

By: Senator(s) Parker

To: Education

SENATE BILL NO. 2030

1 AN ACT TO AMEND SECTION 37-16-7, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION TO REPLACE  
 3 SUBJECT AREA TESTING REQUIREMENTS (SATP2) AND PARCC STUDENT  
 4 ASSESSMENTS WITH THE AMERICAN COLLEGE TESTING (ACT) ASSESSMENT ON  
 5 A PHASED-IN BASIS; TO AMEND SECTION 37-1-3, MISSISSIPPI CODE OF  
 6 1972, TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION TO  
 7 REQUIRE THE ACT COLLEGE READINESS TEST AND PRECURSOR DIAGNOSTIC  
 8 TESTS TO BE ADMINISTERED BEGINNING IN THE 2017-2018 SCHOOL YEAR  
 9 WITH RESULTS TO BE INCLUDED IN EACH SCHOOL DISTRICT'S  
 10 ACCOUNTABILITY REPORT; TO DIRECT THE STATE SUPERINTENDENT OF  
 11 EDUCATION TO TAKE IMMEDIATE ACTION TO WITHDRAW FROM THE  
 12 PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS  
 13 (PARCC); TO AMEND SECTION 37-16-17, MISSISSIPPI CODE OF 1972, IN  
 14 CONFORMITY; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
 15 DELETE THE REQUIREMENT THAT THE STATE DEPARTMENT OF EDUCATION  
 16 COMBINE THE STATE SCHOOL ACCOUNTABILITY SYSTEM WITH THE FEDERAL  
 17 SYSTEM; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 37-16-7, Mississippi Code of 1972, is  
 20 amended as follows:

21 37-16-7. (1) Each district school board shall establish  
 22 standards for graduation from its schools which shall include as a  
 23 minimum:

24 (a) Mastery of minimum academic skills \* \* \*  
 25 developed \* \* \* by the State Board of Education. Beginning with



26 the 2017-2018 school year, the State Department of Education shall  
27 not require school districts to administer the Subject Area  
28 Testing Program (SATP2) test or the multistate Partnership for  
29 Assessment of Readiness for College and Careers (PARCC) test for  
30 student promotion to grade levels or high-school student  
31 graduation purposes. Beginning with the 2015-2016 school year,  
32 the State Board of Education shall require school districts to  
33 phase in the administration of the American College Testing (ACT)  
34 assessment to students starting in the third grade in order to  
35 measure (a) whether the student is performing at grade level, and  
36 (b) where the student falls on the trajectory toward college and  
37 career readiness (ACT Aspire) as provided in Section 37-1-3(1).  
38 Only students who entered Grade 9 for the first time in the  
39 2014-2015 school year or prior year will be required to pass the  
40 former SATP2 state subject area test for high-school student  
41 graduation purposes.

42 (b) Completion of a minimum number of academic credits,  
43 and all other applicable requirements prescribed by the district  
44 school board.

45 (c) By school, information on high-school graduation  
46 rates. High schools with graduation rates lower than eighty  
47 percent (80%) must submit a detailed plan to the Mississippi  
48 Department of Education to restructure the high-school experience  
49 to improve graduation rates.



50 (2) A student who meets all requirements prescribed in  
51 subsection (1) of this section shall be awarded a standard diploma  
52 in a form prescribed by the State Board of Education.

53 (3) The State Board of Education may establish student  
54 proficiency standards for promotion to grade levels leading to  
55 graduation.

56 (4) Upon the effective date of this act, the State  
57 Superintendent of Education shall immediately initiate the  
58 procedure outlined in the Bylaws of the Partnership for Assessment  
59 of Readiness for College and Careers (PARCC) to withdraw the state  
60 from the consortium.

61 **SECTION 2.** Section 37-1-3, Mississippi Code of 1972, is  
62 amended as follows:

63 37-1-3. (1) (a) Beginning with the 2017-2018 school year,  
64 to the extent funds are made available for this purpose, the State  
65 Board of Education shall plan for and require the administration  
66 of the ACT college admissions test for all students in the  
67 eleventh grade unless the student has already taken a comparable  
68 test and scored at or above a level set by the state board. The  
69 goals of these assessments are to hold schools accountable for  
70 increasing the college and career readiness of students and also  
71 to provide students with important information to help them  
72 prepare for education and career decisions after high school.

73 (b) Beginning with the 2015-2016 school year, to the  
74 extent funds are made available for this purpose, the State Board



75 of Education shall plan for and require the administration of  
76 precursor tests in Grades K-8 and diagnostic tests in the eighth  
77 and tenth grades that align to the ACT test in order to help  
78 diagnose student learning and provide for students an indication  
79 of whether they are on track to be remediation-free at a community  
80 college or university.

81 (c) The State Board of Education shall require the  
82 administration of an alternate to the ACT or an alternate to the  
83 precursor test to the ACT to a student who (i) exhibits severe and  
84 pervasive delays in all areas of conceptual, linguistic, and  
85 academic development and in adaptive behaviors, including  
86 communication, daily living skills, and self-care, (ii) is  
87 following a course of study that, upon completing high school, may  
88 not lead to admission into a college-level course of study  
89 resulting in a college degree, and (iii) has a written parental  
90 request for an alternate assessment.

91 (d) The State Board of Education shall ensure that  
92 parents of students enrolled in all public schools, including  
93 charter schools, have the necessary information to make informed  
94 decisions regarding participation in the ACT and the precursor  
95 test to the ACT.

96 (e) Beginning with the 2017-2018 school year, ACT  
97 assessment and alternative assessed results will be included in  
98 the school accountability reports at the high school level. The



99 scores from March 2017, when all eleventh graders take the ACT,  
100 will be included in the Class of 2018 report.

101 (2) Upon the effective date of this act, the State  
102 Superintendent of Education shall immediately initiate the  
103 procedure, outlined in the Bylaws of the Partnership for  
104 Assessment of Readiness for College and Careers (adopted April 12,  
105 2012), to withdraw the state from such consortium. All statewide  
106 K-12 tests and assessments shall be solely owned and solely  
107 controlled by the state.

108 ( \* \* \*3) The State Board of Education shall adopt rules and  
109 regulations and set standards and policies for the organization,  
110 operation, management, planning, budgeting and programs of the  
111 State Department of Education.

112 (a) The board is directed to identify all functions of  
113 the department that contribute to or comprise a part of the state  
114 system of educational accountability and to establish and maintain  
115 within the department the necessary organizational structure,  
116 policies and procedures for effectively coordinating such  
117 functions. Such policies and procedures shall clearly fix and  
118 delineate responsibilities for various aspects of the system and  
119 for overall coordination of the total system and its effective  
120 management.

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



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

127 (d) The board shall establish and maintain a central  
128 budget policy.

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

132 (f) The board, with recommendations from the  
133 superintendent, shall design and maintain a five-year plan and  
134 program for educational improvement that shall set forth  
135 objectives for system performance and development and be the basis  
136 for budget requests and legislative initiatives.

137 ( \* \* \*4) (a) The State Board of Education shall adopt and  
138 maintain a curriculum and a course of study to be used in the  
139 public school districts that is designed to prepare the state's  
140 children and youth to be productive, informed, creative citizens,  
141 workers and leaders, and it shall regulate all matters arising in  
142 the practical administration of the school system not otherwise  
143 provided for.

144 (b) Before the 1999-2000 school year, the State Board  
145 of Education shall develop personal living and finances objectives  
146 that focus on money management skills for individuals and families  
147 for appropriate, existing courses at the secondary level. The  
148 objectives must require the teaching of those skills necessary to



149 handle personal business and finances and must include instruction  
150 in the following:

- 151 (i) Opening a bank account and assessing the  
152 quality of a bank's services;
- 153 (ii) Balancing a checkbook;
- 154 (iii) Managing debt, including retail and credit  
155 card debt;
- 156 (iv) Completing a loan application;
- 157 (v) The implications of an inheritance;
- 158 (vi) The basics of personal insurance policies;
- 159 (vii) Consumer rights and responsibilities;
- 160 (viii) Dealing with salesmen and merchants;
- 161 (ix) Computing state and federal income taxes;
- 162 (x) Local tax assessments;
- 163 (xi) Computing interest rates by various  
164 mechanisms;
- 165 (xii) Understanding simple contracts; and  
166 (xiii) Contesting an incorrect billing statement.

167 ( \* \* \*5) The State Board of Education shall have authority  
168 to expend any available federal funds, or any other funds  
169 expressly designated, to pay training, educational expenses,  
170 salary incentives and salary supplements to licensed teachers  
171 employed in local school districts or schools administered by the  
172 State Board of Education. Such incentive payments shall not be  
173 considered part of a school district's local supplement as defined



174 in Section 37-151-5(o), nor shall the incentives be considered  
175 part of the local supplement paid to an individual teacher for the  
176 purposes of Section 37-19-7(1). MAEP funds or any other state  
177 funds shall not be used to provide such incentives unless  
178 specifically authorized by law.

179 ( \* \* \*6) The State Board of Education shall through its  
180 actions seek to implement the policies set forth in Section  
181 37-1-2.

182 (7) The State Board of Education may adopt rules to  
183 implement this section.

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

186 37-16-17. (1) Purpose. (a) The purpose of this section is  
187 to create a quality option in Mississippi's high schools for  
188 students not wishing to pursue a baccalaureate degree, which shall  
189 consist of challenging academic courses and modern  
190 career-technical studies. The goal for students pursuing the  
191 career track is to graduate from high school with a standard  
192 diploma and credit toward a community college certification in a  
193 career-technical field. These students also shall be encouraged  
194 to take the national assessment in the career-technical field in  
195 which they become certified.

196 (b) The State Board of Education shall develop and  
197 adopt course and curriculum requirements for career track programs  
198 offered by local public school boards in accordance with this





199 section. The Mississippi Community College Board and the State  
200 Board of Education jointly shall determine course and curriculum  
201 requirements for the career track program.

202 (2) Alternative career track; description; curriculum. (a)  
203 A career track shall provide a student with greater technical  
204 skill and a strong academic core and shall be offered to each high  
205 school student enrolled in a public school district. The career  
206 track program shall be linked to postsecondary options and shall  
207 prepare students to pursue either a degree or certification from a  
208 postsecondary institution, an industry-based training or  
209 certification, an apprenticeship, the military, or immediate  
210 entrance into a career field. The career track shall be designed  
211 primarily for those students who are not college bound and shall  
212 provide them with alternatives to entrance into a four-year  
213 university or college after high school graduation.

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

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

220 (d) Students in a career track program shall complete  
221 an academic core of courses and a career and technical sequence of  
222 courses.



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

225 (i) At least four (4) English credits, including  
226 English I and English II.

227 (ii) At least three (3) mathematics credits,  
228 including Algebra I.

229 (iii) At least three (3) science credits,  
230 including one (1) unit of biology.

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

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

236 (vi) At least four (4) credits in career and  
237 technical education courses in the dual enrollment-dual credit  
238 programs authorized under Section 37-15-38.

239 (vii) At least one (1) credit in integrated  
240 technology with optional end of course testing.

241 (viii) At least two and one-half (2-1/2) credits  
242 in additional electives or career and technical education courses  
243 required by the local school board, as approved by the State Board  
244 of Education. Academic courses within the career track of the  
245 standard diploma shall provide the knowledge and skill necessary  
246 for proficiency on the \* \* \* American College Testing (ACT)



247 assessment or an equivalent alternative assessment adopted by the  
248 district and approved by the State Board of Education.

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

255 **SECTION 4.** Section 37-17-6, Mississippi Code of 1972, is  
256 amended as follows:

257 37-17-6. (1) The State Board of Education, acting through  
258 the Commission on School Accreditation, shall establish and  
259 implement a permanent performance-based accreditation system, and  
260 all noncharter public elementary and secondary schools shall be  
261 accredited under this system.

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

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

271           Number of Students                                   Number of Certified



272	Per School Library	School Librarians
273	0 - 499 Students	1/2 Full-time Equivalent
274		Certified Librarian
275	500 or More Students	1 Full-time Certified
276		Librarian

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

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

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

288 (e) Nothing in this subsection shall prohibit any  
 289 school district from employing more certified school librarians  
 290 than are provided for in this section.

291 (f) Any additional millage levied to fund school  
 292 librarians required for accreditation under this subsection shall  
 293 be included in the tax increase limitation set forth in Sections  
 294 37-57-105 and 37-57-107 and shall not be deemed a new program for  
 295 purposes of the limitation.



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

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

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

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

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

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

311 (f) A determination of which schools exceed their  
312 standards and a plan for providing recognition and rewards to  
313 those schools;

314 (g) A determination of which schools are failing to  
315 meet their standards and a determination of the appropriate role  
316 of the State Board of Education and the State Department of  
317 Education in providing assistance and initiating possible  
318 intervention. A failing district is a district that fails to meet  
319 both the absolute student achievement standards and the rate of  
320 annual growth expectation standards as set by the State Board of



321 Education for two (2) consecutive years. The State Board of  
322 Education shall establish the level of benchmarks by which  
323 absolute student achievement and growth expectations shall be  
324 assessed. In setting the benchmarks for school districts, the  
325 State Board of Education may also take into account such factors  
326 as graduation rates, dropout rates, completion rates, the extent  
327 to which the school or district employs qualified teachers in  
328 every classroom, and any other factors deemed appropriate by the  
329 State Board of Education. The State Board of Education, acting  
330 through the State Department of Education, shall apply a simple  
331 "A," "B," "C," "D" and "F" designation to the current school and  
332 school district statewide accountability performance  
333 classification labels beginning with the State Accountability  
334 Results for the 2011-2012 school year and following, and in the  
335 school, district and state report cards required under state and  
336 federal law. Under the new designations, a school or school  
337 district that has earned a "Star" rating shall be designated an  
338 "A" school or school district; a school or school district that  
339 has earned a "High-Performing" rating shall be designated a "B"  
340 school or school district; a school or school district that has  
341 earned a "Successful" rating shall be designated a "C" school or  
342 school district; a school or school district that has earned an  
343 "Academic Watch" rating shall be designated a "D" school or school  
344 district; a school or school district that has earned a  
345 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



346 be designated an "F" school or school district. Effective with  
347 the implementation of any new curriculum and assessment standards,  
348 the State Board of Education, acting through the State Department  
349 of Education, is further authorized and directed to change the  
350 school and school district accreditation rating system to a simple  
351 "A," "B," "C," "D," and "F" designation based on a combination of  
352 student achievement scores and student growth as measured by the  
353 statewide testing programs developed by the State Board of  
354 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
355 1972. In any statute or regulation containing the former  
356 accreditation designations, the new designations shall be  
357 applicable;

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

360 (i) The State Board of Education may, based on a  
361 written request that contains specific reasons for requesting a  
362 waiver from the school districts affected by Hurricane Katrina of  
363 2005, hold harmless school districts from assignment of district  
364 and school level accountability ratings for the 2005-2006 school  
365 year. The State Board of Education upon finding an extreme  
366 hardship in the school district may grant the request. It is the  
367 intent of the Legislature that all school districts maintain the  
368 highest possible academic standards and instructional programs in  
369 all schools as required by law and the State Board of Education.



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

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

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

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

384 \* \* \*

385 ( \* \* \*b) The State Department of Education shall  
386 establish five (5) performance categories ("A," "B," "C," "D" and  
387 "F") for the accountability system based on the following  
388 criteria:

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

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





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

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

399 (iv) Categories shall identify schools as Reward  
400 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
401 at least five percent (5%) of schools in the state are not graded  
402 as "F" schools, the lowest five percent (5%) of school grade point  
403 designees will be identified as Priority schools. If at least ten  
404 percent (10%) of schools in the state are not graded as "D"  
405 schools, the lowest ten percent (10%) of school grade point  
406 designees will be identified as Focus schools;

407 (v) The State Department of Education shall  
408 discontinue the use of Star School, High-Performing, Successful,  
409 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
410 school accountability designations;

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

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



419 model, in order to support improvement of individual student  
420 learning;

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

423 (ix) The State Department of Education shall  
424 determine feeder patterns of schools that do not earn a school  
425 grade because the grades and subjects taught at the school do not  
426 have statewide standardized assessments needed to calculate a  
427 school grade. Upon determination of the feeder pattern, the  
428 department shall notify schools and school districts prior to the  
429 release of the school grades beginning in 2013. Feeder schools  
430 will be assigned the accountability designation of the school to  
431 which they provide students;

432 (x) Standards for student, school and school  
433 district performance will be increased when student proficiency is  
434 at a seventy-five percent (75%) and/or when sixty-five percent  
435 (65%) of the schools and/or school districts are earning a grade  
436 of "B" or higher, in order to raise the standard on performance  
437 after targets are met.

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

441 (7) The State Board of Education shall create an  
442 accreditation audit unit under the Commission on School



443 Accreditation to determine whether schools are complying with  
444 accreditation standards.

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

451 (9) Deleted.

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

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



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

469 (b) Notify any applicable school district failing to  
470 meet accreditation standards that it is on probation until  
471 corrective actions are taken or until the deficiencies have been  
472 removed. The local school district shall develop a corrective  
473 action plan to improve its deficiencies. For district academic  
474 deficiencies, the corrective action plan for each such school  
475 district shall be based upon a complete analysis of the following:  
476 student test data, student grades, student attendance reports,  
477 student dropout data, existence and other relevant data. The  
478 corrective action plan shall describe the specific measures to be  
479 taken by the particular school district and school to improve:  
480 (i) instruction; (ii) curriculum; (iii) professional development;  
481 (iv) personnel and classroom organization; (v) student incentives  
482 for performance; (vi) process deficiencies; and (vii) reporting to  
483 the local school board, parents and the community. The corrective  
484 action plan shall describe the specific individuals responsible  
485 for implementing each component of the recommendation and how each  
486 will be evaluated. All corrective action plans shall be provided  
487 to the State Board of Education as may be required. The decision  
488 of the State Board of Education establishing the probationary  
489 period of time shall be final;



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

501           (d) Assign department personnel or contract, in its  
502 discretion, with the institutions of higher learning or other  
503 appropriate private entities with experience in the academic,  
504 finance and other operational functions of schools to assist  
505 school districts;

506           (e) Provide for publication of public notice at least  
507 one time during the probationary period, in a newspaper published  
508 within the jurisdiction of the school district failing to meet  
509 accreditation standards, or if no newspaper is published therein,  
510 then in a newspaper having a general circulation therein. The  
511 publication shall include the following: declaration of school  
512 system's status as being on probation; all details relating to the  
513 impairment report; and other information as the State Board of  
514 Education deems appropriate. Public notices issued under this



515 section shall be subject to Section 13-3-31 and not contrary to  
516 other laws regarding newspaper publication.

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

535 (b) If the State Board of Education and the Commission  
536 on School Accreditation determine that an extreme emergency  
537 situation exists in a school district that jeopardizes the safety,  
538 security or educational interests of the children enrolled in the  
539 schools in that district and that emergency situation is believed



540 to be related to a serious violation or violations of  
541 accreditation standards or state or federal law, or when a school  
542 district meets the State Board of Education's definition of a  
543 failing school district for two (2) consecutive full school years,  
544 or if more than fifty percent (50%) of the schools within the  
545 school district are designated as Schools At-Risk in any one (1)  
546 year, the State Board of Education may request the Governor to  
547 declare a state of emergency in that school district. For  
548 purposes of this paragraph, the declarations of a state of  
549 emergency shall not be limited to those instances when a school  
550 district's impairments are related to a lack of financial  
551 resources, but also shall include serious failure to meet minimum  
552 academic standards, as evidenced by a continued pattern of poor  
553 student performance.

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

558 (i) Declare a state of emergency, under which some  
559 or all of state funds can be escrowed except as otherwise provided  
560 in Section 206, Constitution of 1890, until the board determines  
561 corrective actions are being taken or the deficiencies have been  
562 removed, or that the needs of students warrant the release of  
563 funds. The funds may be released from escrow for any program  
564 which the board determines to have been restored to standard even



565 though the state of emergency may not as yet be terminated for the  
566 district as a whole;

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

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

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

581           (v) For states of emergency declared under  
582 paragraph (a) only, if the accreditation deficiencies are related  
583 to the fact that the school district is too small, with too few  
584 resources, to meet the required standards and if another school  
585 district is willing to accept those students, abolish that  
586 district and assign that territory to another school district or  
587 districts. If the school district has proposed a voluntary  
588 consolidation with another school district or districts, then if  
589 the State Board of Education finds that it is in the best interest





590 of the pupils of the district for the consolidation to proceed,  
591 the voluntary consolidation shall have priority over any such  
592 assignment of territory by the State Board of Education;

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

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

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

609 (e) The parent or legal guardian of a school-age child  
610 who is enrolled in a school district whose accreditation has been  
611 withdrawn by the Commission on School Accreditation and without  
612 approval of that school district may file a petition in writing to  
613 a school district accredited by the Commission on School  
614 Accreditation for a legal transfer. The school district



615 accredited by the Commission on School Accreditation may grant the  
616 transfer according to the procedures of Section 37-15-31(1)(b).  
617 In the event the accreditation of the student's home district is  
618 restored after a transfer has been approved, the student may  
619 continue to attend the transferee school district. The per-pupil  
620 amount of the adequate education program allotment, including the  
621 collective "add-on program" costs for the student's home school  
622 district shall be transferred monthly to the school district  
623 accredited by the Commission on School Accreditation that has  
624 granted the transfer of the school-age child.

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

636 (g) There is established a Mississippi Recovery School  
637 District within the State Department of Education under the  
638 supervision of a deputy superintendent appointed by the State  
639 Superintendent of Public Education, who is subject to the approval



640 by the State Board of Education. The Mississippi Recovery School  
641 District shall provide leadership and oversight of all school  
642 districts that are subject to state conservatorship, as defined in  
643 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall  
644 have all the authority granted under these two (2) chapters. The  
645 Mississippi Department of Education, with the approval of the  
646 State Board of Education, shall develop policies for the operation  
647 and management of the Mississippi Recovery School District. The  
648 deputy state superintendent is responsible for the Mississippi  
649 Recovery School District and shall be authorized to oversee the  
650 administration of the Mississippi Recovery School District,  
651 oversee conservators assigned by the State Board of Education to a  
652 local school district, hear appeals from school districts under  
653 conservatorship that would normally be filed by students, parents  
654 or employees and heard by a local school board, which hearings on  
655 appeal shall be conducted in a prompt and timely manner in the  
656 school district from which the appeal originated in order to  
657 ensure the ability of appellants, other parties and witnesses to  
658 appeal without undue burden of travel costs or loss of time from  
659 work, and perform other related duties as assigned by the State  
660 Superintendent of Public Education. The deputy state  
661 superintendent is responsible for the Mississippi Recovery School  
662 District and shall determine, based on rigorous professional  
663 qualifications set by the State Board of Education, the  
664 appropriate individuals to be engaged to be conservators and



665 financial advisors, if applicable, of all school districts subject  
666 to state conservatorship. After State Board of Education  
667 approval, these individuals shall be deemed independent  
668 contractors.

669 (13) Upon the declaration of a state of emergency in a  
670 school district under subsection (12) of this section, the  
671 Commission on School Accreditation shall be responsible for public  
672 notice at least once a week for at least three (3) consecutive  
673 weeks in a newspaper published within the jurisdiction of the  
674 school district failing to meet accreditation standards, or if no  
675 newspaper is published therein, then in a newspaper having a  
676 general circulation therein. The size of the notice shall be no  
677 smaller than one-fourth (1/4) of a standard newspaper page and  
678 shall be printed in bold print. If a conservator has been  
679 appointed for the school district, the notice shall begin as  
680 follows: "By authority of Section 37-17-6, Mississippi Code of  
681 1972, as amended, adopted by the Mississippi Legislature during  
682 the 1991 Regular Session, this school district (name of school  
683 district) is hereby placed under the jurisdiction of the State  
684 Department of Education acting through its appointed conservator  
685 (name of conservator)."

686 The notice also shall include, in the discretion of the State  
687 Board of Education, any or all details relating to the school  
688 district's emergency status, including the declaration of a state  
689 of emergency in the school district and a description of the



690 district's impairment deficiencies, conditions of any  
691 conservatorship and corrective actions recommended and being  
692 taken. Public notices issued under this section shall be subject  
693 to Section 13-3-31 and not contrary to other laws regarding  
694 newspaper publication.

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

701       (14) The State Board of Education or the Commission on  
702 School Accreditation shall have the authority to require school  
703 districts to produce the necessary reports, correspondence,  
704 financial statements, and any other documents and information  
705 necessary to fulfill the requirements of this section.

706       Nothing in this section shall be construed to grant any  
707 individual, corporation, board or conservator the authority to  
708 levy taxes except in accordance with presently existing statutory  
709 provisions.

710       (15) (a) Whenever the Governor declares a state of  
711 emergency in a school district in response to a request made under  
712 subsection (12) of this section, the State Board of Education, in  
713 its discretion, may assign an interim conservator to the school  
714 district, or in its discretion, may contract with an appropriate



715 private entity with experience in the academic, finance and other  
716 operational functions of schools and school districts, who will be  
717 responsible for the administration, management and operation of  
718 the school district, including, but not limited to, the following  
719 activities:

720 (i) Approving or disapproving all financial  
721 obligations of the district, including, but not limited to, the  
722 employment, termination, nonrenewal and reassignment of all  
723 licensed and nonlicensed personnel, contractual agreements and  
724 purchase orders, and approving or disapproving all claim dockets  
725 and the issuance of checks; in approving or disapproving  
726 employment contracts of superintendents, assistant superintendents  
727 or principals, the interim conservator shall not be required to  
728 comply with the time limitations prescribed in Sections 37-9-15  
729 and 37-9-105;

730 (ii) Supervising the day-to-day activities of the  
731 district's staff, including reassigning the duties and  
732 responsibilities of personnel in a manner which, in the  
733 determination of the conservator, will best suit the needs of the  
734 district;

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



- 739                   (iv) Attending all meetings of the district's  
740 school board and administrative staff;
- 741                   (v) Approving or disapproving all athletic, band  
742 and other extracurricular activities and any matters related to  
743 those activities;
- 744                   (vi) Maintaining a detailed account of  
745 recommendations made to the district and actions taken in response  
746 to those recommendations;
- 747                   (vii) Reporting periodically to the State Board of  
748 Education on the progress or lack of progress being made in the  
749 district to improve the district's impairments during the state of  
750 emergency; and
- 751                   (viii) Appointing a parent advisory committee,  
752 comprised of parents of students in the school district that may  
753 make recommendations to the conservator concerning the  
754 administration, management and operation of the school district.

755       Except when, in the determination of the State Board of  
756 Education, the school district's impairment is related to a lack  
757 of financial resources, the cost of the salary of the conservator  
758 and any other actual and necessary costs related to the  
759 conservatorship paid by the State Department of Education shall be  
760 reimbursed by the local school district from funds other than  
761 adequate education program funds. The department shall submit an  
762 itemized statement to the superintendent of the local school



763 district for reimbursement purposes, and any unpaid balance may be  
764 withheld from the district's adequate education program funds.

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

770 (b) In order to provide loans to school districts under  
771 a state of emergency or under conservatorship that have  
772 impairments related to a lack of financial resources, the School  
773 District Emergency Assistance Fund is created as a special fund in  
774 the State Treasury into which monies may be transferred or  
775 appropriated by the Legislature from any available public  
776 education funds. Funds in the School District Emergency  
777 Assistance Fund up to a maximum balance of Three Million Dollars  
778 (\$3,000,000.00) annually shall not lapse but shall be available  
779 for expenditure in subsequent years subject to approval of the  
780 State Board of Education. Any amount in the fund in excess of  
781 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
782 year shall lapse into the State General Fund or the Education  
783 Enhancement Fund, depending on the source of the fund.

784 The State Board of Education may loan monies from the School  
785 District Emergency Assistance Fund to a school district that is  
786 under a state of emergency or under conservatorship, in those  
787 amounts, as determined by the board, that are necessary to correct





788 the district's impairments related to a lack of financial  
789 resources. The loans shall be evidenced by an agreement between  
790 the school district and the State Board of Education and shall be  
791 repayable in principal, without necessity of interest, to the  
792 School District Emergency Assistance Fund by the school district  
793 from any allowable funds that are available. The total amount  
794 loaned to the district shall be due and payable within five (5)  
795 years after the impairments related to a lack of financial  
796 resources are corrected. If a school district fails to make  
797 payments on the loan in accordance with the terms of the agreement  
798 between the district and the State Board of Education, the State  
799 Department of Education, in accordance with rules and regulations  
800 established by the State Board of Education, may withhold that  
801 district's adequate education program funds in an amount and  
802 manner that will effectuate repayment consistent with the terms of  
803 the agreement; the funds withheld by the department shall be  
804 deposited into the School District Emergency Assistance Fund.

805 The State Board of Education shall develop a protocol that  
806 will outline the performance standards and requisite time line  
807 deemed necessary for extreme emergency measures. If the State  
808 Board of Education determines that an extreme emergency exists,  
809 simultaneous with the powers exercised in this subsection, it  
810 shall take immediate action against all parties responsible for  
811 the affected school districts having been determined to be in an  
812 extreme emergency. The action shall include, but not be limited



813 to, initiating civil actions to recover funds and criminal actions  
814 to account for criminal activity. Any funds recovered by the  
815 State Auditor or the State Board of Education from the surety  
816 bonds of school officials or from any civil action brought under  
817 this subsection shall be applied toward the repayment of any loan  
818 made to a school district hereunder.

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

831 (17) (a) If the Governor declares a state of emergency in a  
832 school district, the State Board of Education may take all such  
833 action pertaining to that school district as is authorized under  
834 subsection (12) or (15) of this section, including the appointment  
835 of an interim conservator. The State Board of Education shall  
836 also have the authority to issue a written request with  
837 documentation to the Governor asking that the office of the



838 superintendent of the school district be subject to recall. If  
839 the Governor declares that the office of the superintendent of the  
840 school district is subject to recall, the local school board or  
841 the county election commission, as the case may be, shall take the  
842 following action:

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

852 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
853 name of the superintendent shall be inserted) of the \_\_\_\_\_  
854 (here the title of the school district shall be inserted) be  
855 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

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



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

871 (b) The State Board of Education may issue a written  
872 request with documentation to the Governor asking that the  
873 membership of the school board of the school district shall be  
874 subject to recall. Whenever the Governor declares that the  
875 membership of the school board is subject to recall, the county  
876 election commission or the local governing authorities, as the  
877 case may be, shall take the following action:

878 (i) If the members of the local school board are  
879 elected to office, in those years in which the specific member's  
880 office is not up for election, the name of the school board member  
881 shall be submitted by the State Board of Education to the county  
882 election commission, and the county election commission at a  
883 special election shall submit the question to the voters eligible  
884 to vote for the particular member's office within the county or  
885 school district, as the case may be, and the special election  
886 shall be held within sixty (60) days from notification by the



887 State Board of Education. The ballot shall read substantially as  
888 follows:

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

898 If a majority of those voting on the question vote against  
899 retaining the member of the school board in office, a vacancy in  
900 that board member's office shall exist, which shall be filled in  
901 the manner provided by law; otherwise, the school board member  
902 shall remain in office for the term of that office, and at the  
903 expiration of the term of office, the member shall be eligible for  
904 qualification and election to another term or terms of office.  
905 However, if a majority of the school board members are recalled in  
906 the special election, the Governor shall authorize the board of  
907 supervisors of the county in which the school district is situated  
908 to appoint members to fill the offices of the members recalled.  
909 The board of supervisors shall make those appointments in the  
910 manner provided by law for filling vacancies on the school board,



911 and the appointed members shall serve until the office is filled  
912 at the next regular special election or general election.

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

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

930           (18) Beginning with the school district audits conducted for  
931 the 1997-1998 fiscal year, the State Board of Education, acting  
932 through the Commission on School Accreditation, shall require each  
933 school district to comply with standards established by the State  
934 Department of Audit for the verification of fixed assets and the



935 auditing of fixed assets records as a minimum requirement for  
936 accreditation.

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

944 The State Superintendent of Public Education and the State  
945 Board of Education also shall develop a comprehensive  
946 accountability plan to ensure that local school boards,  
947 superintendents, principals and teachers are held accountable for  
948 student achievement. A written report on the accountability plan  
949 shall be submitted to the Education Committees of both houses of  
950 the Legislature before December 1, 1999, with any necessary  
951 legislative recommendations.

952 (20) Before January 1, 2008, the State Board of Education  
953 shall evaluate and submit a recommendation to the Education  
954 Committees of the House of Representatives and the Senate on  
955 inclusion of graduation rate and dropout rate in the school level  
956 accountability system.

957 (21) If a local school district is determined as failing and  
958 placed into conservatorship for reasons authorized by the  
959 provisions of this section, the conservator appointed to the



960 district shall, within forty-five (45) days after being appointed,  
961 present a detailed and structured corrective action plan to move  
962 the local school district out of conservatorship status to the  
963 local school board and local superintendent of education if they  
964 have not been removed by the conservator, or if the board and  
965 superintendent have been removed, to the local governing authority  
966 of the municipality or county in which the school district under  
967 conservatorship is located. A copy of the conservator's  
968 corrective action plan shall also be filed with the State Board of  
969 Education.

970         **SECTION 5.** This act shall take effect and be in force from  
971 and after July 1, 2015.

