

By: Representative Moore

To: Education;  
Appropriations

HOUSE BILL NO. 502

1 AN ACT TO ESTABLISH THE MISSISSIPPI ACHIEVEMENT SCHOOL  
2 DISTRICT WITHIN THE STATE DEPARTMENT OF EDUCATION TO PROVIDE  
3 LEADERSHIP AND OVERSIGHT OF CERTAIN SCHOOLS THAT HAVE BEEN  
4 CONSIDERED FAILING AND DESIGNATED A "F" ON THE ACCOUNTABILITY  
5 RATING SYSTEM FOR THREE CONSECUTIVE SCHOOL YEARS; TO PROVIDE THE  
6 CRITERIA THAT QUALIFIES A SCHOOL AS FAILING FOR PURPOSES OF  
7 PLACEMENT IN THE ACHIEVEMENT SCHOOL DISTRICT; TO DEFINE CERTAIN  
8 TERMS USED HEREIN; TO AUTHORIZE THE STATE SUPERINTENDENT OF PUBLIC  
9 EDUCATION TO DIRECTLY OPERATE OR CONTRACT WITH CERTAIN INDIVIDUALS  
10 OR ENTITIES TO MANAGE THE DAY-TO-DAY OPERATIONS OF SCHOOLS OR  
11 LOCAL EDUCATION AGENCIES (LEAS) PLACED IN THE ACHIEVEMENT SCHOOL  
12 DISTRICT; TO PROVIDE FOR THE FUNDING OF THE ACHIEVEMENT SCHOOL  
13 DISTRICT IN AN AMOUNT EQUAL TO THE PER PUPIL ALLOCATION OF STATE  
14 AND LOCAL FUNDS RECEIVED BY THE STATE DEPARTMENT OF EDUCATION OR  
15 LEA FOR THE STUDENTS ENROLLED IN THE ACHIEVEMENT SCHOOL DISTRICT  
16 SCHOOL; TO PROVIDE THAT SCHOOLS IN THE ACHIEVEMENT SCHOOL DISTRICT  
17 SHALL RECEIVE ALL APPROPRIATE ALLOCATIONS OF FEDERAL FUNDS UNDER  
18 FEDERAL LAW OR REGULATION, INCLUDING, TITLE I AND ESEA FUNDS; TO  
19 PROVIDE FOR THE DEPOSIT OF ANY UNEXPENDED STATE AND LOCAL FUNDS  
20 ALLOCATED TO THE ACHIEVEMENT SCHOOL DISTRICT INTO A STATE RESERVE  
21 FUND TO BE DISTRIBUTED TO THE APPROPRIATE SCHOOL OR LEA UPON  
22 APPROVAL OF THE STATE BOARD OF EDUCATION AND UPON REMOVAL FROM THE  
23 ACHIEVEMENT SCHOOL DISTRICT; TO ALLOW THE ACHIEVEMENT SCHOOL  
24 DISTRICT TO REQUIRE A LEA TO PROVIDE SCHOOL SUPPORT OR STUDENT  
25 SUPPORT SERVICES FOR A SCHOOL TRANSFERRED FROM THE LEA'S  
26 JURISDICTION; TO PROVIDE THE ACHIEVEMENT SCHOOL DISTRICT THE RIGHT  
27 TO USE ANY SCHOOL BUILDING AND ALL FACILITIES AND OTHER PROPERTY  
28 RECOGNIZED AS PART OF THE FACILITIES OR ASSETS OF THE SCHOOL  
29 BEFORE ITS PLACEMENT IN THE ACHIEVEMENT SCHOOL DISTRICT; TO  
30 PROVIDE THAT THE USE OF SUCH BUILDINGS AND FACILITIES SHALL BE  
31 WITHOUT COST EXCEPT FOR THE MAINTENANCE REQUIRED FOR UPKEEP OF  
32 SUCH FACILITIES; TO PROVIDE THE PROCEDURES TO BE USED IN  
33 DETERMINING THE EMPLOYMENT OR TERMINATION OF TEACHERS IN THE  
34 ACHIEVEMENT SCHOOL DISTRICT; TO PROVIDE AUTHORITY TO THE



35 ACHIEVEMENT SCHOOL TO AUTHORIZE THE PREPARATION AND USE OF  
36 PUBLICATIONS AND OTHER MEDIA FOR THE MARKETING AND PUBLIC  
37 EDUCATION NEEDS OF THE ACHIEVEMENT SCHOOL DISTRICT; TO PERMIT THE  
38 ACHIEVEMENT SCHOOL DISTRICT OR OPERATING ENTITY TO APPLY TO THE  
39 STATE BOARD OF EDUCATION FOR A WAIVER BOARD RULES THAT INHIBIT THE  
40 SCHOOL'S ABILITY TO INCREASE STUDENT ACHIEVEMENT; TO PROVIDE FOR  
41 THE DURATION OF TIME THAT A SCHOOL OR LEA IS REQUIRED TO BE UNDER  
42 THE ADMINISTRATION OF THE ACHIEVEMENT SCHOOL DISTRICT; TO PROVIDE  
43 THE PROCEDURE FOR A SCHOOL'S REMOVAL FROM THE ACHIEVEMENT SCHOOL  
44 DISTRICT; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO  
45 ESTABLISH A FOUR-YEAR PILOT PROGRAM OF ASSESSMENT OF KINDERGARTEN  
46 STUDENTS WITHIN THE SCHOOL DISTRICT WITH THE MOST SCHOOLS OPERATED  
47 BY THE ACHIEVEMENT SCHOOL DISTRICT BEGINNING IN THE 2016-2017  
48 SCHOOL YEAR; TO REQUIRE THE STATE BOARD OF EDUCATION TO CREATE THE  
49 "TEACHER EVALUATION ADVISORY COMMITTEE" DEVELOP AND RECOMMEND  
50 GUIDELINES AND CRITERIA FOR THE ANNUAL EVALUATION OF ALL TEACHERS  
51 AND PRINCIPALS; TO EXEMPT TEACHERS WHO ARE NOT EMPLOYED ON A  
52 FULL-TIME BASIS FROM THE REQUIRED TEACHER AND PRINCIPAL  
53 EVALUATION; TO PROVIDE TEACHERS DISMISSED FOR CAUSE UNDER SECTION  
54 37-9-59 WITH THE OPPORTUNITY TO REQUEST AN ADMINISTRATIVE HEARING  
55 WITH THE LOCAL SCHOOL BOARD AND PROVIDE FOR APPELLATE PROCEDURES  
56 RELATING THERETO; TO AMEND SECTIONS 37-1-3 AND 37-17-6,  
57 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
58 PROVISIONS; AND FOR RELATED PURPOSES.

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

60 **SECTION 1.** (1) There is established the Mississippi  
61 Achievement School District within the State Department of  
62 Education, which shall be under the supervision of a deputy  
63 superintendent appointed by the State Superintendent of Public  
64 Education, who is subject to approval by the State Board of  
65 Education. The Mississippi Achievement School District shall  
66 provide leadership and oversight of those public schools in the  
67 State of Mississippi which, during each of three (3) consecutive  
68 school years, are considered failing and designated a "F" on the  
69 accountability rating system, as determined by the Mississippi  
70 Commission on School Accreditation within the State Department of  
71 Education.



72 (2) Schools identified as failing schools under this section  
73 shall represent the bottom five percent (5%) of schools in overall  
74 performance standards as determined by achievement scores and  
75 student growth on combined math and reading/language arts  
76 achievement and other criteria established by the commission, or a  
77 secondary school with a graduation rate of less than sixty percent  
78 (60%).

79 **SECTION 2.** As used in this act, the following terms shall  
80 have the meanings ascribed under this section, unless the text  
81 clearly indicates otherwise:

82 (a) "Achievement school district" means the Mississippi  
83 Achievement School District organized as a unit of the State  
84 Department of Education, established and administered by the State  
85 Board of Education for the purpose of providing oversight for the  
86 operation of schools or local education agencies (LEAs) assigned  
87 to or authorized by the achievement school district.

88 (b) "Local education agency" means a public authority  
89 legally constituted by the state as an administrative agency to  
90 provide control of and direction for Kindergarten through Grade 12  
91 public educational institutions.

92 **SECTION 3.** (1) The State Superintendent of Public Education  
93 shall have the authority to directly operate or contract with one  
94 (1) or more individuals, governmental entities or nonprofit  
95 entities to manage the day-to-day operations of any or all schools  
96 or local education agencies (LEAs) placed in the achievement



97 school district, including, but not limited to, providing direct  
98 services to students.

99 (2) The State Superintendent of Public Education shall have  
100 the authority to assign any school or grade configuration within a  
101 school to the achievement school district at any time such school  
102 is determined to be in failing status under Section 1 of this act,  
103 as identified by a "F" designation on the accountability rating  
104 system.

105 (3) (a) The achievement school district may receive,  
106 control and expend local and state funding for schools placed  
107 under its jurisdiction, and shall have the authority to seek,  
108 receive, expend, manage and retain federal funding and grant  
109 funding and to otherwise seek, obtain, expend, manage and retain  
110 funding with the same authority as an LEA. The achievement school  
111 district shall receive from the department or LEA, as appropriate,  
112 an amount equal to the per pupil allocation of state and local  
113 funds received by the department or LEA for the students enrolled  
114 in the achievement school district school. Achievement school  
115 district schools shall also receive all appropriate allocations of  
116 federal funds as other LEAs under federal law or regulation,  
117 including, but not limited to, Title I and Elementary and  
118 Secondary Education Act (ESEA) funds. All funding allocations and  
119 disbursements shall be in accordance with procedures developed by  
120 the department.



121           (b) The achievement school district shall have the  
122 authority to receive donations of money, property or securities  
123 from any source for the benefit of the achievement school district  
124 and schools within the achievement school district. All such  
125 funds shall, in good faith, be disbursed in accordance with the  
126 conditions of the gifts.

127           (c) To the extent that any state and local funds  
128 allocated to the achievement school district are not used to  
129 support a school or LEA in the achievement school district, those  
130 shall be allocated to a state reserve fund to be distributed to  
131 the appropriate LEA upon approval of the State Board of Education  
132 and upon the removal of the school from the achievement school  
133 district.

134           (4) The achievement school district may require any LEA to  
135 provide school support or student support services for a school  
136 transferred from the LEA's jurisdiction including, but not limited  
137 to, student transportation, school food service, alternative  
138 schools or student assessment for special education eligibility  
139 that are compliant with all laws and regulations governing such  
140 services. In such cases, the achievement school district shall  
141 reimburse the actual cost to the LEA providing such services.

142           (5) The achievement school district shall have the right to  
143 use any school building and all facilities and property otherwise  
144 part of the school and recognized as part of the facilities or  
145 assets of the school before its placement in the achievement



146 school district and shall have access to such additional  
147 facilities as were typically available to the school, its  
148 students, faculty and staff before its placement in the  
149 achievement school district. Such use shall be unrestricted and  
150 free of charge, except that the achievement school district shall  
151 be responsible for and obligated to provide for routine  
152 maintenance and repair such that the facilities and property are  
153 maintained in as good order as when the right of use was acquired  
154 by the achievement school district. The achievement school  
155 district shall also be responsible for paying all utilities in use  
156 at achievement school district-utilized facilities. Extensive  
157 repairs to buildings or facilities considered capital expenses  
158 shall be the responsibility of the LEA and not the achievement  
159 school district. Any fixtures, improvements or tangible assets  
160 added to a school building or facility by the achievement school  
161 district shall remain at the school building or facility upon its  
162 return to the LEA.

163 (6) (a) If it is determined that the achievement school  
164 district shall directly operate a school within the achievement  
165 school district, the employees hired to work in schools directly  
166 operated by the achievement school district may be deemed  
167 employees of the achievement school district and such employees  
168 shall be under the exclusive control of the achievement school  
169 district. The achievement school district shall develop written  
170 procedures, subject to the approval of the State Board of



171 Education, for employment and management of personnel as well as  
172 the development of compensation and benefit plans. Within the  
173 limits of the budget, staffing needs of any school within the  
174 achievement school district shall be exclusively determined by the  
175 achievement school district with approval of the State  
176 Superintendent of Public Education.

177 (b) The achievement school district or the entity under  
178 contract with to operate schools within the achievement school  
179 district shall have the authority to determine whether any teacher  
180 who was assigned to such school before the school's transfer into  
181 the achievement school district shall have the option of  
182 continuing to teach at that school as an employee of either the  
183 achievement school district or the operating entity. Any tenured  
184 teacher not given that option shall remain an employee of the LEA,  
185 subject to the provisions of Section 37-9-59. The LEA, if it so  
186 chooses may continue the employment of a nontenured teacher not  
187 given that option. Moreover, any teacher who accepts that option  
188 may, at the discretion of the LEA, return as an employee of the  
189 LEA should the achievement school district or operating entity  
190 later determine not to continue to employ such teacher.

191 (7) Notwithstanding any law to the contrary, the achievement  
192 school district shall, at a minimum, have the same authority and  
193 autonomy afforded to LEAs under state law regarding the  
194 procurement of property, goods and services, including, but not  
195 limited to, personal, professional, consulting and social



196 services. The achievement school district shall develop written  
197 procedures for the procurement of all goods and services in  
198 compliance with the expenditure thresholds for competitive bidding  
199 outlined or permitted in Chapter 7, Title 31, Mississippi Code of  
200 1972. Such procedures shall be submitted to and approved by the  
201 State Superintendent of Public Education.

202 (8) Notwithstanding any provision of law to the contrary,  
203 the achievement school district shall have the authority to  
204 authorize the preparation and use of publications and other media  
205 for the marketing and public education needs of the achievement  
206 school district in order to effectively carry out its mission.

207 (9) The achievement school district or any entity the  
208 achievement school district contracts with to operate or manage  
209 schools that have been placed in the achievement school district  
210 may apply to the commissioner for a waiver of any state board rule  
211 that inhibits or hinders the ability of the school to increase  
212 student achievement. Notwithstanding this subsection, the State  
213 Board of Education shall not waive rules related to the following:

- 214 (a) Federal and state civil rights;
- 215 (b) Federal, state and local health and safety;
- 216 (c) Federal and state public records;
- 217 (d) Immunizations;
- 218 (e) Possession of weapons on school grounds;
- 219 (f) Background checks and fingerprinting of personnel;
- 220 (g) Federal and state special education services;





221 (h) Student due process;  
222 (i) Parental rights;  
223 (j) Federal and state student assessment and  
224 accountability;  
225 (k) Open meetings; and  
226 (l) At least the same equivalent time of instruction as  
227 required in regular public schools.

228 (10) (a) A school that has been removed from the LEA and  
229 placed in the achievement school district shall remain in the  
230 achievement school district for a minimum of five (5) years.  
231 After the school improves student performance for two (2)  
232 consecutive years such that the school would no longer be  
233 identified as a failing school under Section 1 of this act, as  
234 identified by a "F" designation on the accountability rating  
235 system, the State Board of Education shall develop a transition  
236 plan for the purpose of planning the school's return to the LEA.  
237 Implementation of this plan shall begin after the school achieves  
238 the required improvements for three (3) consecutive years. The  
239 plan shall be fully implemented and the transition shall be  
240 completed after the school achieves the required improvements for  
241 five (5) consecutive years, and the parents of sixty percent (60%)  
242 of the children enrolled at the school demonstrate support for  
243 remaining in the achievement school district by signing a  
244 petition. Such school shall return to the LEA provided, that the  
245 school is not a failing school under Section 1 of this act, as



246 identified by a "F" designation on the accountability rating  
247 system.

248 (b) Notwithstanding paragraph (a) of this subsection or  
249 any other provision to the contrary, if a school enters the  
250 achievement school district and is operated as a charter school  
251 through authorization by the Mississippi Charter School Authorizer  
252 Board under the provisions of Section 37-28-1 et seq., the  
253 Mississippi Charter School Authorizer Board shall remain the  
254 chartering authority through the duration of the charter agreement  
255 and the school shall remain under the authority of the achievement  
256 school district. Upon expiration of the charter agreement, and  
257 provided the conditions set forth in paragraph (a) of this  
258 subsection are met, the school shall return to the LEA and the  
259 terms of the charter agreement may be renewed upon submission of a  
260 renewal application by the achievement school district as the  
261 governing body of the charter school to the LEA.

262 (c) Notwithstanding paragraph (a) of this subsection or  
263 any other provision to the contrary, the deputy superintendent  
264 responsible for the Mississippi Achievement School District shall  
265 have the authority to remove any school from the jurisdiction of  
266 the achievement school district at any time.

267 (11) Any individuals, governmental entities or nonprofit  
268 entities contracting with the State Superintendent of Public  
269 Education to operate any school under this section shall provide  
270 timely information to the LEA and director of schools regarding



271 the operation of such schools, including, but not limited to,  
272 matters relating to employment of personnel at the school as  
273 provided for in this section. The LEA may continue to support the  
274 educational improvement of the school under the direction and  
275 guidance of the commissioner and in accordance with any contracts  
276 entered into in accordance with this section. In addition, any  
277 individuals, governmental entities or nonprofit entities  
278 contracting with the commissioner may voluntarily work with the  
279 LEA in providing to the schools professional development or  
280 technical assistance, instructional and administrative support and  
281 facilitating any other support that may be beneficial to academic  
282 progress of the school.

283 (12) Any contracts to operate schools that have been placed  
284 in the achievement school district shall require expenditure  
285 reports for funds received and expended under such contracts. The  
286 reports shall be provided to the State Department of Education for  
287 review.

288 (13) The State Department of Education shall establish  
289 within the school district with the most schools operated by the  
290 achievement school district a four-year pilot program of  
291 assessment of kindergarten students. The pilot program shall  
292 begin with the 2016-2017 school year. Students entering  
293 kindergarten in such system in schools operated by the achievement  
294 school district shall be assessed by an appropriate standardized  
295 test or tests. The test shall measure the present educational



296 levels of the students to determine how instruction should be  
297 targeted to best meet the learning needs of the students and to  
298 eliminate disparities in learning backgrounds, if any.

299 (14) The achievement school district shall adopt an  
300 appropriate dress code for its professional employees.

301 **SECTION 4.** (1) The State Board of Education shall create a  
302 "Teacher Evaluation Advisory Committee" which shall consist of  
303 fifteen (15) members, consisting of:

304 (a) The State Superintendent of Public Education;

305 (b) The president of the State Board of Education;

306 (c) The chairpersons of the Education Committees of the  
307 Senate and the House of Representatives;

308 (d) One (1) K-12 public school teacher appointed by the  
309 Lieutenant Governor;

310 (e) One (1) K-12 public school teacher appointed by the  
311 Speaker of the House of Representatives;

312 (f) Three (3) public school teachers to be appointed by  
313 the Governor;

314 (g) Two (2) public school principals to be appointed by  
315 the Governor;

316 (h) One (1) superintendent of a local school district  
317 to be appointed by the Governor; and

318 (i) Three (3) members representing other educational  
319 stake-holders interests to be appointed by the Governor, one (1)



320 from each Supreme Court District, and at least one (1) of whom is  
321 a parent of a currently enrolled public school student.

322 The membership of the committee shall appropriately reflect  
323 the racial and geographic diversity of this state. The State  
324 Superintendent of Public Education shall serve as the chairperson  
325 of the committee. All appointments to the teacher evaluation  
326 advisory committee shall be made within thirty (30) days of the  
327 effective date of this act.

328 (2) (a) The committee shall develop and recommend to the  
329 board, guidelines and criteria for the annual evaluation of all  
330 teachers and principals employed by LEAs, including a local-level  
331 evaluation grievance procedure. This grievance procedure shall  
332 provide a means for evaluated teachers and principals to challenge  
333 only the accuracy of the data used in the evaluation and the  
334 adherence to the evaluation policies adopted pursuant to this  
335 subdivision. Following the development of these guidelines and  
336 criteria, the board shall adopt guidelines and criteria. The  
337 evaluations shall be a factor in employment decisions, including,  
338 but not necessarily limited to, promotion, retention, termination,  
339 compensation and the attainment of tenure status, provided that:

340 (i) Fifty percent (50%) of the evaluation criteria  
341 developed under this subsection shall be comprised of student  
342 achievement data, as follows:

343 (ii) Thirty-five percent (35%) of the evaluation  
344 criteria shall be student achievement data based on student growth



345 data as represented by achievement scores on assessments  
346 administered under the statewide testing program, developed under  
347 the Chapter 16, Title 37, Mississippi Code of 1972, or some other  
348 comparable measure of student growth.

349 (iii) Fifteen percent (15%) shall be based on  
350 other measures of student achievement selected from a list of such  
351 measures developed by the teacher evaluation advisory committee  
352 and adopted by the board. For each evaluation, the teacher or  
353 principal being evaluated shall mutually agree with the person or  
354 persons responsible for conducting the evaluation on which such  
355 measures are employed. If the teacher or principal being  
356 evaluated does not agree with the measures used, the person or  
357 persons responsible for conducting the evaluation shall choose the  
358 evaluation measures.

359 (iv) Notwithstanding subparagraphs (ii) and (iii)  
360 above, if a particular teacher's or principal's student growth  
361 data, as described in subparagraph (ii) above, reflects attainment  
362 of a specific achievement level, to be recommended by the teacher  
363 evaluation advisory committee and adopted by the board, then such  
364 student growth data may, at the choice of the individual being  
365 evaluated, comprise fifty percent (50%) of their evaluation.

366 (v) Notwithstanding subparagraph (iv) above, if an  
367 individual teacher's student growth data, as described in  
368 subparagraph (ii), reflects attainment of an achievement level  
369 demonstrating an effectiveness level of above expectations or



370 significantly above expectations as provided in the evaluation  
371 guidelines adopted by the board under this subsection (2), then  
372 such student growth data may, at the discretion of the LEA and  
373 upon request of the teacher, comprise one hundred percent (100%)  
374 of the teacher's final evaluation score. If the LEA chooses to  
375 implement this subparagraph, it must do so for all teachers with  
376 individual growth data who request its implementation.

377 (vi) Notwithstanding subparagraph (ii) above, for  
378 teachers without access to individual data representative of  
379 student growth as specified in subparagraph (ii), forty percent  
380 (40%) of the evaluation criteria shall be comprised of student  
381 achievement data with twenty-five percent (25%) of such criteria  
382 based on student growth data as represented by the achievement  
383 scores on assessments administered under the statewide testing  
384 program or some other comparable measure.

385 (vii) The board shall have the ultimate authority  
386 to determine, identify and adopt measures of student growth that  
387 are comparable to the achievement scores on assessments  
388 administered under the statewide testing program.

389 (b) Other mandatory criteria for the evaluations shall  
390 include, but not necessarily be limited to, the following:

391 (i) Review of prior evaluations; and

392 (ii) Personal conferences to include discussion of  
393 strengths, weaknesses and remediation; and



394 (iii) Relative to teachers only, classroom or  
395 position observation followed by written assessment; and

396 (iv) Relative to principals only, additional  
397 criteria pursuant to Section 37-9-23(2).

398 (3) The policies adopted under the provisions of subsection  
399 (2) of this section shall be effective no later than July 1, 2015,  
400 in order to be implemented prior to the 2015-2016 academic year.  
401 Before the implementation of these policies, the existing  
402 guidelines and criteria for the evaluation of certificated persons  
403 employed by LEAs shall continue to be utilized.

404 (4) The evaluation procedure created by this subsection  
405 shall not apply to teachers who are employed under contracts of  
406 duration of one hundred (100) days per school year or less or who  
407 are not employed full-time.

408 (5) If an LEA determines that it is necessary to assign an  
409 individual to teach in an area for which the individual is not  
410 endorsed, any evaluation conducted for the course outside the area  
411 of endorsement shall relate only to the improvement of teaching  
412 skills and strategies and not a determination of competency. The  
413 committee shall include as a part of its evaluation guidelines a  
414 specific reference to this use of its evaluation procedures.

415 **SECTION 5.** (1) A tenured teacher, who receives notification  
416 of charges under Section 37-9-59, may, within thirty (30) days  
417 after receipt of the notice, demand a full and complete hearing on





418 the charges before an impartial hearing officer selected by the  
419 board, as follows:

420 (a) The teacher shall give written notice to the local  
421 school board of the teacher's request for a hearing;

422 (b) The school board shall, within five (5) days after  
423 receipt of the request, name an impartial hearing officer who  
424 shall be responsible for notifying the parties of the hearing  
425 officer's assignment. The hearing officer shall direct the  
426 parties or the attorneys for the parties, or both, to appear  
427 before the hearing officer for simplification of issues and the  
428 scheduling of the hearing, which in no event shall be set later  
429 than thirty (30) days following receipt of notice demanding a  
430 hearing. In the discretion of the hearing officer, all or part of  
431 any prehearing conference may be conducted by telephone if each  
432 participant has an opportunity to participate, be heard, and to  
433 address proof and evidentiary concerns. The hearing officer is  
434 empowered to issue appropriate orders and to regulate the conduct  
435 of the proceedings;

436 (c) For the purposes of this part, "impartial" means  
437 that the selected hearing officer shall have no history of  
438 employment with the school board or superintendent of schools, no  
439 relationship with any board member and no relationship with the  
440 teacher or representatives of the teacher;

441 (d) All parties shall have the right to be represented  
442 by counsel, the opportunity to call and subpoena witnesses, the



443 opportunity to examine all witnesses, the right to require that  
444 all testimony be given under oath and the right to have evidence  
445 deemed relevant by the submitting party included in the record of  
446 the hearing, even if objected to by the opposing party;

447 (e) All witnesses shall be entitled to the witness fees  
448 and mileage provided by law, which fees and mileage shall be paid  
449 by the party issuing a subpoena or calling the witnesses to  
450 testify;

451 (f) The impartial hearing officer shall administer  
452 oaths to witnesses, who testify under oath;

453 (g) A record of the hearing, either by transcript,  
454 recording, or as is otherwise agreed by the parties shall be  
455 prepared if the decision of the hearing officer is appealed, and  
456 all decisions of the hearing officer shall be reduced to writing  
457 and included in the record, together with all evidence otherwise  
458 submitted;

459 (h) On request of either party to the hearing,  
460 witnesses may be barred from the hearing except as they are called  
461 to testify. The hearing may be private at the request of the  
462 teacher or in the discretion of the hearing officer; and

463 (i) At appropriate stages of the hearing, the hearing  
464 officer may give the parties the full opportunity to file briefs,  
465 proposed findings of fact and conclusions of law, and proposed  
466 initial or final orders. The hearing officer shall within ten  
467 (10) days of closing the hearing, decide what disposition to make



468 of the case and shall immediately thereafter give the board and  
469 the teacher written findings of fact, conclusions of law and a  
470 concise and explicit statement of the outcome of the decision.

471 (2) The director of schools or other school officials shall  
472 not be held liable, personally or officially, when performing  
473 their duties in prosecuting charges against any teacher or  
474 teachers under this section.

475 (3) (a) If the affected teacher desires to appeal from a  
476 decision rendered, in whole or in part, in favor of the school  
477 district, the teacher shall first exhaust the administrative  
478 remedy of appealing the decision to the board of education within  
479 ten (10) working days of the hearing officer's delivery of the  
480 written findings of fact, conclusions and decision to the affected  
481 employee.

482 (b) Upon written notice of appeal, the school board  
483 shall prepare a copy of the proceedings, transcript, documentary  
484 and other evidence presented, and transmit the copy to the State  
485 Board of Education within twenty (20) working days of receipt of  
486 notice of appeal.

487 (c) The State Board of Education shall hear the appeal  
488 on the record and no new evidence shall be introduced. The  
489 affected employee may appear in person or by counsel and argue why  
490 the decision should be modified or reversed. The State Board of  
491 Education may sustain the decision, send the record back if  
492 additional evidence is necessary, revise the penalty or reverse



493 the decision. Before any findings and decision are sustained or  
494 punishment inflicted, a majority of the membership of the State  
495 Board of Education shall concur in sustaining the charges and  
496 decision. The State Board of Education shall render its decision  
497 on the appeal within ten (10) working days after the conclusion of  
498 the hearing.

499 (d) Any party dissatisfied with the decision rendered  
500 by the State Board of Education shall have the right to appeal to  
501 the circuit court of the county where the school district is  
502 located within twenty (20) working days after receipt of the dated  
503 notice of the decision of the board. It shall be the duty of the  
504 board to cause the entire record and other evidence in the case to  
505 be transmitted to the court. The review of the court shall be de  
506 novo on the record of the hearing held by the hearing officer and  
507 reviewed by the board.

508 (e) The school board shall also have the right to  
509 appeal any adverse ruling by the hearing officer to the State  
510 Board of Education under the same conditions as set out in  
511 paragraph (c) of this subsection.

512 **SECTION 6.** Section 37-1-3, Mississippi Code of 1972, is  
513 amended as follows:

514 37-1-3. (1) The State Board of Education shall adopt rules  
515 and regulations and set standards and policies for the  
516 organization, operation, management, planning, budgeting and  
517 programs of the State Department of Education.



518           (a) The board is directed to identify all functions of  
519 the department that contribute to or comprise a part of the state  
520 system of educational accountability and to establish and maintain  
521 within the department the necessary organizational structure,  
522 policies and procedures for effectively coordinating such  
523 functions. Such policies and procedures shall clearly fix and  
524 delineate responsibilities for various aspects of the system and  
525 for overall coordination of the total system and its effective  
526 management.

527           (b) The board shall establish and maintain a  
528 system-wide plan of performance, policy and directions of public  
529 education not otherwise provided for.

530           (c) The board shall effectively use the personnel and  
531 resources of the department to enhance technical assistance to  
532 school districts in instruction and management therein.

533           (d) The board shall establish and maintain a central  
534 budget policy.

535           (e) The board shall establish and maintain within the  
536 State Department of Education a central management capacity under  
537 the direction of the State Superintendent of Public Education.

538           (f) The board, with recommendations from the  
539 superintendent, shall design and maintain a five-year plan and  
540 program for educational improvement that shall set forth  
541 objectives for system performance and development and be the basis  
542 for budget requests and legislative initiatives.



543           (2)   (a)   The State Board of Education shall adopt and  
544 maintain a curriculum and a course of study to be used in the  
545 public school districts that is designed to prepare the state's  
546 children and youth to be productive, informed, creative citizens,  
547 workers and leaders, and it shall regulate all matters arising in  
548 the practical administration of the school district not otherwise  
549 provided for.

550                   (b)   Before the 1999-2000 school year, the State Board  
551 of Education shall develop personal living and finances objectives  
552 that focus on money management skills for individuals and families  
553 for appropriate, existing courses at the secondary level. The  
554 objectives must require the teaching of those skills necessary to  
555 handle personal business and finances and must include instruction  
556 in the following:

- 557                           (i)   Opening a bank account and assessing the  
558 quality of a bank's services;
- 559                           (ii)   Balancing a checkbook;
- 560                           (iii)   Managing debt, including retail and credit  
561 card debt;
- 562                           (iv)   Completing a loan application;
- 563                           (v)   The implications of an inheritance;
- 564                           (vi)   The basics of personal insurance policies;
- 565                           (vii)   Consumer rights and responsibilities;
- 566                           (viii)   Dealing with salesmen and merchants;
- 567                           (ix)   Computing state and federal income taxes;



- 568                   (x) Local tax assessments;
- 569                   (xi) Computing interest rates by various
- 570 mechanisms;
- 571                   (xii) Understanding simple contracts; and
- 572                   (xiii) Contesting an incorrect billing statement.

573           (3) The State Board of Education shall have authority to

574 expend any available federal funds, or any other funds expressly

575 designated, to pay training, educational expenses, salary

576 incentives and salary supplements to licensed teachers employed in

577 local school districts or schools administered by the State Board

578 of Education. Such incentive payments shall not be considered

579 part of a school district's local supplement as defined in Section

580 37-151-5(o), nor shall the incentives be considered part of the

581 local supplement paid to an individual teacher for the purposes of

582 Section 37-19-7(1). MAEP funds or any other state funds shall not

583 be used to provide such incentives unless specifically authorized

584 by law.

585           (4) The State Board of Education shall through its actions

586 seek to implement the policies set forth in Section 37-1-2.

587           (5) The State Board of Education shall consult with the

588 Commission on School Accreditation to determine those schools to

589 be assigned to the Mississippi Achievement School Districts

590 established and administered as a division of the State Department

591 of Education under Sections 1 through 3 of this act. The board

592 shall also promulgate any rules and regulations deemed appropriate



593 to govern the management and operations of the achievement school  
594 district and the administrative responsibilities of the deputy  
595 superintendent appointed to oversee the district.

596 **SECTION 7.** Section 37-17-6, Mississippi Code of 1972, is  
597 amended as follows:

598 37-17-6. (1) The State Board of Education, acting through  
599 the Commission on School Accreditation, shall establish and  
600 implement a permanent performance-based accreditation system, and  
601 all noncharter public elementary and secondary schools shall be  
602 accredited under this system.

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

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

612	Number of Students	Number of Certified
613	Per School Library	School Librarians
614	0 - 499 Students	1/2 Full-time Equivalent
615		Certified Librarian
616	500 or More Students	1 Full-time Certified
617		Librarian





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

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

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

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

632 (f) Any additional millage levied to fund school  
633 librarians required for accreditation under this subsection shall  
634 be included in the tax increase limitation set forth in Sections  
635 37-57-105 and 37-57-107 and shall not be deemed a new program for  
636 purposes of the limitation.

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

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



643 (b) Strong accountability for results with appropriate  
644 local flexibility for local implementation;

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

647 (d) Individual schools shall be held accountable for  
648 student growth and performance;

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

652 (f) A determination of which schools exceed their  
653 standards and a plan for providing recognition and rewards to  
654 those schools;

655 (g) A determination of which schools are failing to  
656 meet their standards and a determination of the appropriate role  
657 of the State Board of Education and the State Department of  
658 Education in providing assistance and initiating possible  
659 intervention. A failing district is a district that fails to meet  
660 both the absolute student achievement standards and the rate of  
661 annual growth expectation standards as set by the State Board of  
662 Education for two (2) consecutive years. The State Board of  
663 Education shall establish the level of benchmarks by which  
664 absolute student achievement and growth expectations shall be  
665 assessed. In setting the benchmarks for school districts, the  
666 State Board of Education may also take into account such factors  
667 as graduation rates, dropout rates, completion rates, the extent



668 to which the school or district employs qualified teachers in  
669 every classroom, and any other factors deemed appropriate by the  
670 State Board of Education. The State Board of Education, acting  
671 through the State Department of Education, shall apply a simple  
672 "A," "B," "C," "D" and "F" designation to the current school and  
673 school district statewide accountability performance  
674 classification labels beginning with the State Accountability  
675 Results for the 2011-2012 school year and following, and in the  
676 school, district and state report cards required under state and  
677 federal law. Under the new designations, a school or school  
678 district that has earned a "Star" rating shall be designated an  
679 "A" school or school district; a school or school district that  
680 has earned a "High-Performing" rating shall be designated a "B"  
681 school or school district; a school or school district that has  
682 earned a "Successful" rating shall be designated a "C" school or  
683 school district; a school or school district that has earned an  
684 "Academic Watch" rating shall be designated a "D" school or school  
685 district; a school or school district that has earned a  
686 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
687 be designated an "F" school or school district. Effective with  
688 the implementation of any new curriculum and assessment standards,  
689 the State Board of Education, acting through the State Department  
690 of Education, is further authorized and directed to change the  
691 school and school district accreditation rating system to a simple  
692 "A," "B," "C," "D," and "F" designation based on a combination of



693 student achievement scores and student growth as measured by the  
694 statewide testing programs developed by the State Board of  
695 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
696 1972. In any statute or regulation containing the former  
697 accreditation designations, the new designations shall be  
698 applicable;

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

701 (i) The State Board of Education may, based on a  
702 written request that contains specific reasons for requesting a  
703 waiver from the school districts affected by Hurricane Katrina of  
704 2005, hold harmless school districts from assignment of district  
705 and school level accountability ratings for the 2005-2006 school  
706 year. The State Board of Education upon finding an extreme  
707 hardship in the school district may grant the request. It is the  
708 intent of the Legislature that all school districts maintain the  
709 highest possible academic standards and instructional programs in  
710 all schools as required by law and the State Board of Education.

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



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

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

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

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

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

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

733 (ii) Individual student growth: the percent of  
734 students making one (1) year's progress in one (1) year's time on  
735 the state assessment, with an emphasis on the progress of the  
736 lowest twenty-five percent (25%) of students in the school or  
737 district;

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



741 (iv) Categories shall identify schools as Reward  
742 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
743 at least five percent (5%) of schools in the state are not graded  
744 as "F" schools, the lowest five percent (5%) of school grade point  
745 designees will be identified as Priority schools. If at least ten  
746 percent (10%) of schools in the state are not graded as "D"  
747 schools, the lowest ten percent (10%) of school grade point  
748 designees will be identified as Focus schools;

749 (v) The State Department of Education shall  
750 discontinue the use of Star School, High-Performing, Successful,  
751 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
752 school accountability designations;

753 (vi) The system shall include the federally  
754 compliant four-year graduation rate in school and school district  
755 accountability system calculations. Graduation rate will apply to  
756 high school and school district accountability ratings as a  
757 compensatory component. The system shall discontinue the use of  
758 the High School Completer Index (HSCI);

759 (vii) The school and school district  
760 accountability system shall incorporate a standards-based growth  
761 model, in order to support improvement of individual student  
762 learning;

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



765                   (ix) The State Department of Education shall  
766 determine feeder patterns of schools that do not earn a school  
767 grade because the grades and subjects taught at the school do not  
768 have statewide standardized assessments needed to calculate a  
769 school grade. Upon determination of the feeder pattern, the  
770 department shall notify schools and school districts prior to the  
771 release of the school grades beginning in 2013. Feeder schools  
772 will be assigned the accountability designation of the school to  
773 which they provide students;

774                   (x) Standards for student, school and school  
775 district performance will be increased when student proficiency is  
776 at a seventy-five percent (75%) and/or when sixty-five percent  
777 (65%) of the schools and/or school districts are earning a grade  
778 of "B" or higher, in order to raise the standard on performance  
779 after targets are met.

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

783           (7) The State Board of Education shall create an  
784 accreditation audit unit under the Commission on School  
785 Accreditation to determine whether schools are complying with  
786 accreditation standards.

787           (8) The State Board of Education shall be specifically  
788 authorized and empowered to withhold adequate education program  
789 fund allocations, whichever is applicable, to any public school



790 district for failure to timely report student, school personnel  
791 and fiscal data necessary to meet state and/or federal  
792 requirements.

793 (9) Deleted.

794 (10) The State Board of Education shall establish, for those  
795 school districts failing to meet accreditation standards, a  
796 program of development to be complied with in order to receive  
797 state funds, except as otherwise provided in subsection (15) of  
798 this section when the Governor has declared a state of emergency  
799 in a school district or as otherwise provided in Section 206,  
800 Mississippi Constitution of 1890. The state board, in  
801 establishing these standards, shall provide for notice to schools  
802 and sufficient time and aid to enable schools to attempt to meet  
803 these standards, unless procedures under subsection (15) of this  
804 section have been invoked.

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

808 (a) Develop an impairment report for each district  
809 failing to meet accreditation standards in conjunction with school  
810 district officials;

811 (b) Notify any applicable school district failing to  
812 meet accreditation standards that it is on probation until  
813 corrective actions are taken or until the deficiencies have been  
814 removed. The local school district shall develop a corrective





815 action plan to improve its deficiencies. For district academic  
816 deficiencies, the corrective action plan for each such school  
817 district shall be based upon a complete analysis of the following:  
818 student test data, student grades, student attendance reports,  
819 student dropout data, existence and other relevant data. The  
820 corrective action plan shall describe the specific measures to be  
821 taken by the particular school district and school to improve:  
822 (i) instruction; (ii) curriculum; (iii) professional development;  
823 (iv) personnel and classroom organization; (v) student incentives  
824 for performance; (vi) process deficiencies; and (vii) reporting to  
825 the local school board, parents and the community. The corrective  
826 action plan shall describe the specific individuals responsible  
827 for implementing each component of the recommendation and how each  
828 will be evaluated. All corrective action plans shall be provided  
829 to the State Board of Education as may be required. The decision  
830 of the State Board of Education establishing the probationary  
831 period of time shall be final;

832 (c) Offer, during the probationary period, technical  
833 assistance to the school district in making corrective actions.  
834 Beginning July 1, 1998, subject to the availability of funds, the  
835 State Department of Education shall provide technical and/or  
836 financial assistance to all such school districts in order to  
837 implement each measure identified in that district's corrective  
838 action plan through professional development and on-site  
839 assistance. Each such school district shall apply for and utilize



840 all available federal funding in order to support its corrective  
841 action plan in addition to state funds made available under this  
842 paragraph;

843 (d) Assign department personnel or contract, in its  
844 discretion, with the institutions of higher learning or other  
845 appropriate private entities with experience in the academic,  
846 finance and other operational functions of schools to assist  
847 school districts;

848 (e) Provide for publication of public notice at least  
849 one time during the probationary period, in a newspaper published  
850 within the jurisdiction of the school district failing to meet  
851 accreditation standards, or if no newspaper is published therein,  
852 then in a newspaper having a general circulation therein. The  
853 publication shall include the following: declaration of school  
854 district's status as being on probation; all details relating to  
855 the impairment report; and other information as the State Board of  
856 Education deems appropriate. Public notices issued under this  
857 section shall be subject to Section 13-3-31 and not contrary to  
858 other laws regarding newspaper publication.

859 (12) (a) If the recommendations for corrective action are  
860 not taken by the local school district or if the deficiencies are  
861 not removed by the end of the probationary period, the Commission  
862 on School Accreditation shall conduct a hearing to allow the  
863 affected school district to present evidence or other reasons why  
864 its accreditation should not be withdrawn. Additionally, if the



865 local school district violates accreditation standards that have  
866 been determined by the policies and procedures of the State Board  
867 of Education to be a basis for withdrawal of school district's  
868 accreditation without a probationary period, the Commission on  
869 School Accreditation shall conduct a hearing to allow the affected  
870 school district to present evidence or other reasons why its  
871 accreditation should not be withdrawn. After its consideration of  
872 the results of the hearing, the Commission on School Accreditation  
873 shall be authorized, with the approval of the State Board of  
874 Education, to withdraw the accreditation of a public school  
875 district, and issue a request to the Governor that a state of  
876 emergency be declared in that district.

877 (b) If the State Board of Education and the Commission  
878 on School Accreditation determine that an extreme emergency  
879 situation exists in a school district that jeopardizes the safety,  
880 security or educational interests of the children enrolled in the  
881 schools in that district and that emergency situation is believed  
882 to be related to a serious violation or violations of  
883 accreditation standards or state or federal law, or when a school  
884 district meets the State Board of Education's definition of a  
885 failing school district for two (2) consecutive full school years,  
886 or if more than fifty percent (50%) of the schools within the  
887 school district are designated as Schools At-Risk in any one (1)  
888 year, the State Board of Education may request the Governor to  
889 declare a state of emergency in that school district. For



890 purposes of this paragraph, the declarations of a state of  
891 emergency shall not be limited to those instances when a school  
892 district's impairments are related to a lack of financial  
893 resources, but also shall include serious failure to meet minimum  
894 academic standards, as evidenced by a continued pattern of poor  
895 student performance.

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

900 (i) Declare a state of emergency, under which some  
901 or all of state funds can be escrowed except as otherwise provided  
902 in Section 206, Constitution of 1890, until the board determines  
903 corrective actions are being taken or the deficiencies have been  
904 removed, or that the needs of students warrant the release of  
905 funds. The funds may be released from escrow for any program  
906 which the board determines to have been restored to standard even  
907 though the state of emergency may not as yet be terminated for the  
908 district as a whole;

909 (ii) Override any decision of the local school  
910 board or superintendent of education, or both, concerning the  
911 management and operation of the school district, or initiate and  
912 make decisions concerning the management and operation of the  
913 school district;



914 (iii) Assign an interim conservator, or in its  
915 discretion, contract with a private entity with experience in the  
916 academic, finance and other operational functions of schools and  
917 school districts, who will have those powers and duties prescribed  
918 in subsection (15) of this section;

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

923 (v) For states of emergency declared under  
924 paragraph (a) only, if the accreditation deficiencies are related  
925 to the fact that the school district is too small, with too few  
926 resources, to meet the required standards and if another school  
927 district is willing to accept those students, abolish that  
928 district and assign that territory to another school district or  
929 districts. If the school district has proposed a voluntary  
930 consolidation with another school district or districts, then if  
931 the State Board of Education finds that it is in the best interest  
932 of the pupils of the district for the consolidation to proceed,  
933 the voluntary consolidation shall have priority over any such  
934 assignment of territory by the State Board of Education;

935 (vi) For states of emergency declared under  
936 paragraph (b) only, reduce local supplements paid to school  
937 district employees, including, but not limited to, instructional  
938 personnel, assistant teachers and extracurricular activities



939 personnel, if the district's impairment is related to a lack of  
940 financial resources, but only to an extent that will result in the  
941 salaries being comparable to districts similarly situated, as  
942 determined by the State Board of Education;

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

946 (d) At the time that satisfactory corrective action has  
947 been taken in a school district in which a state of emergency has  
948 been declared, the State Board of Education may request the  
949 Governor to declare that the state of emergency no longer exists  
950 in the district.

951 (e) The parent or legal guardian of a school-age child  
952 who is enrolled in a school district whose accreditation has been  
953 withdrawn by the Commission on School Accreditation and without  
954 approval of that school district may file a petition in writing to  
955 a school district accredited by the Commission on School  
956 Accreditation for a legal transfer. The school district  
957 accredited by the Commission on School Accreditation may grant the  
958 transfer according to the procedures of Section 37-15-31(1)(b).  
959 In the event the accreditation of the student's home district is  
960 restored after a transfer has been approved, the student may  
961 continue to attend the transferee school district. The per-pupil  
962 amount of the adequate education program allotment, including the  
963 collective "add-on program" costs for the student's home school



964 district shall be transferred monthly to the school district  
965 accredited by the Commission on School Accreditation that has  
966 granted the transfer of the school-age child.

967 (f) Upon the declaration of a state of emergency for  
968 any school district in which the Governor has previously declared  
969 a state of emergency, the State Board of Education may either (i)  
970 establish a conservatorship or (ii) abolish the school district  
971 and administratively consolidate the school district with one or  
972 more existing school districts or (iii) reduce the size of the  
973 district and administratively consolidate parts of the district,  
974 as determined by the State Board of Education; provided, however,  
975 that no school district which is not under conservatorship shall  
976 be required to accept additional territory over the objection of  
977 the district.

978 (g) There is established a Mississippi Recovery School  
979 District within the State Department of Education under the  
980 supervision of a deputy superintendent appointed by the State  
981 Superintendent of Public Education, who is subject to the approval  
982 by the State Board of Education. The Mississippi Recovery School  
983 District shall provide leadership and oversight of all school  
984 districts that are subject to state conservatorship, as defined in  
985 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall  
986 have all the authority granted under these two (2) chapters. The  
987 Mississippi Department of Education, with the approval of the  
988 State Board of Education, shall develop policies for the operation



989 and management of the Mississippi Recovery School District. The  
990 deputy state superintendent is responsible for the Mississippi  
991 Recovery School District and shall be authorized to oversee the  
992 administration of the Mississippi Recovery School District,  
993 oversee conservators assigned by the State Board of Education to a  
994 local school district, hear appeals from school districts under  
995 conservatorship that would normally be filed by students, parents  
996 or employees and heard by a local school board, which hearings on  
997 appeal shall be conducted in a prompt and timely manner in the  
998 school district from which the appeal originated in order to  
999 ensure the ability of appellants, other parties and witnesses to  
1000 appeal without undue burden of travel costs or loss of time from  
1001 work, and perform other related duties as assigned by the State  
1002 Superintendent of Public Education. The deputy state  
1003 superintendent is responsible for the Mississippi Recovery School  
1004 District and shall determine, based on rigorous professional  
1005 qualifications set by the State Board of Education, the  
1006 appropriate individuals to be engaged to be conservators and  
1007 financial advisors, if applicable, of all school districts subject  
1008 to state conservatorship. After State Board of Education  
1009 approval, these individuals shall be deemed independent  
1010 contractors.

1011 (13) Upon the declaration of a state of emergency in a  
1012 school district under subsection (12) of this section, the  
1013 Commission on School Accreditation shall be responsible for public





1014 notice at least once a week for at least three (3) consecutive  
1015 weeks in a newspaper published within the jurisdiction of the  
1016 school district failing to meet accreditation standards, or if no  
1017 newspaper is published therein, then in a newspaper having a  
1018 general circulation therein. The size of the notice shall be no  
1019 smaller than one-fourth (1/4) of a standard newspaper page and  
1020 shall be printed in bold print. If a conservator has been  
1021 appointed for the school district, the notice shall begin as  
1022 follows: "By authority of Section 37-17-6, Mississippi Code of  
1023 1972, as amended, adopted by the Mississippi Legislature during  
1024 the 1991 Regular Session, this school district (name of school  
1025 district) is hereby placed under the jurisdiction of the State  
1026 Department of Education acting through its appointed conservator  
1027 (name of conservator)."

1028 The notice also shall include, in the discretion of the State  
1029 Board of Education, any or all details relating to the school  
1030 district's emergency status, including the declaration of a state  
1031 of emergency in the school district and a description of the  
1032 district's impairment deficiencies, conditions of any  
1033 conservatorship and corrective actions recommended and being  
1034 taken. Public notices issued under this section shall be subject  
1035 to Section 13-3-31 and not contrary to other laws regarding  
1036 newspaper publication.

1037 Upon termination of the state of emergency in a school  
1038 district, the Commission on School Accreditation shall cause



1039 notice to be published in the school district in the same manner  
1040 provided in this section, to include any or all details relating  
1041 to the corrective action taken in the school district that  
1042 resulted in the termination of the state of emergency.

1043 (14) The State Board of Education or the Commission on  
1044 School Accreditation shall have the authority to require school  
1045 districts to produce the necessary reports, correspondence,  
1046 financial statements, and any other documents and information  
1047 necessary to fulfill the requirements of this section.

1048 Nothing in this section shall be construed to grant any  
1049 individual, corporation, board or conservator the authority to  
1050 levy taxes except in accordance with presently existing statutory  
1051 provisions.

1052 (15) (a) Whenever the Governor declares a state of  
1053 emergency in a school district in response to a request made under  
1054 subsection (12) of this section, the State Board of Education, in  
1055 its discretion, may assign an interim conservator to the school  
1056 district, or in its discretion, may contract with an appropriate  
1057 private entity with experience in the academic, finance and other  
1058 operational functions of schools and school districts, who will be  
1059 responsible for the administration, management and operation of  
1060 the school district, including, but not limited to, the following  
1061 activities:

1062 (i) Approving or disapproving all financial  
1063 obligations of the district, including, but not limited to, the



1064 employment, termination, nonrenewal and reassignment of all  
1065 licensed and nonlicensed personnel, contractual agreements and  
1066 purchase orders, and approving or disapproving all claim dockets  
1067 and the issuance of checks; in approving or disapproving  
1068 employment contracts of superintendents, assistant superintendents  
1069 or principals, the interim conservator shall not be required to  
1070 comply with the time limitations prescribed in Sections 37-9-15  
1071 and 37-9-105;

1072                   (ii) Supervising the day-to-day activities of the  
1073 district's staff, including reassigning the duties and  
1074 responsibilities of personnel in a manner which, in the  
1075 determination of the conservator, will best suit the needs of the  
1076 district;

1077                   (iii) Reviewing the district's total financial  
1078 obligations and operations and making recommendations to the  
1079 district for cost savings, including, but not limited to,  
1080 reassigning the duties and responsibilities of staff;

1081                   (iv) Attending all meetings of the district's  
1082 school board and administrative staff;

1083                   (v) Approving or disapproving all athletic, band  
1084 and other extracurricular activities and any matters related to  
1085 those activities;

1086                   (vi) Maintaining a detailed account of  
1087 recommendations made to the district and actions taken in response  
1088 to those recommendations;



1089                   (vii) Reporting periodically to the State Board of  
1090 Education on the progress or lack of progress being made in the  
1091 district to improve the district's impairments during the state of  
1092 emergency; and

1093                   (viii) Appointing a parent advisory committee,  
1094 comprised of parents of students in the school district that may  
1095 make recommendations to the conservator concerning the  
1096 administration, management and operation of the school district.

1097           Except when, in the determination of the State Board of  
1098 Education, the school district's impairment is related to a lack  
1099 of financial resources, the cost of the salary of the conservator  
1100 and any other actual and necessary costs related to the  
1101 conservatorship paid by the State Department of Education shall be  
1102 reimbursed by the local school district from funds other than  
1103 adequate education program funds. The department shall submit an  
1104 itemized statement to the superintendent of the local school  
1105 district for reimbursement purposes, and any unpaid balance may be  
1106 withheld from the district's adequate education program funds.

1107           At the time that the Governor, in accordance with the request  
1108 of the State Board of Education, declares that the state of  
1109 emergency no longer exists in a school district, the powers and  
1110 responsibilities of the interim conservator assigned to the  
1111 district shall cease.

1112                   (b) In order to provide loans to school districts under  
1113 a state of emergency or under conservatorship that have



1114 impairments related to a lack of financial resources, the School  
1115 District Emergency Assistance Fund is created as a special fund in  
1116 the State Treasury into which monies may be transferred or  
1117 appropriated by the Legislature from any available public  
1118 education funds. Funds in the School District Emergency  
1119 Assistance Fund up to a maximum balance of Three Million Dollars  
1120 (\$3,000,000.00) annually shall not lapse but shall be available  
1121 for expenditure in subsequent years subject to approval of the  
1122 State Board of Education. Any amount in the fund in excess of  
1123 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
1124 year shall lapse into the State General Fund or the Education  
1125 Enhancement Fund, depending on the source of the fund.

1126       The State Board of Education may loan monies from the School  
1127 District Emergency Assistance Fund to a school district that is  
1128 under a state of emergency or under conservatorship, in those  
1129 amounts, as determined by the board, that are necessary to correct  
1130 the district's impairments related to a lack of financial  
1131 resources. The loans shall be evidenced by an agreement between  
1132 the school district and the State Board of Education and shall be  
1133 repayable in principal, without necessity of interest, to the  
1134 School District Emergency Assistance Fund by the school district  
1135 from any allowable funds that are available. The total amount  
1136 loaned to the district shall be due and payable within five (5)  
1137 years after the impairments related to a lack of financial  
1138 resources are corrected. If a school district fails to make



1139 payments on the loan in accordance with the terms of the agreement  
1140 between the district and the State Board of Education, the State  
1141 Department of Education, in accordance with rules and regulations  
1142 established by the State Board of Education, may withhold that  
1143 district's adequate education program funds in an amount and  
1144 manner that will effectuate repayment consistent with the terms of  
1145 the agreement; the funds withheld by the department shall be  
1146 deposited into the School District Emergency Assistance Fund.

1147         The State Board of Education shall develop a protocol that  
1148 will outline the performance standards and requisite time line  
1149 deemed necessary for extreme emergency measures. If the State  
1150 Board of Education determines that an extreme emergency exists,  
1151 simultaneous with the powers exercised in this subsection, it  
1152 shall take immediate action against all parties responsible for  
1153 the affected school districts having been determined to be in an  
1154 extreme emergency. The action shall include, but not be limited  
1155 to, initiating civil actions to recover funds and criminal actions  
1156 to account for criminal activity. Any funds recovered by the  
1157 State Auditor or the State Board of Education from the surety  
1158 bonds of school officials or from any civil action brought under  
1159 this subsection shall be applied toward the repayment of any loan  
1160 made to a school district hereunder.

1161         (16) If a majority of the membership of the school board of  
1162 any school district resigns from office, the State Board of  
1163 Education shall be authorized to assign an interim conservator,



1164 who shall be responsible for the administration, management and  
1165 operation of the school district until the time as new board  
1166 members are selected or the Governor declares a state of emergency  
1167 in that school district under subsection (12), whichever occurs  
1168 first. In that case, the State Board of Education, acting through  
1169 the interim conservator, shall have all powers which were held by  
1170 the previously existing school board, and may take any action as  
1171 prescribed in Section 37-17-13 and/or one or more of the actions  
1172 authorized in this section.

1173       (17) (a) If the Governor declares a state of emergency in a  
1174 school district, the State Board of Education may take all such  
1175 action pertaining to that school district as is authorized under  
1176 subsection (12) or (15) of this section, including the appointment  
1177 of an interim conservator. The State Board of Education shall  
1178 also have the authority to issue a written request with  
1179 documentation to the Governor asking that the office of the  
1180 superintendent of the school district be subject to recall. If  
1181 the Governor declares that the office of the superintendent of the  
1182 school district is subject to recall, the local school board or  
1183 the county election commission, as the case may be, shall take the  
1184 following action:

1185               (i) If the office of superintendent is an elected  
1186 office, in those years in which there is no general election, the  
1187 name shall be submitted by the State Board of Education to the  
1188 county election commission, and the county election commission



1189 shall submit the question at a special election to the voters  
1190 eligible to vote for the office of superintendent within the  
1191 county, and the special election shall be held within sixty (60)  
1192 days from notification by the State Board of Education. The  
1193 ballot shall read substantially as follows:

1194 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
1195 name of the superintendent shall be inserted) of the \_\_\_\_\_  
1196 (here the title of the school district shall be inserted) be  
1197 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

1198 If a majority of those voting on the question votes against  
1199 retaining the superintendent in office, a vacancy shall exist  
1200 which shall be filled in the manner provided by law; otherwise,  
1201 the superintendent shall remain in office for the term of that  
1202 office, and at the expiration of the term shall be eligible for  
1203 qualification and election to another term or terms.

1204 (ii) If the office of superintendent is an  
1205 appointive office, the name of the superintendent shall be  
1206 submitted by the president of the local school board at the next  
1207 regular meeting of the school board for retention in office or  
1208 dismissal from office. If a majority of the school board voting  
1209 on the question vote against retaining the superintendent in  
1210 office, a vacancy shall exist which shall be filled as provided by  
1211 law, otherwise the superintendent shall remain in office for the  
1212 duration of his employment contract.





1213 (b) The State Board of Education may issue a written  
1214 request with documentation to the Governor asking that the  
1215 membership of the school board of the school district shall be  
1216 subject to recall. Whenever the Governor declares that the  
1217 membership of the school board is subject to recall, the county  
1218 election commission or the local governing authorities, as the  
1219 case may be, shall take the following action:

1220 (i) If the members of the local school board are  
1221 elected to office, in those years in which the specific member's  
1222 office is not up for election, the name of the school board member  
1223 shall be submitted by the State Board of Education to the county  
1224 election commission, and the county election commission at a  
1225 special election shall submit the question to the voters eligible  
1226 to vote for the particular member's office within the county or  
1227 school district, as the case may be, and the special election  
1228 shall be held within sixty (60) days from notification by the  
1229 State Board of Education. The ballot shall read substantially as  
1230 follows:

1231 "Members of the \_\_\_\_\_ (here the title of the school  
1232 district shall be inserted) School Board who are not up for  
1233 election this year are subject to recall because of the school  
1234 district's failure to meet critical accountability standards as  
1235 defined in the letter of notification to the Governor from the  
1236 State Board of Education. Shall the member of the school board  
1237 representing this area, \_\_\_\_\_ (here the name of the school



1238 board member holding the office shall be inserted), be retained in  
1239 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

1240 If a majority of those voting on the question vote against  
1241 retaining the member of the school board in office, a vacancy in  
1242 that board member's office shall exist, which shall be filled in  
1243 the manner provided by law; otherwise, the school board member  
1244 shall remain in office for the term of that office, and at the  
1245 expiration of the term of office, the member shall be eligible for  
1246 qualification and election to another term or terms of office.  
1247 However, if a majority of the school board members are recalled in  
1248 the special election, the Governor shall authorize the board of  
1249 supervisors of the county in which the school district is situated  
1250 to appoint members to fill the offices of the members recalled.  
1251 The board of supervisors shall make those appointments in the  
1252 manner provided by law for filling vacancies on the school board,  
1253 and the appointed members shall serve until the office is filled  
1254 at the next regular special election or general election.

1255 (ii) If the local school board is an appointed  
1256 school board, the name of all school board members shall be  
1257 submitted as a collective board by the president of the municipal  
1258 or county governing authority, as the case may be, at the next  
1259 regular meeting of the governing authority for retention in office  
1260 or dismissal from office. If a majority of the governing  
1261 authority voting on the question vote against retaining the board  
1262 in office, a vacancy shall exist in each school board member's



1263 office, which shall be filled as provided by law; otherwise, the  
1264 members of the appointed school board shall remain in office for  
1265 the duration of their term of appointment, and those members may  
1266 be reappointed.

1267 (iii) If the local school board is comprised of  
1268 both elected and appointed members, the elected members shall be  
1269 subject to recall in the manner provided in subparagraph (i) of  
1270 this \* \* \* paragraph (b), and the appointed members shall be  
1271 subject to recall in the manner provided in subparagraph (ii).

1272 (18) Beginning with the school district audits conducted for  
1273 the 1997-1998 fiscal year, the State Board of Education, acting  
1274 through the Commission on School Accreditation, shall require each  
1275 school district to comply with standards established by the State  
1276 Department of Audit for the verification of fixed assets and the  
1277 auditing of fixed assets records as a minimum requirement for  
1278 accreditation.

1279 (19) Before December 1, 1999, the State Board of Education  
1280 shall recommend a program to the Education Committees of the House  
1281 of Representatives and the Senate for identifying and rewarding  
1282 public schools that improve or are high performing. The program  
1283 shall be described by the board in a written report, which shall  
1284 include criteria and a process through which improving schools and  
1285 high-performing schools will be identified and rewarded.

1286 The State Superintendent of Public Education and the State  
1287 Board of Education also shall develop a comprehensive



1288 accountability plan to ensure that local school boards,  
1289 superintendents, principals and teachers are held accountable for  
1290 student achievement. A written report on the accountability plan  
1291 shall be submitted to the Education Committees of both houses of  
1292 the Legislature before December 1, 1999, with any necessary  
1293 legislative recommendations.

1294 (20) Before January 1, 2008, the State Board of Education  
1295 shall evaluate and submit a recommendation to the Education  
1296 Committees of the House of Representatives and the Senate on  
1297 inclusion of graduation rate and dropout rate in the school level  
1298 accountability system.

1299 (21) If a local school district is determined as failing and  
1300 placed into conservatorship for reasons authorized by the  
1301 provisions of this section, the conservator appointed to the  
1302 district shall, within forty-five (45) days after being appointed,  
1303 present a detailed and structured corrective action plan to move  
1304 the local school district out of conservatorship status to the  
1305 local school board and local superintendent of education if they  
1306 have not been removed by the conservator, or if the board and  
1307 superintendent have been removed, to the local governing authority  
1308 of the municipality or county in which the school district under  
1309 conservatorship is located. A copy of the conservator's  
1310 corrective action plan shall also be filed with the State Board of  
1311 Education.



1312           (22) In addition to any authority provided to the Commission  
1313 on School Accreditation in the section to exercise the control  
1314 necessary to promote student achievement and increase the  
1315 performance standards in schools or districts failing to make  
1316 adequate yearly progress as determined by accountability measures  
1317 and benchmarks assessed under the statewide testing program under  
1318 Chapter 16, Title 37, Mississippi Code of 1972, the commission  
1319 shall also have authority to recommend schools identified under  
1320 Section 1(2) of this act for placement in the Mississippi  
1321 Achievement School District as an alternative to being placed in  
1322 conservatorship status under the Mississippi Recovery School  
1323 District.

1324           **SECTION 8.** The Teacher Professional Development Fund is  
1325 established, into which only federal monies shall be deposited,  
1326 for the purposes of improved teaching, pedagogical skills, and  
1327 classroom instruction.

1328           **SECTION 9.** The Department of Education shall annually report  
1329 to the Legislature the amount of federal, state and local funds  
1330 awarded to each local education agency and achievement school  
1331 district.

1332           **SECTION 10.** If any provision of this act or the application  
1333 thereof to any person or circumstance is held invalid, such  
1334 invalidity shall not affect other provisions or applications of  
1335 the act which can be given effect without the invalid provision or



1336 application, and to that end the provisions of this act are  
1337 declared to be severable.

1338           **SECTION 11.** This act shall take effect and be in force from  
1339 and after July 1, 2014.

