

By: Representative Ford (73rd)

To: Workforce Development

HOUSE BILL NO. 1298

1 AN ACT TO CREATE THE "COMPREHENSIVE CAREER AND TECHNICAL
2 EDUCATION REFORM (CCATER) ACT"; TO AMEND SECTION 37-15-38,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DUAL CREDIT CAREER AND
4 TECHNICAL EDUCATION INSTRUCTORS SHALL NOT BE REQUIRED TO HOLD AN
5 ASSOCIATE OR BACHELOR'S DEGREE; TO AMEND SECTION 37-16-17,
6 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION
7 TO PROVIDE NOTICE TO ALL INCOMING MIDDLE SCHOOL AND JUNIOR HIGH
8 STUDENTS OF THE CAREER TRACK PROGRAMS OFFERED BY LOCAL SCHOOL
9 BOARDS; TO REQUIRE ALL STUDENTS IN THE CAREER AND TECHNICAL
10 EDUCATION TRACK TO TAKE THE ACT WORKKEYS ASSESSMENT; TO REVISE THE
11 CURRICULUM IN THE CAREER TRACK PROGRAM; TO AMEND SECTION 37-3-2,
12 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LOCAL BUSINESS OR OTHER
13 PROFESSIONAL PERSONNEL SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE
14 OR BACHELOR'S DEGREE IN ORDER TO BE GRANTED A ONE-YEAR EXPERT
15 CITIZEN-TEACHER LICENSE; TO AMEND SECTION 37-16-3, MISSISSIPPI
16 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND
17 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
18 ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE
19 ADMINISTRATION OF THE ACT WORKKEYS ASSESSMENT, WHICH SHALL BE
20 WEIGHTED IN THE SAME PERCENTAGE AS THE STANDARD ACT ASSESSMENT;
21 AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** The provisions of this act shall be known as the
24 "Comprehensive Career and Technical Education Reform" or "CCATER"
25 Act.

26 **SECTION 2.** Section 37-15-38, Mississippi Code of 1972, is
27 amended as follows:



28 37-15-38. (1) The following phrases have the meanings
29 ascribed in this section unless the context clearly requires
30 otherwise:

31 (a) A dual enrolled student is a student who is
32 enrolled in a community or junior college or state institution of
33 higher learning while enrolled in high school.

34 (b) A dual credit student is a student who is enrolled
35 in a community or junior college or state institution of higher
36 learning while enrolled in high school and who is receiving high
37 school and college credit for postsecondary coursework.

38 (2) A local school board, the Board of Trustees of State
39 Institutions of Higher Learning and the Mississippi Community
40 College Board shall establish a dual enrollment system under which
41 students in the school district who meet the prescribed criteria
42 of this section may be enrolled in a postsecondary institution in
43 Mississippi while they are still in school.

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

49 (4) **Admission criteria for dual enrollment in community and**
50 **junior college or university programs.** The Mississippi Community
51 College Board and the Board of Trustees of State Institutions of
52 Higher Learning may recommend to the State Board of Education



53 admission criteria for dual enrollment programs under which high
54 school students may enroll at a community or junior college or
55 university while they are still attending high school and enrolled
56 in high school courses. Students may be admitted to enroll in
57 community or junior college courses under the dual enrollment
58 programs if they meet that individual institution's stated dual
59 enrollment admission requirements.

60 (5) **Tuition and cost responsibility.** Tuition and costs for
61 university-level courses and community and junior college courses
62 offered under a dual enrollment program may be paid for by the
63 postsecondary institution, the local school district, the parents
64 or legal guardians of the student, or by grants, foundations or
65 other private or public sources. Payment for tuition and any
66 other costs must be made directly to the credit-granting
67 institution.

68 (6) **Transportation responsibility.** Any transportation
69 required by a student to participate in the dual enrollment
70 program is the responsibility of the parent, custodian or legal
71 guardian of the student. Transportation costs may be paid from
72 any available public or private sources, including the local
73 school district.

74 (7) **School district average daily attendance credit.** When
75 dually enrolled, the student may be counted, for adequate
76 education program funding purposes, in the average daily



77 attendance of the public school district in which the student
78 attends high school.

79 (8) **High school student transcript transfer requirements.**

80 Grades and college credits earned by a student admitted to a dual
81 credit program must be recorded on the high school student record
82 and on the college transcript at the university or community or
83 junior college where the student attends classes. The transcript
84 of the university or community or junior college coursework may be
85 released to another institution or applied toward college
86 graduation requirements.

87 (9) **Determining factor of prerequisites for dual enrollment**

88 **courses.** Each university and community or junior college
89 participating in a dual enrollment program shall determine course
90 prerequisites. Course prerequisites shall be the same for dual
91 enrolled students as for regularly enrolled students at that
92 university or community or junior college.

93 (10) **Process for determining articulation of curriculum**
94 **between high school, university, and community and junior college**

95 **courses.** All dual credit courses must meet the standards
96 established at the postsecondary level. Postsecondary level
97 developmental courses may not be considered as meeting the
98 requirements of the dual credit program. Dual credit memorandum
99 of understandings must be established between each postsecondary
100 institution and the school district implementing a dual credit
101 program.



102 (11) [Deleted]

103 (12) **Eligible courses for dual credit programs.** Courses
104 eligible for dual credit include, but are not necessarily limited
105 to, foreign languages, advanced math courses, advanced science
106 courses, performing arts, advanced business and technology, and
107 career and technical courses. Distance Learning Collaborative
108 Program courses approved under Section 37-67-1 shall be fully
109 eligible for dual credit. All courses being considered for dual
110 credit must receive unconditional approval from the superintendent
111 of the local school district and the chief instructional officer
112 at the participating community or junior college or university in
113 order for college credit to be awarded. A university or community
114 or junior college shall make the final decision on what courses
115 are eligible for semester hour credits.

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

119 (14) **Course alignment.** The universities, community and
120 junior colleges and the State Department of Education shall
121 periodically review their respective policies and assess the place
122 of dual credit courses within the context of their traditional
123 offerings.

124 (15) **Maximum dual credits allowed.** It is the intent of the
125 dual enrollment program to make it possible for every eligible
126 student who desires to earn a semester's worth of college credit



127 in high school to do so. A qualified dually enrolled high school
128 student must be allowed to earn an unlimited number of college or
129 university credits for dual credit.

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

132 (a) Examination preparation taught at a high school by
133 a qualified teacher. A student may receive credit at the
134 secondary level after completion of an approved course and passing
135 the standard examination, such as an Advanced Placement or
136 International Baccalaureate course through which a high school
137 student is allowed CLEP credit by making a three (3) or higher on
138 the end-of-course examination.

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

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

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

148 (17) **Qualifications of dual credit instructors.** A dual
149 credit academic instructor must meet the requirements set forth by
150 the regional accrediting association (Southern Association of
151 College and Schools). University and community and junior college



152 personnel have the sole authority in the selection of dual credit
153 instructors.

154 A dual credit career and technical education instructor must
155 meet the requirements set forth by the Mississippi Community
156 College Board in the qualifications manual for postsecondary
157 career and technical personnel. Such instructor shall be required
158 to have a high school diploma and a minimum of five (5) years
159 experience but shall not be required to hold an associate or
160 bachelor's degree if he or she is providing instruction in a
161 nondegree certificate or associate degree career and technical
162 education program provided that he or she satisfies all other
163 alternative minimum requirements for such positions.

164 (18) **Guidance on local agreements.** The Chief Academic
165 Officer of the State Board of Trustees of State Institutions of
166 Higher Learning and the Chief Instructional Officers of the
167 Mississippi Community College Board and the State Department of
168 Education, working collaboratively, shall develop a template to be
169 used by the individual community and junior colleges and
170 institutions of higher learning for consistent implementation of
171 the dual enrollment program throughout the State of Mississippi.

172 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
173 A local school board and the local community colleges board shall
174 establish a Mississippi Works Dual Enrollment-Dual Credit Option
175 Program under which potential or recent student dropouts may
176 dually enroll in their home school and a local community college



177 in a dual credit program consisting of high school completion
178 coursework and a community college credential, certificate or
179 degree program. Students completing the dual enrollment-credit
180 option may obtain their high school diploma while obtaining a
181 community college credential, certificate or degree. The
182 Mississippi Department of Employment Security shall assist
183 students who have successfully completed the Mississippi Works
184 Dual Enrollment-Dual Credit Option in securing a job upon the
185 application of the student or the participating school or
186 community college. The Mississippi Works Dual Enrollment-Dual
187 Credit Option Program will be implemented statewide in the
188 2012-2013 school year and thereafter. The State Board of
189 Education, local school board and the local community college
190 board shall establish criteria for the Dual Enrollment-Dual Credit
191 Program. Students enrolled in the program will not be eligible to
192 participate in interscholastic sports or other extracurricular
193 activities at the home school district. Tuition and costs for
194 community college courses offered under the Dual Enrollment-Dual
195 Credit Program shall not be charged to the student, parents or
196 legal guardians. When dually enrolled, the student shall be
197 counted for adequate education program funding purposes, in the
198 average daily attendance of the public school district in which
199 the student attends high school, as provided in Section
200 37-151-7(1)(a). Any transportation required by the student to
201 participate in the Dual Enrollment-Dual Credit Program is the



202 responsibility of the parent or legal guardian of the student, and
203 transportation costs may be paid from any available public or
204 private sources, including the local school district. Grades and
205 college credits earned by a student admitted to this Dual
206 Enrollment-Dual Credit Program shall be recorded on the high
207 school student record and on the college transcript at the
208 community college and high school where the student attends
209 classes. The transcript of the community college coursework may
210 be released to another institution or applied toward college
211 graduation requirements. Any course that is required for subject
212 area testing as a requirement for graduation from a public school
213 in Mississippi is eligible for dual credit, and courses eligible
214 for dual credit shall also include career, technical and degree
215 program courses. All courses eligible for dual credit shall be
216 approved by the superintendent of the local school district and
217 the chief instructional officer at the participating community
218 college in order for college credit to be awarded. A community
219 college shall make the final decision on what courses are eligible
220 for semester hour credits and the local school superintendent,
221 subject to approval by the Mississippi Department of Education,
222 shall make the final decision on the transfer of college courses
223 credited to the student's high school transcript.

224 **SECTION 3.** Section 37-16-17, Mississippi Code of 1972, is
225 amended as follows:



226 37-16-17. (1) Purpose. (a) The purpose of this section is
227 to create a quality option in Mississippi's high schools for
228 students not wishing to pursue a baccalaureate degree, which shall
229 consist of challenging academic courses and modern
230 career-technical studies. The goal for students pursuing the
231 career track is to graduate from high school with a standard
232 diploma and credit toward a community college certification in a
233 career-technical field. These students also shall be encouraged
234 to take the national assessment in the career-technical field in
235 which they become certified.

236 (b) The State Board of Education shall develop and
237 adopt course and curriculum requirements for career track programs
238 offered by local public school boards in accordance with this
239 section. The Mississippi Community College Board and the State
240 Board of Education jointly shall determine course and curriculum
241 requirements for the career track program. The State Board of
242 Education shall provide notice to all incoming middle school
243 students and junior high students of the career track programs
244 offered by local school boards. Such notice shall include the
245 career track programs available, the course requirements of each
246 program, how to enroll in the program and any other necessary
247 information as determined by the State Board of Education.

248 (2) Alternative career track; description; curriculum. (a)
249 A career track shall provide a student with greater technical
250 skill and a strong academic core and shall be offered to each high



251 school student enrolled in a public school district. The career
252 track program shall be linked to postsecondary options and shall
253 prepare students to pursue either a degree or certification from a
254 postsecondary institution, an industry-based training or
255 certification, an apprenticeship, the military, or immediate
256 entrance into a career field. The career track shall be designed
257 primarily for those students who are not college bound and shall
258 provide them with alternatives to entrance into a four-year
259 university or college after high school graduation. All students
260 in the career and technical education track shall be required to
261 take the ACT WorkKeys Assessment.

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

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

268 (d) Students in a career track program shall complete
269 an academic core of courses and a career and technical sequence of
270 courses.

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

273 (i) At least four (4) English credits, including
274 English I * * *, English II, technical writing and computer
275 programming.



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

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

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

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

286 (vi) School districts must incorporate in the
287 curriculum soft skills, which include, but are not limited to,
288 social graces, communication abilities, language skills, personal
289 habits, cognitive or emotional empathy, time management, teamwork
290 and leadership traits.

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

294 (* * * viii) At least one (1) credit in integrated
295 technology with optional end of course testing.

296 (* * * ix) At least two and one-half (2-1/2)
297 credits in additional electives or career and technical education
298 courses required by the local school board, as approved by the
299 State Board of Education. Academic courses within the career



300 track of the standard diploma shall provide the knowledge and
301 skill necessary for proficiency on the state subject area tests.

302 (f) The courses provided in paragraph (e) of this
303 subsection may be tailored to the individual needs of the school
304 district as long as the amendments align with the basic course
305 requirements of paragraph (e).

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

312 * * *

313 **SECTION 4.** Section 37-3-2, Mississippi Code of 1972, is
314 amended as follows:

315 37-3-2. (1) There is established within the State
316 Department of Education the Commission on Teacher and
317 Administrator Education, Certification and Licensure and
318 Development. It shall be the purpose and duty of the commission
319 to make recommendations to the State Board of Education regarding
320 standards for the certification and licensure and continuing
321 professional development of those who teach or perform tasks of an
322 educational nature in the public schools of Mississippi.

323 (2) (a) The commission shall be composed of fifteen (15)
324 qualified members. The membership of the commission shall be



325 composed of the following members to be appointed, three (3) from
326 each of the four (4) congressional districts, as such districts
327 existed on January 1, 2011, in accordance with the population
328 calculations determined by the 2010 federal decennial census,
329 including: four (4) classroom teachers; three (3) school
330 administrators; one (1) representative of schools of education of
331 public institutions of higher learning located within the state to
332 be recommended by the Board of Trustees of State Institutions of
333 Higher Learning; one (1) representative from the schools of
334 education of independent institutions of higher learning to be
335 recommended by the Board of the Mississippi Association of
336 Independent Colleges; one (1) representative from public community
337 and junior colleges located within the state to be recommended by
338 the Mississippi Community College Board; one (1) local school
339 board member; and four (4) laypersons. Three (3) members of the
340 commission, at the sole discretion of the State Board of
341 Education, shall be appointed from the state at large.

342 (b) All appointments shall be made by the State Board
343 of Education after consultation with the State Superintendent of
344 Public Education. The first appointments by the State Board of
345 Education shall be made as follows: five (5) members shall be
346 appointed for a term of one (1) year; five (5) members shall be
347 appointed for a term of two (2) years; and five (5) members shall
348 be appointed for a term of three (3) years. Thereafter, all
349 members shall be appointed for a term of four (4) years.



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

356 (4) (a) An appropriate staff member of the State Department
357 of Education shall be designated and assigned by the State
358 Superintendent of Public Education to serve as executive secretary
359 and coordinator for the commission. No less than two (2) other
360 appropriate staff members of the State Department of Education
361 shall be designated and assigned by the State Superintendent of
362 Public Education to serve on the staff of the commission.

363 (b) An Office of Educator Misconduct Evaluations shall
364 be established within the State Department of Education to assist
365 the commission in responding to infractions and violations, and in
366 conducting hearings and enforcing the provisions of subsections
367 (11), (12), (13), (14) and (15) of this section, and violations of
368 the Mississippi Educator Code of Ethics.

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

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

373 (b) Recommend to the State Board of Education each year
374 approval or disapproval of each educator preparation program in



375 the state, subject to a process and schedule determined by the
376 State Board of Education;

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

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

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

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

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

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

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

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

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



400 (1) Perform such other functions as may fall within
401 their general charge and which may be delegated to them by the
402 State Board of Education.

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

- 417 (i) An application on a department form;
418 (ii) An official transcript of completion of a
419 teacher education program approved by the department or a
420 nationally accredited program, subject to the following:
421 Licensure to teach in Mississippi prekindergarten through
422 kindergarten classrooms shall require completion of a teacher
423 education program or a Bachelor of Science degree with child
424 development emphasis from a program accredited by the American



425 Association of Family and Consumer Sciences (AAFCS) or by the
426 National Association for Education of Young Children (NAEYC) or by
427 the National Council for Accreditation of Teacher Education
428 (NCATE). Licensure to teach in Mississippi kindergarten, for
429 those applicants who have completed a teacher education program,
430 and in Grade 1 through Grade 4 shall require the completion of an
431 interdisciplinary program of studies. Licenses for Grades 4
432 through 8 shall require the completion of an interdisciplinary
433 program of studies with two (2) or more areas of concentration.
434 Licensure to teach in Mississippi Grades 7 through 12 shall
435 require a major in an academic field other than education, or a
436 combination of disciplines other than education. Students
437 preparing to teach a subject shall complete a major in the
438 respective subject discipline. All applicants for standard
439 licensure shall demonstrate that such person's college preparation
440 in those fields was in accordance with the standards set forth by
441 the National Council for Accreditation of Teacher Education
442 (NCATE) or the National Association of State Directors of Teacher
443 Education and Certification (NASDTEC) or, for those applicants who
444 have a Bachelor of Science degree with child development emphasis,
445 the American Association of Family and Consumer Sciences (AAFCS).
446 Effective July 1, 2016, for initial elementary education
447 licensure, a teacher candidate must earn a passing score on a
448 rigorous test of scientifically research-based reading instruction



449 and intervention and data-based decision-making principles as
450 approved by the State Board of Education;

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

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

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

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

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

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

468 (b) **Standard License - Nontraditional Teaching Route.**

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

472 (i) An ACT Score of twenty-one (21) (or SAT
473 equivalent); or



474 (ii) Achieve a qualifying passing score on the
475 Praxis Core Academic Skills for Educators examination as
476 established by the State Board of Education; or

477 (iii) A minimum GPA of 3.0 on coursework prior to
478 admission to an approved teacher education program.

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

492 (i) The Teach Mississippi Institute (TMI) shall
493 include an intensive eight-week, nine-semester-hour summer program
494 or a curriculum of study in which the student matriculates in the
495 fall or spring semester, which shall include, but not be limited
496 to, instruction in education, effective teaching strategies,
497 classroom management, state curriculum requirements, planning and
498 instruction, instructional methods and pedagogy, using test



499 results to improve instruction, and a one (1) semester three-hour
500 supervised internship to be completed while the teacher is
501 employed as a full-time teacher intern in a local school district.
502 The TMI shall be implemented on a pilot program basis, with
503 courses to be offered at up to four (4) locations in the state,
504 with one (1) TMI site to be located in each of the three (3)
505 Mississippi Supreme Court districts.

506 (ii) The school sponsoring the teacher intern
507 shall enter into a written agreement with the institution
508 providing the Teach Mississippi Institute (TMI) program, under
509 terms and conditions as agreed upon by the contracting parties,
510 providing that the school district shall provide teacher interns
511 seeking a nontraditional provisional teaching license with a
512 one-year classroom teaching experience. The teacher intern shall
513 successfully complete the one (1) semester three-hour intensive
514 internship in the school district during the semester immediately
515 following successful completion of the TMI and prior to the end of
516 the one-year classroom teaching experience.

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



524 (iv) During the semester of internship in the
525 school district, the teacher preparation institution shall monitor
526 the performance of the intern teacher. The school district that
527 employs the provisional teacher shall supervise the provisional
528 teacher during the teacher's intern year of employment under a
529 nontraditional provisional license, and shall, in consultation
530 with the teacher intern's mentor at the school district of
531 employment, submit to the commission a comprehensive evaluation of
532 the teacher's performance sixty (60) days prior to the expiration
533 of the nontraditional provisional license. If the comprehensive
534 evaluation establishes that the provisional teacher intern's
535 performance fails to meet the standards of the approved
536 nontraditional teacher preparation internship program, the
537 individual shall not be approved for a standard license.

538 (v) An individual issued a provisional teaching
539 license under this nontraditional route shall successfully
540 complete, at a minimum, a one-year beginning teacher mentoring and
541 induction program administered by the employing school district
542 with the assistance of the State Department of Education.

543 (vi) Upon successful completion of the TMI and the
544 internship provisional license period, applicants for a Standard
545 License - Nontraditional Route shall submit to the commission a
546 transcript of successful completion of the twelve (12) semester
547 hours required in the internship program, and the employing school
548 district shall submit to the commission a recommendation for



549 standard licensure of the intern. If the school district
550 recommends licensure, the applicant shall be issued a Standard
551 License - Nontraditional Route which shall be valid for a
552 five-year period and be renewable.

553 (vii) At the discretion of the teacher preparation
554 institution, the individual shall be allowed to credit the twelve
555 (12) semester hours earned in the nontraditional teacher
556 internship program toward the graduate hours required for a Master
557 of Arts in Teacher (MAT) Degree.

558 (viii) The local school district in which the
559 nontraditional teacher intern or provisional licensee is employed
560 shall compensate such teacher interns at Step 1 of the required
561 salary level during the period of time such individual is
562 completing teacher internship requirements and shall compensate
563 such Standard License - Nontraditional Route teachers at Step 3 of
564 the required salary level when they complete license requirements.

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



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

580 (c) **Special License - Expert Citizen.** In order to
581 allow a school district to offer specialized or technical courses,
582 the State Department of Education, in accordance with rules and
583 regulations established by the State Board of Education, may grant
584 a one-year expert citizen-teacher license to local business or
585 other professional personnel to teach in a public school or
586 nonpublic school accredited or approved by the state. Such person
587 shall be required to have a high school diploma and a minimum of
588 five (5) years experience but shall not be required to hold an
589 associate or bachelor's degree, provided that he or she possesses
590 the minimum qualifications required for his or her profession, and
591 may begin teaching upon his employment by the local school board
592 and licensure by the Mississippi Department of Education. The
593 board shall adopt rules and regulations to administer the expert
594 citizen-teacher license. A Special License - Expert Citizen may
595 be renewed in accordance with the established rules and
596 regulations of the State Department of Education.

597 (d) **Special License - Nonrenewable.** The State Board of
598 Education is authorized to establish rules and regulations to



599 allow those educators not meeting requirements in paragraph (a),
600 (b) or (c) of this subsection (6) to be licensed for a period of
601 not more than three (3) years, except by special approval of the
602 State Board of Education.

603 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
604 person may teach for a maximum of three (3) periods per teaching
605 day in a public school district or a nonpublic school
606 accredited/approved by the state. Such person shall submit to the
607 department a transcript or record of his education and experience
608 which substantiates his preparation for the subject to be taught
609 and shall meet other qualifications specified by the commission
610 and approved by the State Board of Education. In no case shall
611 any local school board hire nonlicensed personnel as authorized
612 under this paragraph in excess of five percent (5%) of the total
613 number of licensed personnel in any single school.

614 (f) **Special License - Transitional Bilingual Education.**
615 Beginning July 1, 2003, the commission shall grant special
616 licenses to teachers of transitional bilingual education who
617 possess such qualifications as are prescribed in this section.
618 Teachers of transitional bilingual education shall be compensated
619 by local school boards at not less than one (1) step on the
620 regular salary schedule applicable to permanent teachers licensed
621 under this section. The commission shall grant special licenses
622 to teachers of transitional bilingual education who present the
623 commission with satisfactory evidence that they (i) possess a



624 speaking and reading ability in a language, other than English, in
625 which bilingual education is offered and communicative skills in
626 English; (ii) are in good health and sound moral character; (iii)
627 possess a bachelor's degree or an associate's degree in teacher
628 education from an accredited institution of higher education; (iv)
629 meet such requirements as to courses of study, semester hours
630 therein, experience and training as may be required by the
631 commission; and (v) are legally present in the United States and
632 possess legal authorization for employment. A teacher of
633 transitional bilingual education serving under a special license
634 shall be under an exemption from standard licensure if he achieves
635 the requisite qualifications therefor. Two (2) years of service
636 by a teacher of transitional bilingual education under such an
637 exemption shall be credited to the teacher in acquiring a Standard
638 Educator License. Nothing in this paragraph shall be deemed to
639 prohibit a local school board from employing a teacher licensed in
640 an appropriate field as approved by the State Department of
641 Education to teach in a program in transitional bilingual
642 education.

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



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

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

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

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

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

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



674 administrative personnel. Such nontraditional route for
675 administrative licensure shall be available for persons holding,
676 but not limited to, a master of business administration degree, a
677 master of public administration degree, a master of public
678 planning and policy degree or a doctor of jurisprudence degree
679 from an accredited college or university, with five (5) years of
680 administrative or supervisory experience. Successful completion
681 of the requirements of alternate route licensure for
682 administrators shall qualify the person for a standard
683 administrator license.

684 Individuals seeking school administrator licensure under
685 paragraph (b), (c) or (d) shall successfully complete a training
686 program and an assessment process prescribed by the State Board of
687 Education. All applicants for school administrator licensure
688 shall meet all requirements prescribed by the department under
689 paragraph (b), (c) or (d), and the cost of the assessment process
690 required shall be paid by the applicant.

691 (8) **Reciprocity.** (a) The department shall grant a standard
692 license to any individual who possesses a valid standard license
693 from another state and meets minimum Mississippi license
694 requirements or equivalent requirements as determined by the State
695 Board of Education. The issuance of a license by reciprocity to a
696 military-trained applicant or military spouse shall be subject to
697 the provisions of Section 73-50-1.



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

706 (9) **Renewal and Reinstatement of Licenses.** The State Board
707 of Education is authorized to establish rules and regulations for
708 the renewal and reinstatement of educator and administrator
709 licenses. Effective May 15, 1997, the valid standard license held
710 by an educator shall be extended five (5) years beyond the
711 expiration date of the license in order to afford the educator
712 adequate time to fulfill new renewal requirements established
713 pursuant to this subsection. An educator completing a master of
714 education, educational specialist or doctor of education degree in
715 May 1997 for the purpose of upgrading the educator's license to a
716 higher class shall be given this extension of five (5) years plus
717 five (5) additional years for completion of a higher degree.

718 (10) All controversies involving the issuance, revocation,
719 suspension or any change whatsoever in the licensure of an
720 educator required to hold a license shall be initially heard in a
721 hearing de novo, by the commission or by a subcommittee
722 established by the commission and composed of commission members,



723 or by a hearing officer retained and appointed by the commission,
724 for the purpose of holding hearings. Any complaint seeking the
725 denial of issuance, revocation or suspension of a license shall be
726 by sworn affidavit filed with the Commission on Teacher and
727 Administrator Education, Certification and Licensure and
728 Development. The decision thereon by the commission, its
729 subcommittee or hearing officer, shall be final, unless the
730 aggrieved party shall appeal to the State Board of Education,
731 within ten (10) days, of the decision of the commission, its
732 subcommittee or hearing officer. An appeal to the State Board of
733 Education shall be perfected upon filing a notice of the appeal
734 and by the prepayment of the costs of the preparation of the
735 record of proceedings by the commission, its subcommittee or
736 hearing officer. An appeal shall be on the record previously made
737 before the commission, its subcommittee or hearing officer, unless
738 otherwise provided by rules and regulations adopted by the board.
739 The decision of the commission, its subcommittee or hearing
740 officer shall not be disturbed on appeal if supported by
741 substantial evidence, was not arbitrary or capricious, within the
742 authority of the commission, and did not violate some statutory or
743 constitutional right. The State Board of Education in its
744 authority may reverse, or remand with instructions, the decision
745 of the commission, its subcommittee or hearing officer. The
746 decision of the State Board of Education shall be final.



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

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

752 (ii) The applicant has a physical, emotional or
753 mental disability that renders the applicant unfit to perform the
754 duties authorized by the license, as certified by a licensed
755 psychologist or psychiatrist;

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

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

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

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



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

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

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

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

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

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

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



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

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

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

806 (c) Suspension or revocation of a certificate or
807 license by another state shall result in immediate suspension or
808 revocation and shall continue until records in the prior state
809 have been cleared;

810 (d) The license holder has been convicted, has pled
811 guilty or entered a plea of nolo contendere to a felony, as
812 defined by federal or state law. For purposes of this paragraph,
813 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
814 contendere, or entry of an order granting pretrial or judicial
815 diversion;

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



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

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

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

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

834 For purposes of this subsection, probation shall be defined
835 as a length of time determined by the commission, its subcommittee
836 or hearing officer, and based on the severity of the offense in
837 which the license holder shall meet certain requirements as
838 prescribed by the commission, its subcommittee or hearing officer.
839 Failure to complete the requirements in the time specified shall
840 result in immediate suspension of the license for one (1) year.

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



844 shall be determined by the commission and based upon the severity
845 of the offense.

846 (b) Any offense committed or attempted in any other
847 state shall result in the same penalty as if committed or
848 attempted in this state.

849 (c) A person may voluntarily surrender a license. The
850 surrender of such license may result in the commission
851 recommending any of the above penalties without the necessity of a
852 hearing. However, any such license which has voluntarily been
853 surrendered by a licensed employee may only be reinstated by a
854 majority vote of all members of the commission present at the
855 meeting called for such purpose.

856 (14) (a) A person whose license has been suspended or
857 surrendered on any grounds except criminal grounds may petition
858 for reinstatement of the license after one (1) year from the date
859 of suspension or surrender, or after one-half (1/2) of the
860 suspended or surrendered time has lapsed, whichever is greater. A
861 person whose license has been suspended or revoked on any grounds
862 or violations under subsection (12) of this section may be
863 reinstated automatically or approved for a reinstatement hearing,
864 upon submission of a written request to the commission. A license
865 suspended, revoked or surrendered on criminal grounds may be
866 reinstated upon petition to the commission filed after expiration
867 of the sentence and parole or probationary period imposed upon
868 conviction. A revoked, suspended or surrendered license may be



869 reinstated upon satisfactory showing of evidence of
870 rehabilitation. The commission shall require all who petition for
871 reinstatement to furnish evidence satisfactory to the commission
872 of good character, good mental, emotional and physical health and
873 such other evidence as the commission may deem necessary to
874 establish the petitioner's rehabilitation and fitness to perform
875 the duties authorized by the license.

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

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



894 (16) An appeal from the action of the State Board of
895 Education in denying an application, revoking or suspending a
896 license or otherwise disciplining any person under the provisions
897 of this section shall be filed in the Chancery Court of the First
898 Judicial District of Hinds County, Mississippi, on the record
899 made, including a verbatim transcript of the testimony at the
900 hearing. The appeal shall be filed within thirty (30) days after
901 notification of the action of the board is mailed or served and
902 the proceedings in chancery court shall be conducted as other
903 matters coming before the court. The appeal shall be perfected
904 upon filing notice of the appeal and by the prepayment of all
905 costs, including the cost of preparation of the record of the
906 proceedings by the State Board of Education, and the filing of a
907 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
908 if the action of the board be affirmed by the chancery court, the
909 applicant or license holder shall pay the costs of the appeal and
910 the action of the chancery court.

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

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



919 section shall in no way alter or abridge the authority of local
920 school districts to require greater qualifications or standards of
921 performance as a prerequisite of initial or continued employment
922 in such districts.

923 (19) In addition to the reasons specified in subsections
924 (12) and (13) of this section, the board shall be authorized to
925 suspend the license of any licensee for being out of compliance
926 with an order for support, as defined in Section 93-11-153. The
927 procedure for suspension of a license for being out of compliance
928 with an order for support, and the procedure for the reissuance or
929 reinstatement of a license suspended for that purpose, and the
930 payment of any fees for the reissuance or reinstatement of a
931 license suspended for that purpose, shall be governed by Section
932 93-11-157 or 93-11-163, as the case may be. Actions taken by the
933 board in suspending a license when required by Section 93-11-157
934 or 93-11-163 are not actions from which an appeal may be taken
935 under this section. Any appeal of a license suspension that is
936 required by Section 93-11-157 or 93-11-163 shall be taken in
937 accordance with the appeal procedure specified in Section
938 93-11-157 or 93-11-163, as the case may be, rather than the
939 procedure specified in this section. If there is any conflict
940 between any provision of Section 93-11-157 or 93-11-163 and any
941 provision of this chapter, the provisions of Section 93-11-157 or
942 93-11-163, as the case may be, shall control.



943 **SECTION 5.** Section 37-16-3, Mississippi Code of 1972, is
944 amended as follows:

945 37-16-3. (1) The State Department of Education is directed
946 to implement a program of statewide assessment testing which shall
947 provide for the improvement of the operation and management of the
948 public schools. The statewide program shall be timed, as far as
949 possible, so as not to conflict with ongoing district assessment
950 programs. As part of the program, the department shall:

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

957 (b) Conduct a uniform statewide testing program in
958 grades deemed appropriate in the public schools, including charter
959 schools, which shall provide for the administration of the ACT
960 WorkKeys Assessment to all public and charter school students in
961 the career and technical education track. The program may test
962 skill areas, basic skills and high school course content.

963 (c) Monitor the results of the assessment program and,
964 at any time the composite student performance of a school or basic
965 program is found to be below the established minimum standards,
966 notify the district superintendent or the governing board of the
967 charter school, as the case may be, the school principal and the



968 school advisory committee or other existing parent group of the
969 situation within thirty (30) days of its determination. The
970 department shall further provide technical assistance to a school
971 district in the identification of the causes of this deficiency
972 and shall recommend courses of action for its correction.

973 (d) Provide technical assistance to the school
974 districts, when requested, in the development of student
975 performance standards in addition to the established minimum
976 statewide standards.

977 (e) Issue security procedure regulations providing for
978 the security and integrity of the tests that are administered
979 under the basic skills assessment program.

980 (f) In case of an allegation of a testing irregularity
981 that prompts a need for an investigation by the Department of
982 Education, the department may, in its discretion, take complete
983 control of the statewide test administration in a school district
984 or any part thereof, including, but not limited to, obtaining
985 control of the test booklets and answer documents. In the case of
986 any verified testing irregularity that jeopardized the security
987 and integrity of the test(s), validity or the accuracy of the test
988 results, the cost of the investigation and any other actual and
989 necessary costs related to the investigation paid by the
990 Department of Education shall be reimbursed by the local school
991 district from funds other than federal funds, Mississippi Adequate
992 Education Program funds, or any other state funds within six (6)



993 months from the date of notice by the department to the school
994 district to make reimbursement to the department.

995 (2) Uniform basic skills tests shall be completed by each
996 student in the appropriate grade. These tests shall be
997 administered in such a manner as to preserve the integrity and
998 validity of the assessment. In the event of excused or unexcused
999 student absences, make-up tests shall be given. The school
1000 superintendent of every school district in the state and the
1001 principal of each charter school shall annually certify to the
1002 State Department of Education that each student enrolled in the
1003 appropriate grade has completed the required basic skills
1004 assessment test for his or her grade in a valid test
1005 administration.

1006 (3) Within five (5) days of completing the administration of
1007 a statewide test, the principal of the school where the test was
1008 administered shall certify under oath to the State Department of
1009 Education that the statewide test was administered in strict
1010 accordance with the Requirements of the Mississippi Statewide
1011 Assessment System as adopted by the State Board of Education. The
1012 principal's sworn certification shall be set forth on a form
1013 developed and approved by the Department of Education. If,
1014 following the administration of a statewide test, the principal
1015 has reason to believe that the test was not administered in strict
1016 accordance with the Requirements of the Mississippi Statewide
1017 Assessment System as adopted by the State Board of Education, the



1018 principal shall submit a sworn certification to the Department of
1019 Education setting forth all information known or believed by the
1020 principal about all potential violations of the Requirements of
1021 the Mississippi Statewide Assessment System as adopted by the
1022 State Board of Education. The submission of false information or
1023 false certification to the Department of Education by any licensed
1024 educator may result in licensure disciplinary action pursuant to
1025 Section 37-3-2 and criminal prosecution pursuant to Section
1026 37-16-4.

1027 **SECTION 6.** Section 37-17-6, Mississippi Code of 1972, is
1028 amended as follows:

1029 37-17-6. (1) The State Board of Education, acting through
1030 the Commission on School Accreditation, shall establish and
1031 implement a permanent performance-based accreditation system, and
1032 all noncharter public elementary and secondary schools shall be
1033 accredited under this system.

1034 (2) No later than June 30, 1995, the State Board of
1035 Education, acting through the Commission on School Accreditation,
1036 shall require school districts to provide school classroom space
1037 that is air-conditioned as a minimum requirement for
1038 accreditation.

1039 (3) (a) Beginning with the 1994-1995 school year, the State
1040 Board of Education, acting through the Commission on School
1041 Accreditation, shall require that school districts employ
1042 certified school librarians according to the following formula:



1043	Number of Students	Number of Certified
1044	Per School Library	School Librarians
1045	0 - 499 Students	1/2 Full-time Equivalent
1046		Certified Librarian
1047	500 or More Students	1 Full-time Certified
1048		Librarian

1049 (b) The State Board of Education, however, may increase
1050 the number of positions beyond the above requirements.

1051 (c) The assignment of certified school librarians to
1052 the particular schools shall be at the discretion of the local
1053 school district. No individual shall be employed as a certified
1054 school librarian without appropriate training and certification as
1055 a school librarian by the State Department of Education.

1056 (d) School librarians in the district shall spend at
1057 least fifty percent (50%) of direct work time in a school library
1058 and shall devote no more than one-fourth (1/4) of the workday to
1059 administrative activities that are library related.

1060 (e) Nothing in this subsection shall prohibit any
1061 school district from employing more certified school librarians
1062 than are provided for in this section.

1063 (f) Any additional millage levied to fund school
1064 librarians required for accreditation under this subsection shall
1065 be included in the tax increase limitation set forth in Sections
1066 37-57-105 and 37-57-107 and shall not be deemed a new program for
1067 purposes of the limitation.



1068 (4) On or before December 31, 2002, the State Board of
1069 Education shall implement the performance-based accreditation
1070 system for school districts and for individual noncharter public
1071 schools which shall include the following:

1072 (a) High expectations for students and high standards
1073 for all schools, with a focus on the basic curriculum;

1074 (b) Strong accountability for results with appropriate
1075 local flexibility for local implementation;

1076 (c) A process to implement accountability at both the
1077 school district level and the school level;

1078 (d) Individual schools shall be held accountable for
1079 student growth and performance;

1080 (e) Set annual performance standards for each of the
1081 schools of the state and measure the performance of each school
1082 against itself through the standard that has been set for it;

1083 (f) A determination of which schools exceed their
1084 standards and a plan for providing recognition and rewards to
1085 those schools;

1086 (g) A determination of which schools are failing to
1087 meet their standards and a determination of the appropriate role
1088 of the State Board of Education and the State Department of
1089 Education in providing assistance and initiating possible
1090 intervention. A failing district is a district that fails to meet
1091 both the absolute student achievement standards and the rate of
1092 annual growth expectation standards as set by the State Board of



1093 Education for two (2) consecutive years. The State Board of
1094 Education shall establish the level of benchmarks by which
1095 absolute student achievement and growth expectations shall be
1096 assessed. In setting the benchmarks for school districts, the
1097 State Board of Education may also take into account such factors
1098 as graduation rates, dropout rates, completion rates, the extent
1099 to which the school or district employs qualified teachers in
1100 every classroom, and any other factors deemed appropriate by the
1101 State Board of Education. The State Board of Education, acting
1102 through the State Department of Education, shall apply a simple
1103 "A," "B," "C," "D" and "F" designation to the current school and
1104 school district statewide accountability performance
1105 classification labels beginning with the State Accountability
1106 Results for the 2011-2012 school year and following, and in the
1107 school, district and state report cards required under state and
1108 federal law. Under the new designations, a school or school
1109 district that has earned a "Star" rating shall be designated an
1110 "A" school or school district; a school or school district that
1111 has earned a "High-Performing" rating shall be designated a "B"
1112 school or school district; a school or school district that has
1113 earned a "Successful" rating shall be designated a "C" school or
1114 school district; a school or school district that has earned an
1115 "Academic Watch" rating shall be designated a "D" school or school
1116 district; a school or school district that has earned a
1117 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



1118 be designated an "F" school or school district. Effective with
1119 the implementation of any new curriculum and assessment standards,
1120 the State Board of Education, acting through the State Department
1121 of Education, is further authorized and directed to change the
1122 school and school district accreditation rating system to a simple
1123 "A," "B," "C," "D," and "F" designation based on a combination of
1124 student achievement scores and student growth as measured by the
1125 statewide testing programs developed by the State Board of
1126 Education pursuant to Chapter 16, Title 37, Mississippi Code of
1127 1972. In any statute or regulation containing the former
1128 accreditation designations, the new designations shall be
1129 applicable;

1130 (h) Development of a comprehensive student assessment
1131 system to implement these requirements; and

1132 (i) The State Board of Education may, based on a
1133 written request that contains specific reasons for requesting a
1134 waiver from the school districts affected by Hurricane Katrina of
1135 2005, hold harmless school districts from assignment of district
1136 and school level accountability ratings for the 2005-2006 school
1137 year. The State Board of Education upon finding an extreme
1138 hardship in the school district may grant the request. It is the
1139 intent of the Legislature that all school districts maintain the
1140 highest possible academic standards and instructional programs in
1141 all schools as required by law and the State Board of Education.



1142 (5) (a) Effective with the 2013-2014 school year, the State
1143 Department of Education, acting through the Mississippi Commission
1144 on School Accreditation, shall revise and implement a single "A"
1145 through "F" school and school district accountability system
1146 complying with applicable federal and state requirements in order
1147 to reach the following educational goals:

1148 (i) To mobilize resources and supplies to ensure
1149 that all students exit third grade reading on grade level by 2015;

1150 (ii) To reduce the student dropout rate to
1151 thirteen percent (13%) by 2015; and

1152 (iii) To have sixty percent (60%) of students
1153 scoring proficient and advanced on the assessments of the Common
1154 Core State Standards by 2016 with incremental increases of three
1155 percent (3%) each year thereafter.

1156 (b) The State Department of Education shall combine the
1157 state school and school district accountability system with the
1158 federal system in order to have a single system.

1159 (c) The State Department of Education shall establish
1160 five (5) performance categories ("A," "B," "C," "D" and "F") for
1161 the accountability system based on the following criteria:

1162 (i) Student Achievement: the percent of students
1163 proficient and advanced on the current state assessments;

1164 (ii) Individual student growth: the percent of
1165 students making one (1) year's progress in one (1) year's time on
1166 the state assessment, with an emphasis on the progress of the



1167 lowest twenty-five percent (25%) of students in the school or
1168 district;

1169 (iii) Four-year graduation rate: the percent of
1170 students graduating with a standard high school diploma in four
1171 (4) years, as defined by federal regulations;

1172 (iv) Categories shall identify schools as Reward
1173 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
1174 at least five percent (5%) of schools in the state are not graded
1175 as "F" schools, the lowest five percent (5%) of school grade point
1176 designees will be identified as Priority schools. If at least ten
1177 percent (10%) of schools in the state are not graded as "D"
1178 schools, the lowest ten percent (10%) of school grade point
1179 designees will be identified as Focus schools;

1180 (v) The State Department of Education shall
1181 discontinue the use of Star School, High-Performing, Successful,
1182 Academic Watch, Low-Performing, At-Risk of Failing and Failing
1183 school accountability designations;

1184 (vi) The system shall include the federally
1185 compliant four-year graduation rate in school and school district
1186 accountability system calculations. Graduation rate will apply to
1187 high school and school district accountability ratings as a
1188 compensatory component. The system shall discontinue the use of
1189 the High School Completer Index (HSCI);

1190 (vii) The school and school district
1191 accountability system shall incorporate a standards-based growth



1192 model, in order to support improvement of individual student
1193 learning;

1194 (viii) The State Department of Education shall
1195 discontinue the use of the Quality Distribution Index (QDI);

1196 (ix) The State Department of Education shall
1197 determine feeder patterns of schools that do not earn a school
1198 grade because the grades and subjects taught at the school do not
1199 have statewide standardized assessments needed to calculate a
1200 school grade. Upon determination of the feeder pattern, the
1201 department shall notify schools and school districts prior to the
1202 release of the school grades beginning in 2013. Feeder schools
1203 will be assigned the accountability designation of the school to
1204 which they provide students;

1205 (x) Standards for student, school and school
1206 district performance will be increased when student proficiency is
1207 at a seventy-five percent (75%) and/or when sixty-five percent
1208 (65%) of the schools and/or school districts are earning a grade
1209 of "B" or higher, in order to raise the standard on performance
1210 after targets are met * * *; and

1211 (xi) The system shall include student performance
1212 on the administration of the ACT WorkKeys Assessment, which shall
1213 be weighted in the same percentage as the standard ACT Assessment
1214 as administered to students in Grade 11, for inclusion in the
1215 college and career readiness portion of the accountability rating
1216 system. To ensure equitable distribution of points under the



1217 accountability rating, in comparison to the ACT Assessment, a
1218 Silver Status on the ACT WorkKeys Assessment shall be equivalent
1219 to an ACT composite score of 22 to 25.

1220 (6) Nothing in this section shall be deemed to require a
1221 nonpublic school that receives no local, state or federal funds
1222 for support to become accredited by the State Board of Education.

1223 (7) The State Board of Education shall create an
1224 accreditation audit unit under the Commission on School
1225 Accreditation to determine whether schools are complying with
1226 accreditation standards.

1227 (8) The State Board of Education shall be specifically
1228 authorized and empowered to withhold adequate education program
1229 fund allocations, whichever is applicable, to any public school
1230 district for failure to timely report student, school personnel
1231 and fiscal data necessary to meet state and/or federal
1232 requirements.

1233 (9) [Deleted]

1234 (10) The State Board of Education shall establish, for those
1235 school districts failing to meet accreditation standards, a
1236 program of development to be complied with in order to receive
1237 state funds, except as otherwise provided in subsection (15) of
1238 this section when the Governor has declared a state of emergency
1239 in a school district or as otherwise provided in Section 206,
1240 Mississippi Constitution of 1890. The state board, in
1241 establishing these standards, shall provide for notice to schools



1242 and sufficient time and aid to enable schools to attempt to meet
1243 these standards, unless procedures under subsection (15) of this
1244 section have been invoked.

1245 (11) Beginning July 1, 1998, the State Board of Education
1246 shall be charged with the implementation of the program of
1247 development in each applicable school district as follows:

1248 (a) Develop an impairment report for each district
1249 failing to meet accreditation standards in conjunction with school
1250 district officials;

1251 (b) Notify any applicable school district failing to
1252 meet accreditation standards that it is on probation until
1253 corrective actions are taken or until the deficiencies have been
1254 removed. The local school district shall develop a corrective
1255 action plan to improve its deficiencies. For district academic
1256 deficiencies, the corrective action plan for each such school
1257 district shall be based upon a complete analysis of the following:
1258 student test data, student grades, student attendance reports,
1259 student dropout data, existence and other relevant data. The
1260 corrective action plan shall describe the specific measures to be
1261 taken by the particular school district and school to improve:
1262 (i) instruction; (ii) curriculum; (iii) professional development;
1263 (iv) personnel and classroom organization; (v) student incentives
1264 for performance; (vi) process deficiencies; and (vii) reporting to
1265 the local school board, parents and the community. The corrective
1266 action plan shall describe the specific individuals responsible



1267 for implementing each component of the recommendation and how each
1268 will be evaluated. All corrective action plans shall be provided
1269 to the State Board of Education as may be required. The decision
1270 of the State Board of Education establishing the probationary
1271 period of time shall be final;

1272 (c) Offer, during the probationary period, technical
1273 assistance to the school district in making corrective actions.
1274 Beginning July 1, 1998, subject to the availability of funds, the
1275 State Department of Education shall provide technical and/or
1276 financial assistance to all such school districts in order to
1277 implement each measure identified in that district's corrective
1278 action plan through professional development and on-site
1279 assistance. Each such school district shall apply for and utilize
1280 all available federal funding in order to support its corrective
1281 action plan in addition to state funds made available under this
1282 paragraph;

1283 (d) Assign department personnel or contract, in its
1284 discretion, with the institutions of higher learning or other
1285 appropriate private entities with experience in the academic,
1286 finance and other operational functions of schools to assist
1287 school districts;

1288 (e) Provide for publication of public notice at least
1289 one time during the probationary period, in a newspaper published
1290 within the jurisdiction of the school district failing to meet
1291 accreditation standards, or if no newspaper is published therein,



1292 then in a newspaper having a general circulation therein. The
1293 publication shall include the following: declaration of school
1294 system's status as being on probation; all details relating to the
1295 impairment report; and other information as the State Board of
1296 Education deems appropriate. Public notices issued under this
1297 section shall be subject to Section 13-3-31 and not contrary to
1298 other laws regarding newspaper publication.

1299 (12) (a) If the recommendations for corrective action are
1300 not taken by the local school district or if the deficiencies are
1301 not removed by the end of the probationary period, the Commission
1302 on School Accreditation shall conduct a hearing to allow the
1303 affected school district to present evidence or other reasons why
1304 its accreditation should not be withdrawn. Additionally, if the
1305 local school district violates accreditation standards that have
1306 been determined by the policies and procedures of the State Board
1307 of Education to be a basis for withdrawal of school district's
1308 accreditation without a probationary period, the Commission on
1309 School Accreditation shall conduct a hearing to allow the affected
1310 school district to present evidence or other reasons why its
1311 accreditation should not be withdrawn. After its consideration of
1312 the results of the hearing, the Commission on School Accreditation
1313 shall be authorized, with the approval of the State Board of
1314 Education, to withdraw the accreditation of a public school
1315 district, and issue a request to the Governor that a state of
1316 emergency be declared in that district.



1317 (b) If the State Board of Education and the Commission
1318 on School Accreditation determine that an extreme emergency
1319 situation exists in a school district that jeopardizes the safety,
1320 security or educational interests of the children enrolled in the
1321 schools in that district and that emergency situation is believed
1322 to be related to a serious violation or violations of
1323 accreditation standards or state or federal law, or when a school
1324 district meets the State Board of Education's definition of a
1325 failing school district for two (2) consecutive full school years,
1326 or if more than fifty percent (50%) of the schools within the
1327 school district are designated as Schools At-Risk in any one (1)
1328 year, the State Board of Education may request the Governor to
1329 declare a state of emergency in that school district. For
1330 purposes of this paragraph, the declarations of a state of
1331 emergency shall not be limited to those instances when a school
1332 district's impairments are related to a lack of financial
1333 resources, but also shall include serious failure to meet minimum
1334 academic standards, as evidenced by a continued pattern of poor
1335 student performance.

1336 (c) Whenever the Governor declares a state of emergency
1337 in a school district in response to a request made under paragraph
1338 (a) or (b) of this subsection, the State Board of Education may
1339 take one or more of the following actions:

1340 (i) Declare a state of emergency, under which some
1341 or all of state funds can be escrowed except as otherwise provided



1342 in Section 206, Constitution of 1890, until the board determines
1343 corrective actions are being taken or the deficiencies have been
1344 removed, or that the needs of students warrant the release of
1345 funds. The funds may be released from escrow for any program
1346 which the board determines to have been restored to standard even
1347 though the state of emergency may not as yet be terminated for the
1348 district as a whole;

1349 (ii) Override any decision of the local school
1350 board or superintendent of education, or both, concerning the
1351 management and operation of the school district, or initiate and
1352 make decisions concerning the management and operation of the
1353 school district;

1354 (iii) Assign an interim superintendent, or in its
1355 discretion, contract with a private entity with experience in the
1356 academic, finance and other operational functions of schools and
1357 school districts, who will have those powers and duties prescribed
1358 in subsection (15) of this section;

1359 (iv) Grant transfers to students who attend this
1360 school district so that they may attend other accredited schools
1361 or districts in a manner that is not in violation of state or
1362 federal law;

1363 (v) For states of emergency declared under
1364 paragraph (a) only, if the accreditation deficiencies are related
1365 to the fact that the school district is too small, with too few
1366 resources, to meet the required standards and if another school



1367 district is willing to accept those students, abolish that
1368 district and assign that territory to another school district or
1369 districts. If the school district has proposed a voluntary
1370 consolidation with another school district or districts, then if
1371 the State Board of Education finds that it is in the best interest
1372 of the pupils of the district for the consolidation to proceed,
1373 the voluntary consolidation shall have priority over any such
1374 assignment of territory by the State Board of Education;

1375 (vi) For states of emergency declared under
1376 paragraph (b) only, reduce local supplements paid to school
1377 district employees, including, but not limited to, instructional
1378 personnel, assistant teachers and extracurricular activities
1379 personnel, if the district's impairment is related to a lack of
1380 financial resources, but only to an extent that will result in the
1381 salaries being comparable to districts similarly situated, as
1382 determined by the State Board of Education;

1383 (vii) For states of emergency declared under
1384 paragraph (b) only, the State Board of Education may take any
1385 action as prescribed in Section 37-17-13.

1386 (d) At the time that satisfactory corrective action has
1387 been taken in a school district in which a state of emergency has
1388 been declared, the State Board of Education may request the
1389 Governor to declare that the state of emergency no longer exists
1390 in the district.



1391 (e) The parent or legal guardian of a school-age child
1392 who is enrolled in a school district whose accreditation has been
1393 withdrawn by the Commission on School Accreditation and without
1394 approval of that school district may file a petition in writing to
1395 a school district accredited by the Commission on School
1396 Accreditation for a legal transfer. The school district
1397 accredited by the Commission on School Accreditation may grant the
1398 transfer according to the procedures of Section 37-15-31(1)(b).
1399 In the event the accreditation of the student's home district is
1400 restored after a transfer has been approved, the student may
1401 continue to attend the transferee school district. The per-pupil
1402 amount of the adequate education program allotment, including the
1403 collective "add-on program" costs for the student's home school
1404 district shall be transferred monthly to the school district
1405 accredited by the Commission on School Accreditation that has
1406 granted the transfer of the school-age child.

1407 (f) Upon the declaration of a state of emergency for
1408 any school district in which the Governor has previously declared
1409 a state of emergency, the State Board of Education may either:

1410 (i) Place the school district into district
1411 transformation, in which the school district shall remain until it
1412 has fulfilled all conditions related to district transformation.
1413 If the district was assigned an accreditation rating of "D" or "F"
1414 when placed into district transformation, the district shall be
1415 eligible to return to local control when the school district has



1416 attained a "C" rating or higher for five (5) consecutive years,
1417 unless the State Board of Education determines that the district
1418 is eligible to return to local control in less than the five-year
1419 period;

1420 (ii) Abolish the school district and
1421 administratively consolidate the school district with one or more
1422 existing school districts;

1423 (iii) Reduce the size of the district and
1424 administratively consolidate parts of the district, as determined
1425 by the State Board of Education. However, no school district
1426 which is not in district transformation shall be required to
1427 accept additional territory over the objection of the district; or

1428 (iv) Require the school district to develop and
1429 implement a district improvement plan with prescriptive guidance
1430 and support from the State Department of Education, with the goal
1431 of helping the district improve student achievement. Failure of
1432 the school board, superintendent and school district staff to
1433 implement the plan with fidelity and participate in the activities
1434 provided as support by the department shall result in the school
1435 district retaining its eligibility for district transformation.

1436 (g) There is established a Mississippi Recovery School
1437 District within the State Department of Education under the
1438 supervision of a deputy superintendent appointed by the State
1439 Superintendent of Public Education, who is subject to the approval
1440 by the State Board of Education. The Mississippi Recovery School



1441 District shall provide leadership and oversight of all school
1442 districts that are subject to district transformation status, as
1443 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1444 and shall have all the authority granted under these two (2)
1445 chapters. The Mississippi Department of Education, with the
1446 approval of the State Board of Education, shall develop policies
1447 for the operation and management of the Mississippi Recovery
1448 School District. The deputy state superintendent is responsible
1449 for the Mississippi Recovery School District and shall be
1450 authorized to oversee the administration of the Mississippi
1451 Recovery School District, oversee the interim superintendent
1452 assigned by the State Board of Education to a local school
1453 district, hear appeals that would normally be filed by students,
1454 parents or employees and heard by a local school board, which
1455 hearings on appeal shall be conducted in a prompt and timely
1456 manner in the school district from which the appeal originated in
1457 order to ensure the ability of appellants, other parties and
1458 witnesses to appeal without undue burden of travel costs or loss
1459 of time from work, and perform other related duties as assigned by
1460 the State Superintendent of Public Education. The deputy state
1461 superintendent is responsible for the Mississippi Recovery School
1462 District and shall determine, based on rigorous professional
1463 qualifications set by the State Board of Education, the
1464 appropriate individuals to be engaged to be interim
1465 superintendents and financial advisors, if applicable, of all



1466 school districts subject to district transformation status. After
1467 State Board of Education approval, these individuals shall be
1468 deemed independent contractors.

1469 (13) Upon the declaration of a state of emergency in a
1470 school district under subsection (12) of this section, the
1471 Commission on School Accreditation shall be responsible for public
1472 notice at least once a week for at least three (3) consecutive
1473 weeks in a newspaper published within the jurisdiction of the
1474 school district failing to meet accreditation standards, or if no
1475 newspaper is published therein, then in a newspaper having a
1476 general circulation therein. The size of the notice shall be no
1477 smaller than one-fourth (1/4) of a standard newspaper page and
1478 shall be printed in bold print. If an interim superintendent has
1479 been appointed for the school district, the notice shall begin as
1480 follows: "By authority of Section 37-17-6, Mississippi Code of
1481 1972, as amended, adopted by the Mississippi Legislature during
1482 the 1991 Regular Session, this school district (name of school
1483 district) is hereby placed under the jurisdiction of the State
1484 Department of Education acting through its appointed interim
1485 superintendent (name of interim superintendent)."

1486 The notice also shall include, in the discretion of the State
1487 Board of Education, any or all details relating to the school
1488 district's emergency status, including the declaration of a state
1489 of emergency in the school district and a description of the
1490 district's impairment deficiencies, conditions of any district



1491 transformation status and corrective actions recommended and being
1492 taken. Public notices issued under this section shall be subject
1493 to Section 13-3-31 and not contrary to other laws regarding
1494 newspaper publication.

1495 Upon termination of the state of emergency in a school
1496 district, the Commission on School Accreditation shall cause
1497 notice to be published in the school district in the same manner
1498 provided in this section, to include any or all details relating
1499 to the corrective action taken in the school district that
1500 resulted in the termination of the state of emergency.

1501 (14) The State Board of Education or the Commission on
1502 School Accreditation shall have the authority to require school
1503 districts to produce the necessary reports, correspondence,
1504 financial statements, and any other documents and information
1505 necessary to fulfill the requirements of this section.

1506 Nothing in this section shall be construed to grant any
1507 individual, corporation, board or interim superintendent the
1508 authority to levy taxes except in accordance with presently
1509 existing statutory provisions.

1510 (15) (a) Whenever the Governor declares a state of
1511 emergency in a school district in response to a request made under
1512 subsection (12) of this section, the State Board of Education, in
1513 its discretion, may assign an interim superintendent to the school
1514 district, or in its discretion, may contract with an appropriate
1515 private entity with experience in the academic, finance and other



1516 operational functions of schools and school districts, who will be
1517 responsible for the administration, management and operation of
1518 the school district, including, but not limited to, the following
1519 activities:

1520 (i) Approving or disapproving all financial
1521 obligations of the district, including, but not limited to, the
1522 employment, termination, nonrenewal and reassignment of all
1523 licensed and nonlicensed personnel, contractual agreements and
1524 purchase orders, and approving or disapproving all claim dockets
1525 and the issuance of checks; in approving or disapproving
1526 employment contracts of superintendents, assistant superintendents
1527 or principals, the interim superintendent shall not be required to
1528 comply with the time limitations prescribed in Sections 37-9-15
1529 and 37-9-105;

1530 (ii) Supervising the day-to-day activities of the
1531 district's staff, including reassigning the duties and
1532 responsibilities of personnel in a manner which, in the
1533 determination of the interim superintendent, will best suit the
1534 needs of the district;

1535 (iii) Reviewing the district's total financial
1536 obligations and operations and making recommendations to the
1537 district for cost savings, including, but not limited to,
1538 reassigning the duties and responsibilities of staff;

1539 (iv) Attending all meetings of the district's
1540 school board and administrative staff;



1541 (v) Approving or disapproving all athletic, band
1542 and other extracurricular activities and any matters related to
1543 those activities;

1544 (vi) Maintaining a detailed account of
1545 recommendations made to the district and actions taken in response
1546 to those recommendations;

1547 (vii) Reporting periodically to the State Board of
1548 Education on the progress or lack of progress being made in the
1549 district to improve the district's impairments during the state of
1550 emergency; and

1551 (viii) Appointing a parent advisory committee,
1552 comprised of parents of students in the school district that may
1553 make recommendations to the interim superintendent concerning the
1554 administration, management and operation of the school district.

1555 The cost of the salary of the interim superintendent and any
1556 other actual and necessary costs related to district
1557 transformation status paid by the State Department of Education
1558 shall be reimbursed by the local school district from funds other
1559 than adequate education program funds. The department shall
1560 submit an itemized statement to the superintendent of the local
1561 school district for reimbursement purposes, and any unpaid balance
1562 may be withheld from the district's adequate education program
1563 funds.

1564 At the time that the Governor, in accordance with the request
1565 of the State Board of Education, declares that the state of



1566 emergency no longer exists in a school district, the powers and
1567 responsibilities of the interim superintendent assigned to the
1568 district shall cease.

1569 (b) In order to provide loans to school districts under
1570 a state of emergency or in district transformation status that
1571 have impairments related to a lack of financial resources, the
1572 School District Emergency Assistance Fund is created as a special
1573 fund in the State Treasury into which monies may be transferred or
1574 appropriated by the Legislature from any available public
1575 education funds. Funds in the School District Emergency
1576 Assistance Fund up to a maximum balance of Three Million Dollars
1577 (\$3,000,000.00) annually shall not lapse but shall be available
1578 for expenditure in subsequent years subject to approval of the
1579 State Board of Education. Any amount in the fund in excess of
1580 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1581 year shall lapse into the State General Fund or the Education
1582 Enhancement Fund, depending on the source of the fund.

1583 The State Board of Education may loan monies from the School
1584 District Emergency Assistance Fund to a school district that is
1585 under a state of emergency or in district transformation status,
1586 in those amounts, as determined by the board, that are necessary
1587 to correct the district's impairments related to a lack of
1588 financial resources. The loans shall be evidenced by an agreement
1589 between the school district and the State Board of Education and
1590 shall be repayable in principal, without necessity of interest, to



1591 the School District Emergency Assistance Fund by the school
1592 district from any allowable funds that are available. The total
1593 amount loaned to the district shall be due and payable within five
1594 (5) years after the impairments related to a lack of financial
1595 resources are corrected. If a school district fails to make
1596 payments on the loan in accordance with the terms of the agreement
1597 between the district and the State Board of Education, the State
1598 Department of Education, in accordance with rules and regulations
1599 established by the State Board of Education, may withhold that
1600 district's adequate education program funds in an amount and
1601 manner that will effectuate repayment consistent with the terms of
1602 the agreement; the funds withheld by the department shall be
1603 deposited into the School District Emergency Assistance Fund.

1604 The State Board of Education shall develop a protocol that
1605 will outline the performance standards and requisite timeline
1606 deemed necessary for extreme emergency measures. If the State
1607 Board of Education determines that an extreme emergency exists,
1608 simultaneous with the powers exercised in this subsection, it
1609 shall take immediate action against all parties responsible for
1610 the affected school districts having been determined to be in an
1611 extreme emergency. The action shall include, but not be limited
1612 to, initiating civil actions to recover funds and criminal actions
1613 to account for criminal activity. Any funds recovered by the
1614 State Auditor or the State Board of Education from the surety
1615 bonds of school officials or from any civil action brought under



1616 this subsection shall be applied toward the repayment of any loan
1617 made to a school district hereunder.

1618 (16) If a majority of the membership of the school board of
1619 any school district resigns from office, the State Board of
1620 Education shall be authorized to assign an interim superintendent,
1621 who shall be responsible for the administration, management and
1622 operation of the school district until the time as new board
1623 members are selected or the Governor declares a state of emergency
1624 in that school district under subsection (12), whichever occurs
1625 first. In that case, the State Board of Education, acting through
1626 the interim superintendent, shall have all powers which were held
1627 by the previously existing school board, and may take any action
1628 as prescribed in Section 37-17-13 and/or one or more of the
1629 actions authorized in this section.

1630 (17) (a) If the Governor declares a state of emergency in a
1631 school district, the State Board of Education may take all such
1632 action pertaining to that school district as is authorized under
1633 subsection (12) or (15) of this section, including the appointment
1634 of an interim superintendent. The State Board of Education shall
1635 also have the authority to issue a written request with
1636 documentation to the Governor asking that the office of the
1637 superintendent of the school district be subject to recall. If
1638 the Governor declares that the office of the superintendent of the
1639 school district is subject to recall, the local school board or



1640 the county election commission, as the case may be, shall take the
1641 following action:

1642 (i) If the office of superintendent is an elected
1643 office, in those years in which there is no general election, the
1644 name shall be submitted by the State Board of Education to the
1645 county election commission, and the county election commission
1646 shall submit the question at a special election to the voters
1647 eligible to vote for the office of superintendent within the
1648 county, and the special election shall be held within sixty (60)
1649 days from notification by the State Board of Education. The
1650 ballot shall read substantially as follows:

1651 "Shall County Superintendent of Education _____ (here the
1652 name of the superintendent shall be inserted) of the _____
1653 (here the title of the school district shall be inserted) be
1654 retained in office? Yes _____ No _____"

1655 If a majority of those voting on the question votes against
1656 retaining the superintendent in office, a vacancy shall exist
1657 which shall be filled in the manner provided by law; otherwise,
1658 the superintendent shall remain in office for the term of that
1659 office, and at the expiration of the term shall be eligible for
1660 qualification and election to another term or terms.

1661 (ii) If the office of superintendent is an
1662 appointive office, the name of the superintendent shall be
1663 submitted by the president of the local school board at the next
1664 regular meeting of the school board for retention in office or



1665 dismissal from office. If a majority of the school board voting
1666 on the question vote against retaining the superintendent in
1667 office, a vacancy shall exist which shall be filled as provided by
1668 law, otherwise the superintendent shall remain in office for the
1669 duration of his employment contract.

1670 (b) The State Board of Education may issue a written
1671 request with documentation to the Governor asking that the
1672 membership of the school board of the school district shall be
1673 subject to recall. Whenever the Governor declares that the
1674 membership of the school board is subject to recall, the county
1675 election commission or the local governing authorities, as the
1676 case may be, shall take the following action:

1677 (i) If the members of the local school board are
1678 elected to office, in those years in which the specific member's
1679 office is not up for election, the name of the school board member
1680 shall be submitted by the State Board of Education to the county
1681 election commission, and the county election commission at a
1682 special election shall submit the question to the voters eligible
1683 to vote for the particular member's office within the county or
1684 school district, as the case may be, and the special election
1685 shall be held within sixty (60) days from notification by the
1686 State Board of Education. The ballot shall read substantially as
1687 follows:

1688 "Members of the _____ (here the title of the school
1689 district shall be inserted) School Board who are not up for



1690 election this year are subject to recall because of the school
1691 district's failure to meet critical accountability standards as
1692 defined in the letter of notification to the Governor from the
1693 State Board of Education. Shall the member of the school board
1694 representing this area, _____ (here the name of the school
1695 board member holding the office shall be inserted), be retained in
1696 office? Yes _____ No _____"

1697 If a majority of those voting on the question vote against
1698 retaining the member of the school board in office, a vacancy in
1699 that board member's office shall exist, which shall be filled in
1700 the manner provided by law; otherwise, the school board member
1701 shall remain in office for the term of that office, and at the
1702 expiration of the term of office, the member shall be eligible for
1703 qualification and election to another term or terms of office.
1704 However, if a majority of the school board members are recalled in
1705 the special election, the Governor shall authorize the board of
1706 supervisors of the county in which the school district is situated
1707 to appoint members to fill the offices of the members recalled.
1708 The board of supervisors shall make those appointments in the
1709 manner provided by law for filling vacancies on the school board,
1710 and the appointed members shall serve until the office is filled
1711 at the next regular special election or general election.

1712 (ii) If the local school board is an appointed
1713 school board, the name of all school board members shall be
1714 submitted as a collective board by the president of the municipal



1715 or county governing authority, as the case may be, at the next
1716 regular meeting of the governing authority for retention in office
1717 or dismissal from office. If a majority of the governing
1718 authority voting on the question vote against retaining the board
1719 in office, a vacancy shall exist in each school board member's
1720 office, which shall be filled as provided by law; otherwise, the
1721 members of the appointed school board shall remain in office for
1722 the duration of their term of appointment, and those members may
1723 be reappointed.

1724 (iii) If the local school board is comprised of
1725 both elected and appointed members, the elected members shall be
1726 subject to recall in the manner provided in subparagraph (i) of
1727 this paragraph (b), and the appointed members shall be subject to
1728 recall in the manner provided in subparagraph (ii).

1729 (18) Beginning with the school district audits conducted for
1730 the 1997-1998 fiscal year, the State Board of Education, acting
1731 through the Commission on School Accreditation, shall require each
1732 school district to comply with standards established by the State
1733 Department of Audit for the verification of fixed assets and the
1734 auditing of fixed assets records as a minimum requirement for
1735 accreditation.

1736 (19) Before December 1, 1999, the State Board of Education
1737 shall recommend a program to the Education Committees of the House
1738 of Representatives and the Senate for identifying and rewarding
1739 public schools that improve or are high performing. The program



1740 shall be described by the board in a written report, which shall
1741 include criteria and a process through which improving schools and
1742 high-performing schools will be identified and rewarded.

1743 The State Superintendent of Public Education and the State
1744 Board of Education also shall develop a comprehensive
1745 accountability plan to ensure that local school boards,
1746 superintendents, principals and teachers are held accountable for
1747 student achievement. A written report on the accountability plan
1748 shall be submitted to the Education Committees of both houses of
1749 the Legislature before December 1, 1999, with any necessary
1750 legislative recommendations.

1751 (20) Before January 1, 2008, the State Board of Education
1752 shall evaluate and submit a recommendation to the Education
1753 Committees of the House of Representatives and the Senate on
1754 inclusion of graduation rate and dropout rate in the school level
1755 accountability system.

1756 (21) If a local school district is determined as failing and
1757 placed into district transformation status for reasons authorized
1758 by the provisions of this section, the interim superintendent
1759 appointed to the district shall, within forty-five (45) days after
1760 being appointed, present a detailed and structured corrective
1761 action plan to move the local school district out of district
1762 transformation status to the deputy superintendent. A copy of the
1763 interim superintendent's corrective action plan shall also be
1764 filed with the State Board of Education.



1765 **SECTION 7.** This act shall take effect and be in force from
1766 and after July 1, 2021.

