MISSISSIPPI LEGISLATURE
REGULAR SESSION 2014
By: Senator(s) Tollison
To: Education

SENATE BILL NO. 2577

AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
ESTABLISH AN "ACHIEVEMENT SCHOOL DISTRICT" AS AN ORGANIZATIONAL
UNIT OF THE STATE DEPARTMENT OF EDUCATION TO OPERATE AND MANAGE
CERTAIN SCHOOLS OR SCHOOL DISTRICTS WHICH HAVE BEEN RATED AS
FAILING FOR THREE CONSECUTIVE YEARS, TO PROVIDE THAT THE
ACHIEVEMENT SCHOOL DISTRICT SHALL BE UNDER THE SUPERVISION OF A
DEPUTY STATE SUPERINTENDENT OF EDUCATION AND THE STATE BOARD OF
EDUCATION, TO PROVIDE FOR THE SELECTION OF THE DEPUTY
SUPERINTENDENT, TO EMPOWER THE DEPUTY SUPERINTENDENT AND THE STATE
BOARD OF EDUCATION TO MANAGE OR CONTRACT FOR THE MANAGEMENT OF
SUCH SCHOOLS OR SCHOOL DISTRICTS FOR A TERM NOT EXCEEDING FIVE
YEARS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-17-6, Mississippi Code of 1972, is
amended as follows:

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

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

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

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Number of Certified Per School Library</th>
<th>School Librarians</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 499 Students</td>
<td>1/2 Full-time Equivalent Certified Librarian</td>
<td></td>
</tr>
<tr>
<td>500 or More Students</td>
<td>1 Full-time Certified Librarian</td>
<td></td>
</tr>
</tbody>
</table>

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

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

(d) School librarians in the district shall spend at
least fifty percent (50%) of direct work time in a school library
and shall devote no more than one-fourth (1/4) of the workday to
administrative activities that are library related.
(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

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

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

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

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

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

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

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;
(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and
federal law. Under the new designations, a school or school
district that has earned a "Star" rating shall be designated an
"A" school or school district; a school or school district that
has earned a "High-Performing" rating shall be designated a "B"
school or school district; a school or school district that has
earned a "Successful" rating shall be designated a "C" school or
school district; a school or school district that has earned an
"Academic Watch" rating shall be designated a "D" school or school
district; a school or school district that has earned a
"Low-Performing," "At-Risk of Failing" or "Failing" rating shall
be designated an "F" school or school district. Effective with
the implementation of any new curriculum and assessment standards,
the State Board of Education, acting through the State Department
of Education, is further authorized and directed to change the
school and school district accreditation rating system to a simple
"A," "B," "C," "D," and "F" designation based on a combination of
student achievement scores and student growth as measured by the
statewide testing programs developed by the State Board of
Education pursuant to Chapter 16, Title 37, Mississippi Code of
1972. In any statute or regulation containing the former
accreditation designations, the new designations shall be
applicable;

(h) Development of a comprehensive student assessment
system to implement these requirements; and
(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

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

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

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

(iii) To have sixty percent (60%) of students scoring proficient and advanced on the assessments of the Common Core State Standards by 2016 with incremental increases of three percent (3%) each year thereafter.
(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system.

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

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

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

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

(iv) Categories shall identify schools as Reward ("A" schools), Focus ("D" schools) and Priority ("F" schools). If at least five percent (5%) of schools in the state are not graded as "F" schools, the lowest five percent (5%) of school grade point designees will be identified as Priority schools. If at least ten percent (10%) of schools in the state are not graded as "D" schools, the lowest ten percent (10%) of school grade point designees will be identified as Focus schools;
(v) The State Department of Education shall discontinue the use of Star School, High-Performing, Successful, Academic Watch, Low-Performing, At-Risk of Failing and Failing school accountability designations;

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

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

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

(ix) The State Department of Education shall determine feeder patterns of schools that do not earn a school grade because the grades and subjects taught at the school do not have statewide standardized assessments needed to calculate a school grade. Upon determination of the feeder pattern, the department shall notify schools and school districts prior to the release of the school grades beginning in 2013. Feeder schools will be assigned the accountability designation of the school to which they provide students;
(x) Standards for student, school and school district performance will be increased when student proficiency is at a seventy-five percent (75%) and/or when sixty-five percent (65%) of the schools and/or school districts are earning a grade of "B" or higher, in order to raise the standard on performance after targets are met.

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

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

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

(9) Deleted.

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

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

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

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve:

(i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives
for performance; (vi) process deficiencies; and (vii) reporting to
the local school board, parents and the community. The corrective
action plan shall describe the specific individuals responsible
for implementing each component of the recommendation and how each
will be evaluated. All corrective action plans shall be provided
to the State Board of Education as may be required. The decision
of the State Board of Education establishing the probationary
period of time shall be final;

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

(d) Assign department personnel or contract, in its
discretion, with the institutions of higher learning or other
appropriate private entities with experience in the academic,
finance and other operational functions of schools to assist
school districts;
(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

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

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

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

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

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

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

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;
(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

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

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

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

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b).

In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

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

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to state conservatorship, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2) chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee conservators assigned by the State Board of Education to a local school district, hear appeals from school districts under conservatorship that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the
school district from which the appeal originated in order to
ensure the ability of appellants, other parties and witnesses to
appeal without undue burden of travel costs or loss of time from
work, and perform other related duties as assigned by the State
Superintendent of Public Education. The deputy state
superintendent is responsible for the Mississippi Recovery School
District and shall determine, based on rigorous professional
qualifications set by the State Board of Education, the
appropriate individuals to be engaged to be conservators and
financial advisors, if applicable, of all school districts subject
to state conservatorship. After State Board of Education
approval, these individuals shall be deemed independent
contractors.

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

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

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

(14) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.
Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

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

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;
(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the conservator, will best suit the needs of the district;

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

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

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

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

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

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the conservator concerning the administration, management and operation of the school district.
Except when, in the determination of the State Board of Education, the school district's impairment is related to a lack of financial resources, the cost of the salary of the conservator and any other actual and necessary costs related to the conservatorship paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

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

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

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or under conservatorship, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.
The State Board of Education shall develop a protocol that will outline the performance standards and requisite time line deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

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

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

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

"Shall County Superintendent of Education _______ (here the name of the superintendent shall be inserted) of the ________
(here the title of the school district shall be inserted) be retained in office? Yes _______ No _______

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

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

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:
(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

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

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

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

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

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

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

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.
(20) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

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

(22) (a) There is established a Mississippi Achievement School District (ASD) within the State Department of Education under the supervision of a Deputy State Superintendent and the State Board of Education. The ASD shall provide management and oversight of all schools or school districts which have been designated an "F" school or school district for three (3) consecutive years, including the period of time that any school or
school district has been designated "Low-Performing," "At-Risk of Failing" or "Failing" under the former accreditation designations. The State Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the ASD. The Deputy State Superintendent for the ASD shall be appointed by the State Superintendent of Education with the approval of the State Board of Education and shall manage and supervise the ASD. The Deputy State Superintendent for the ASD shall possess strong experience and expertise in public and nonpublic governance, management and finance, public school leadership, assessment, curriculum and instruction, and public education law.

(b) The Deputy State Superintendent for the ASD with the approval of the State Board of Education shall have the authority to directly operate or contract with one or more individuals, governmental entities or nonprofit entities to manage the day-to-day operations of any or all schools placed in the ASD, including, but not limited to, providing direct services to students.

(c) The Deputy State Superintendent for the ASD with the approval of the State Board of Education shall have the authority to assign any school or grade configuration within a school to the ASD at any time such school is designated to be in ASD status pursuant to this subsection (22).
(d)  (i) The ASD may receive, control and expend local
and state funding for schools placed under its jurisdiction, and
shall have the authority to seek, receive, expend, manage and
retain federal funding and grant funding and to otherwise seek,
obtain, expend, manage and retain funding with the same authority
as a local school board. The ASD shall receive from the
Mississippi Department of Education of the local school district,
as appropriate, an amount equal to the per student MAEP and local
funds received by the department or school district for the
students enrolled in the ASD school. ASD schools shall also
receive all appropriate allocations of federal funds as other ASDs
under federal law or regulation, including, but not limited to,
Title I and ESEA funds. All funding allocations and disbursements
shall be in accordance with procedures developed by the
department.

(ii) The ASD shall have the authority to receive
donations of money, property or securities from any source for the
benefit of the ASD and schools within the ASD. All such funds
shall, in good faith, be disbursed in accordance with the
conditions of the gifts.

(iii) To the extent that any state and local funds
allocated to the ASD are not used to support a school or school
district in the ASD, they shall be allocated to a state reserve
fund to be distributed to the appropriate school district upon
approval of the State Board of Education and upon the removal of
the school from the ASD.

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

(f) The ASD shall have the right to use any school
building and all facilities and property otherwise part of the
school and recognized as part of the facilities or assets of the
school prior to its placement in the ASD and shall have access to
such additional facilities as were typically available to the
school, its students, faculty and staff prior to its placement in
the ASD. Such use shall be unrestricted and free of charge,
except that the ASD shall be responsible for and obligated to
provide routine maintenance and repair such that the facilities
and property are maintained in as good order as when the right of
use was acquired by the ASD. The ASD shall also be responsible
for paying all utilities in use at ASD-utilized facilities.

Extensive repairs to buildings or facilities considered capital
expenses shall be the responsibility of the school district and
not the ASD. Any fixtures, improvements or tangible assets added
to a school building or facility by the ASD shall remain at the
school building or facility upon its return to the school
district.

(g) (i) If it is determined that the ASD shall
directly operate a school within the ASD, the employees hired to
work in schools directly operated by the ASD may be deemed
employees of the ASD and such employees shall be under the
exclusive control of the ASD. The ASD shall develop written
procedures, subject to the approval of the State Board of
Education, for employment and management of personnel as well as
the development of compensation and benefit plans. Within the
limits of the budget, staffing needs of any school within the ASD
shall be exclusively determined by the ASD with approval of the
State Board of Education.

(ii) The ASD, or the entity under contract to
operate schools within the ASD, shall have the authority to
determine whether any teacher who was assigned to such school
prior to the school's transfer into the ASD shall have the option
of continuing to teach at that school as an employee of either the
ASD or the operating entity. Any teacher not given that option
shall remain an employee of the local school district subject to
the Education Employment Procedures Act. The local school
district, if it so chooses, may continue the employment of a
teacher not given that option. Any teacher who accepts that
option may, at the discretion of the school district, return as an
employee of the school district, should the ASD or operating
entity later determine not to continue to employ such teacher.

(iii) Teachers' rights to accumulated sick leave
and retirement benefits shall apply to teachers who accept the
option of continuing to teach at a school placed in the ASD.

(h) Notwithstanding any law to the contrary, the ASD
shall, at a minimum, have the same authority and autonomy afforded
to school districts under state law regarding the procurement of
property, goods and services, including, but not limited to,
personal, professional, consulting and social services. The ASD
shall develop written procedures for the procurement of all goods
and services in compliance with the expenditure thresholds for
competitive bidding outlined or permitted in Section 31-7-1 et
seq. Such procedures shall be submitted to and approved by the
State Board of Education.

(i) The ASD shall have the authority to authorize the
preparation and use of publications and other media for the
marketing and public education needs of the ASD in order to
effectively carry out its mission.

(j) The ASD or any entity the ASD contracts with to
operate or manage schools that have been placed in the ASD may
apply to the State Board of Education for a waiver of any State
Board of Education rule that inhibits or hinders the ability of
the school to increase student achievement. Notwithstanding this
subsection (j), the State Board of Education shall not waive rules related to the following:

(i) Federal and state civil rights;
(ii) Federal, state and local health and safety;
(iii) Federal and state public records;
(iv) Immunizations;
(v) Possession of weapons on school grounds;
(vi) Background checks and fingerprinting of personnel;
(vii) Federal and state special education services;
(viii) Student due process;
(ix) Parental rights;
(x) Federal and state student assessment and accountability;
(xi) Open meetings; and
(xii) At least the same equivalent time of instruction as required in regular public schools.

(k) (i) A school that has been removed from the school district and placed in the ASD shall remain in the ASD for a minimum of five (5) years. After the school improves student performance for two (2) consecutive years such that the school would no longer be identified as a priority school pursuant to this subsection (22), the State Board of Education shall develop a transition plan for the purpose of planning the school's return to
the school district. Implementation of this plan shall begin after the school achieves the required improvements for three (3) consecutive years. The plan shall be fully implemented and the transition shall be completed after the school achieves the required improvements for five (5) consecutive years, unless the school district is identified as a school district in need of improvement pursuant to this subsection (22) and the parents of sixty percent (60%) of the children enrolled at the school demonstrate support for remaining in the ASD by signing a petition. Such school shall return to the school district after the school district is no longer identified as in need of improvement; provide, that the school is not identified as a priority school pursuant to this subsection (22).

(ii) If a school enters the ASD and is operated as a charter school through authorization by the Charter School Authorization Board the school shall remain a charter school through the duration of the charter agreement. Upon expiration of the charter agreement, and provided the conditions set forth in subparagraph (i) of this paragraph (k) are met, the school shall return to the school district and the terms of the charter agreement may be renewed upon submission of a renewal application to the Charter School Authorization Board.

(iii) Notwithstanding subparagraph (i) of this paragraph (k) or any other provision to the contrary, the State
Board of Education shall have the authority to remove any school from the jurisdiction of the ASD at any time.

(l) Any individuals, governmental entities or nonprofit entities contracting with the State Board of Education to operate any school under this subsection (22) shall provide timely information to the school district and superintendent of schools regarding the operation of such schools, including, but not limited to, matters relating to employment of personnel at the school as provided in this subsection (22). The school district may continue to support the educational improvement of the school under the direction and guidance of the ASD and in accordance with any contracts entered into in accordance with this subsection (22). In addition, any individuals, governmental entities or nonprofit entities contracting with the State Board of Education may voluntarily work with the school district in providing to the schools professional development or technical assistance, instructional and administrative support and facilitating any other support that may be beneficial to academic progress of the school.

(m) Any contracts to operate schools that have been placed in the ASD shall require expenditure reports for funds received and expended pursuant to such contracts. Such reports shall be provided to the State Department of Education for review.

(n) The State Department of Education shall establish within the school system with the most schools operated by the ASD
a four-year pilot program of assessment of kindergarten students.
The pilot program shall begin with the 2015-2016 school year.
Students entering kindergarten in such system in schools operated
by the ASD shall be assessed by an appropriate standardized test
or tests. The test shall measure the present educational levels
of the students to determine how instruction should be targeted to
best meet the learning needs of the students and to eliminate
disparities in learning backgrounds, if any.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2014.