting on the question vote against  
2041 retaining the member of the school board in office, a vacancy in  
2042 that board member's office shall exist, which shall be filled in



2043 the manner provided by law; otherwise, the school board member  
2044 shall remain in office for the term of that office, and at the  
2045 expiration of the term of office, the member shall be eligible for  
2046 qualification and election to another term or terms of office.  
2047 However, if a majority of the school board members are recalled in  
2048 the special election, the Governor shall authorize the board of  
2049 supervisors of the county in which the school district is situated  
2050 to appoint members to fill the offices of the members recalled.  
2051 The board of supervisors shall make those appointments in the  
2052 manner provided by law for filling vacancies on the school board,  
2053 and the appointed members shall serve until the office is filled  
2054 at the next regular special election or general election.

2055           (ii) If the local school board is an appointed  
2056 school board, the name of all school board members shall be  
2057 submitted as a collective board by the president of the municipal  
2058 or county governing authority, as the case may be, at the next  
2059 regular meeting of the governing authority for retention in office  
2060 or dismissal from office. If a majority of the governing  
2061 authority voting on the question vote against retaining the board  
2062 in office, a vacancy shall exist in each school board member's  
2063 office, which shall be filled as provided by law; otherwise, the  
2064 members of the appointed school board shall remain in office for  
2065 the duration of their term of appointment, and those members may  
2066 be reappointed.



2067 (iii) If the local school board is comprised of  
2068 both elected and appointed members, the elected members shall be  
2069 subject to recall in the manner provided in subparagraph (i) of  
2070 this paragraph (b), and the appointed members shall be subject to  
2071 recall in the manner provided in subparagraph (ii).

2072 (18) Beginning with the school district audits conducted for  
2073 the 1997-1998 fiscal year, the State Board of Education, acting  
2074 through the Commission on School Accreditation, shall require each  
2075 school district to comply with standards established by the State  
2076 Department of Audit for the verification of fixed assets and the  
2077 auditing of fixed assets records as a minimum requirement for  
2078 accreditation.

2079 (19) Before December 1, 1999, the State Board of Education  
2080 shall recommend a program to the Education Committees of the House  
2081 of Representatives and the Senate for identifying and rewarding  
2082 public schools that improve or are high performing. The program  
2083 shall be described by the board in a written report, which shall  
2084 include criteria and a process through which improving schools and  
2085 high-performing schools will be identified and rewarded.

2086 The State Superintendent of Public Education and the State  
2087 Board of Education also shall develop a comprehensive  
2088 accountability plan to ensure that local school boards,  
2089 superintendents, principals and teachers are held accountable for  
2090 student achievement. A written report on the accountability plan  
2091 shall be submitted to the Education Committees of both houses of



2092 the Legislature before December 1, 1999, with any necessary  
2093 legislative recommendations.

2094 (20) Before January 1, 2008, the State Board of Education  
2095 shall evaluate and submit a recommendation to the Education  
2096 Committees of the House of Representatives and the Senate on  
2097 inclusion of graduation rate and dropout rate in the school level  
2098 accountability system.

2099 (21) If a local school district is determined as failing and  
2100 placed into district transformation status for reasons authorized  
2101 by the provisions of this section, the interim superintendent  
2102 appointed to the district shall, within forty-five (45) days after  
2103 being appointed, present a detailed and structured corrective  
2104 action plan to move the local school district out of district  
2105 transformation status to the deputy superintendent. A copy of the  
2106 interim superintendent's corrective action plan shall also be  
2107 filed with the State Board of Education.

2108 **SECTION 9.** Beginning with the 2021-2022 academic year, the  
2109 State Board of Education, acting through the Commission on Teacher  
2110 and Administrator Education, Certification and Licensure and  
2111 Development, and in conjunction with the Board of Trustees of  
2112 State Institutions of Higher Learning, shall require each educator  
2113 preparation program in the state to include, as part of its  
2114 curriculum, a Praxis Core Academic Skills for Educators  
2115 examination and a Praxis II examination course of study, which  
2116 shall serve as a preparatory review course with emphasis on the



2117 concepts and exam skills necessary for success on the exam, and  
2118 reinforces students' knowledge through thought-provoking examples  
2119 and Praxis exam questions. Upon completion of the course,  
2120 students shall have mastered concepts as they are tested so that  
2121 students can excel within the time constraints of the exam.

2122           **SECTION 10.** This act shall take effect and be in force from  
2123 and after July 1, 2021.

