

By: Senator(s) Hill, Smith, Gandy

To: Education

SENATE BILL NO. 2736

1 AN ACT TO PROVIDE THAT THE STATE BOARD OF EDUCATION AND THE
 2 STATE DEPARTMENT OF EDUCATION SHALL TAKE NO FURTHER ACTION TO
 3 IMPLEMENT ANY COMMON CORE STANDARDS DEVELOPED BY THE COMMON CORE
 4 STATE STANDARDS INITIATIVE; TO ESTABLISH A CURRICULUM CONTENT
 5 STANDARDS ADVISORY COUNCIL; TO PROHIBIT THE STATE DEPARTMENT OF
 6 EDUCATION FROM EXPENDING CERTAIN FEDERAL OR GRANT FUNDS RELATING
 7 TO ANY STATEWIDE LONGITUDINAL DATA SYSTEM TO TRACK STUDENTS OR TO
 8 RELEASE ANY STUDENT OR TEACHER INFORMATION TO OUTSIDE ENTITIES; TO
 9 AMEND SECTION 37-177-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
 10 TO REPEAL SECTIONS 37-154-1 AND 37-154-3, MISSISSIPPI CODE OF
 11 1972, WHICH PROVIDE FOR THE DEVELOPMENT OF A STATE LONGITUDINAL
 12 DATA SYSTEM (SLDS) AND A MULTIAGENCY DATABASE TO TRACK EDUCATION
 13 AND STUDENT OUTCOMES IN THE WORKFORCE; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** The following words and phrases shall have the
 16 meanings ascribed herein unless the context clearly indicates
 17 otherwise:

18 (a) "Board" means the Mississippi Board of Education.

19 (b) "Department" means the Mississippi Department of
20 Education.

21 (c) "Education entity" means any agency or department
22 of state or local government that exercises any responsibility
23 with respect to K-12 public education in the State of Mississippi.



24 (d) "State official" means any official in state or
25 local government in Mississippi, whether elected or appointed.

26 (e) "Personally identifiable information" shall have
27 the same meaning as that term is given in 34 CFR Part 99.3.

28 **SECTION 2.** (1) Any actions taken by the board or the
29 department to adopt or implement the Common Core State Standards
30 as of the effective date of this section are void ab initio.
31 Notwithstanding Section 3, the K-12 math standards in effect in
32 California on January 1, 2010, and the English Language Arts
33 standards in effect in Texas on January 1, 2010, shall serve as
34 the Mississippi standards for those subjects.

35 (2) Upon the effective date of this section, the State
36 Superintendent of Education shall immediately initiate the
37 procedure, outlined in the Bylaws of the Partnership for
38 Assessment of Readiness for College and Careers (adopted April 12,
39 2012), to withdraw the state from such consortium. All statewide
40 K-12 tests and assessments shall be solely owned and solely
41 controlled by the state.

42 (3) The State of Mississippi shall retain sole control over
43 the development, establishment and revision of curriculum
44 standards. Neither the board nor any other state education
45 entity, nor any state official, may join any consortium or any
46 other organization when participation in that consortium or
47 organization would cede any measure of control over any aspect of
48 Mississippi public education to entities outside the state, nor



49 may any such person or entity condition or delay a decision on
50 standards or curriculum on the decision of any consortium,
51 organization, any other state government, or the federal
52 government. No curriculum standards developed outside the State
53 of Mississippi, including, but not limited to, the Next Generation
54 Science Standards, the National Curriculum Standards for Social
55 Studies, the National Health Education Standards, and the National
56 Sexuality Education Standards, and no standards that use the same
57 model frameworks as such standards developed primarily by entities
58 outside the State of Mississippi, may be adopted or implemented
59 without public hearings held in each congressional district, an
60 open comment period of one (1) year, and open hearings before a
61 joint committee composed of the House Education Committee and
62 Senate Education Committee, followed by an act of the Legislature.

63 **SECTION 3.** (1) **Curriculum Content Standards Advisory**

64 **Council.** (a) Beginning on July 1, 2014, the board shall
65 establish a Curriculum Content Standards Advisory Council to
66 advise the board in creating and adopting world-class curriculum
67 content standards that will lead to a broad liberal-arts
68 education, resulting in college- and career-readiness, for all
69 students. The advisory council shall include one (1) curriculum
70 director with expertise in curriculum and standards from the
71 Kindergarten through Grade 12 education community; three (3)
72 parent representatives; one (1) certified elementary teacher, one
73 (1) certified middle school teacher, and one (1) certified high



74 school teacher, each employed by a local school system or retired
75 from teaching in public school and each with at least ten (10)
76 years' teaching experience in core curriculum; one (1) professor
77 from the mathematics department of a college of arts and sciences;
78 one (1) professor from the English literature department of a
79 college of arts and sciences; one (1) representative from a
80 technical college; one (1) representative from the business
81 community; two (2) local board members or superintendents from
82 local school systems appointed by the chairman of the House
83 Education Committee; two (2) local board members or
84 superintendents from local school systems appointed by the
85 chairman of the Senate Education Committee; and two (2) clinical
86 psychologists or psychiatrists with expertise in child cognitive
87 development. All members of the advisory council shall have
88 completed at least a four-year college degree.

89 (b) All members of the advisory council must be
90 citizens of the State of Mississippi for at least six (6) months
91 before appointment. Members shall serve without compensation but
92 shall be reimbursed for necessary expenditures incurred in the
93 performance of their duties as members of the advisory council.
94 Members, as well as any members of their families or their
95 business entities, shall not have conflicts of interest with
96 regard to actions taken by the advisory council and shall not
97 accept any money, meals, trips, gifts, or any other favors from
98 any person, business or organization that would benefit,



99 financially or otherwise, from actions taken by the advisory
100 council. The advisory council shall be as fairly balanced as
101 reasonably possible with members from each of the congressional
102 districts representing urban, suburban and rural areas. Advisory
103 council members shall serve no longer than four (4) years. Each
104 member rotating off the advisory council shall be replaced within
105 thirty (30) days.

106 (2) **Subcommittees.** (a) The advisory council shall
107 establish the following subcommittees for K-12 curriculum content
108 standards: mathematics, history/social studies, science, and
109 English Language Arts. Subcommittee members need not be members
110 of the advisory council. Each subcommittee shall include among
111 its required members at least the following: three (3) certified
112 teachers employed by local school systems or retired from
113 teaching, whether in public or private schools, and having at
114 least ten (10) years of teaching experience with at least five (5)
115 years in the academic content area of the subcommittee; three (3)
116 parents of students enrolled in public school; three (3)
117 professors, each with a doctoral degree in the specific academic
118 content area of the subcommittee, who are employed by or have
119 retired from a four-year institution of higher education; one (1)
120 member appointed by the chairman of the House Education Committee;
121 and one (1) member appointed by the chairman of the Senate
122 Education Committee. Subcommittees that address high-school
123 subject areas may also include one (1) representative from a



124 technical college and one (1) representative from the business
125 community.

126 (b) All members of each subcommittee must be citizens
127 of the State of Mississippi for at least six (6) months before
128 appointment. Members shall serve without compensation but shall
129 be reimbursed for necessary expenditures incurred in the
130 performance of their duties as members of the advisory council.
131 Members, as well as any members of their families or their
132 business entities, shall not have financial conflicts of interest
133 with regard to actions taken by the subcommittees or the advisory
134 council and shall not accept any money, meals, trips, gifts, or
135 any other favors from any person, business or organization that
136 would benefit, financially or otherwise, from actions taken by the
137 subcommittees or the advisory council. Subcommittees shall be as
138 fairly balanced as reasonably possible with members from urban,
139 suburban and rural areas. Subcommittee members shall serve no
140 longer than four (4) years. Each required member rotating off a
141 subcommittee shall be replaced within thirty (30) days.

142 (c) Each subcommittee shall review the standards in
143 effect in Mississippi as of January 1, 2010, in its subject area
144 to ensure that they contain clarity, rigor, content, depth and
145 coherence, except that the English Language Arts subcommittee and
146 the math subcommittee shall review the standards in their subject
147 area as implemented above in Section 2(a). For perspective, each
148 subcommittee shall also examine curriculum reform efforts over the



149 past few decades to ensure that current efforts do not take place
150 without historical context. The subcommittee shall:

151 (i) Review relevant research on the subject area
152 and identify areas in the standards where revision is appropriate;

153 (ii) Examine curriculum standards for the subject
154 area adopted by other states;

155 (iii) Collect feedback on the standards from
156 teachers, parents and other citizens and make feedback available
157 to the public via Internet posting; and

158 (iv) Solicit feedback from appropriate
159 content-related organizations, associations and societies.

160 (d) Each subcommittee shall prepare proposed revisions
161 of the standards to reflect its findings from the research
162 conducted pursuant to paragraph (3) of this subsection.

163 (e) Each subcommittee, through the department, shall
164 provide an electronic copy of the revised standards to each local
165 school system and shall make such revised standards available to
166 the public via Internet posting. Each local school system shall
167 notify parents or guardians of its students that the curriculum
168 content standards are being revised and that there is an
169 opportunity to provide feedback. Each subcommittee, through the
170 department, shall also provide an electronic copy of the revised
171 standards to the relevant department heads of each institution of
172 higher education in this state. An electronic copy of all
173 high-school standards shall be sent to the department heads of the



174 content areas addressed by those standards; for example, English
175 language arts standards shall be sent to the heads of the English
176 departments, history standards shall be sent to the heads of the
177 history departments, and so on. High school mathematics standards
178 shall be sent to the heads of departments of mathematics,
179 engineering, physical and biological sciences, and computer
180 science. A public comment period of at least sixty (60) days
181 shall be provided, and each subcommittee shall conduct at least
182 one (1) public hearing for the purpose of permitting the public to
183 comment on the rigor, clarity, and reasonableness of the standards
184 developed by the subcommittee. The standards shall be revised as
185 appropriate.

186 (f) At the conclusion of the revision process, each
187 subcommittee shall submit the revised standards to the advisory
188 council for its review and approval.

189 (3) Upon receipt of the revised standards from the
190 subcommittees, the advisory council shall review and finalize the
191 standards before forwarding them to the board. The board shall
192 then present the standards during at least one (1) public hearing
193 held in every congressional district and at an open hearing before
194 a joint committee composed of the House Education Committee and
195 the Senate Education Committee. After considering the findings
196 and recommendations of the task force, the board shall make such
197 changes in the curriculum standards as it deems in the best
198 interest of the state and its citizens and shall report such



199 proposed changes to local school systems and the Legislature for
200 review.

201 (4) Beginning in 2014, the K-12 standards for mathematics,
202 history, science and English shall be reviewed pursuant to this
203 section at least every eight (8) years, with the review for only
204 one (1) subject being initiated in a given year. Notwithstanding
205 this paragraph, the standards for English Language Arts shall be
206 reviewed this year and then again no more than eight (8) years
207 hence, and the standards for math shall be reviewed this year and
208 then again no more than six (6) years hence.

209 **SECTION 4.** (1) On and after July 1, 2014, neither the
210 board, the department, nor any other education entity shall:

211 (a) Expend any funds, whether from federal Race to the
212 Top grants, American Recovery and Reinvestment Act funds, or
213 elsewhere, on construction, enhancement or expansion of any
214 statewide longitudinal data system designed to track students
215 beyond their K-12 careers, or to compile their personal,
216 nonacademic information beyond what is necessary either for
217 administrative functions directly related to the student's
218 education, for evaluation of academic programs and student
219 progress, or for compliance with the requirements of the United
220 States Department of Education as outlined in paragraph (e) of
221 this subsection;

222 (b) Share any personally identifiable information
223 compiled on students or teachers with any entity outside the State



224 of Mississippi, except as provided in this section; provided,
225 however, that this shall not include hard data storage located in
226 safe locations outside the state, or cloud data storage as long as
227 the cloud computing provider agrees in writing that it will not
228 redisclose such information or use the information for any
229 secondary purposes that benefit the provider or any third party,
230 including, but not limited to, online behavioral advertising,
231 creating or correcting an individual or household profile
232 primarily for the provider's benefit, the sale of data for any
233 commercial purpose, or any other commercial for-profit activity;

234 (c) Share any personally identifiable information about
235 any student or teacher with any entity that intends to use that
236 information for development of commercial products or services or
237 that intends to transfer that data to any other entity for use in
238 development of commercial products or services;

239 (d) Share any personally identifiable information about
240 any student or teacher with any entity inside the State of
241 Mississippi unless that entity is an education agency or
242 institution that does not intend to:

243 (i) Use the data to develop commercial products or
244 services;

245 (ii) Transfer the data to any other entity to use
246 in development of commercial products or services; or

247 (iii) Use the data or transfer the data for
248 economic or workforce development planning; or



249 (e) Share any personally identifiable information on
250 students and teachers with the United States Department of
251 Education unless:

252 (i) Such sharing is required by the United States
253 Department of Education as a condition of receiving a federal
254 education grant;

255 (ii) The United States Department of Education
256 agrees in writing to use the data only to evaluate the program or
257 programs funded by the grant;

258 (iii) The United States Department of Education
259 agrees in writing that the data will not be used for any research
260 beyond that related to evaluation of the program or programs
261 funded by the grant, unless the parent or guardian of any student,
262 and any teacher, whose data will be used for such research
263 affirmatively consents in writing to that use;

264 (iv) The United States Department of Education
265 agrees in writing to destroy the data upon completion of the
266 evaluation of the program or programs for which the data were
267 compiled; and

268 (v) The grant or program in connection with which
269 the data are required is one authorized by federal statute or by
270 federal rule properly promulgated under the federal Administrative
271 Procedure Act, 5 USC Section 500, et seq.

272 (2) If the United States Department of Education requires,
273 as a condition of making a federal education grant, that the grant



274 recipient shares student or teacher data under circumstances that
275 do not comply with paragraph (5) of subsection (e) of this
276 section, the grant recipient shall provide written notification to
277 the parents or guardians of every student whose data will be
278 shared or every teacher whose data will be shared of the
279 following:

280 (a) That the grant recipient has been required to turn
281 over the student's or teacher's data to the United States
282 Department of Education;

283 (b) That neither the grant recipient nor any other
284 entity within the State of Mississippi will have control over the
285 use or further sharing of that data; and

286 (c) The contact information, including telephone number
287 and e-mail address, of the United States Department of Education
288 official who demands the data.

289 (3) No state or national student assessment shall be adopted
290 or administered in this state that collects any type of
291 psychological data, including assessment of noncognitive skills or
292 attributes, psychological resources, mindsets, learning
293 strategies, effortful control, attitudes, dispositions, social
294 skills, or other interpersonal or intrapersonal resources.

295 **SECTION 5.** Section 37-177-5, Mississippi Code of 1972, is
296 amended as follows:

297 37-177-5. The State Department of Education shall establish
298 a Mississippi Reading Panel to collaborate with the State



299 Department of Education in recommending appropriate equitable
300 alternative standardized assessments and cut scores to be used to
301 determine promotion to the Fourth Grade of those Third Grade
302 students who scored at the lowest achievement level on the state
303 annual accountability assessment or who, for unforeseen
304 circumstances, were unable to take the assessment. The panel
305 should have knowledge and input in the adoption or development of
306 a universal screener for required use only in select schools most
307 in need for the reading intervention program to identify reading
308 deficiencies and determine progress. A suggestive list of no less
309 than four (4) screening assessments should be available to schools
310 not selected for the critical reading intervention program taking
311 into consideration those screening assessments already being used
312 satisfactorily in Mississippi elementary schools. * * * The panel
313 shall consist of six (6) members as follows: the State
314 Superintendent of Education, or his/her designee, who will chair
315 the committee; the Chair of the House Education Committee, or his
316 designee; the Chairman of the Senate Education Committee, or his
317 designee; one (1) member appointed by the Governor; and two (2)
318 additional members appointed by the State Superintendent of
319 Education.

320 **SECTION 6.** Sections 37-154-1 and 37-154-3, Mississippi Code
321 of 1972, which provide for the development of a State Longitudinal



322 Data System (SLDS) and establish a multiagency database to track
323 education and student outcomes in the workforce, are hereby
324 repealed.

325 **SECTION 7.** This act shall take effect and be in force from
326 and after July 1, 2014.

