

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2161: Common Core National Education Standards; SBE shall develop and implement new curriculum and assessment standards.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

25 **SECTION 1.** (1) There is hereby established the Mississippi
26 Commission on College and Career Readiness (commission). The
27 commission shall be located administratively in the offices of the
28 State Department of Education but shall exercise all its
29 prescribed statutory powers independently of the State Board of
30 Education.

31 (2) The commission shall be composed of fifteen (15) members
32 as follows:

33 (a) Two (2) parent members appointed by the Governor;

34 (b) Six (6) K-12 public school educators: two (2) of
35 whom shall have a specialist or other advanced degree in
36 mathematics; two (2) of whom shall have a specialist or other
37 advanced degree in English language arts; one (1) of whom shall



38 have a specialist or other advanced degree in science; and one (1)
39 of whom shall have a specialist or other advanced degree in
40 history. Each educator appointed from each subject area
41 enumerated in this paragraph must be a current educator with a
42 minimum of five (5) years of classroom experience, three (3) of
43 whom represent elementary education, three (3) of whom represent
44 secondary education, and each of whom shall be appointed from a
45 school district with an "A" or "B" accountability rating. The
46 Lieutenant Governor shall appoint the elementary education
47 educator appointees, one (1) of whom shall be selected from the
48 First Congressional District, one (1) from the Fourth
49 Congressional District, and one (1) from the state at large, and
50 the Speaker of the House shall appoint the secondary education
51 educator appointees, one (1) of whom shall be selected from the
52 Second Congressional District, one (1) from the Third
53 Congressional District, and one (1) from the state at large;

54 (c) One (1) member appointed by the State Board of
55 Education. In making their appointment, the board is not limited
56 to appointing a representative from the following groups: local
57 school board member or superintendent, any certified teacher or
58 administrator described under paragraph (b), and mathematics
59 and/or English language arts expert for K-Grade 12 as evidenced by
60 a specialist or other advanced degree;

61 (d) One (1) member who shall be a mathematics
62 instructor employed at a community or junior college in the state



63 and who holds advanced degree certification in the discipline
64 area, and who shall be appointed by the Governor;

65 (e) One (1) member employed at a public state
66 institution of higher learning who shall be a child psychologist
67 or specialist in curriculum development and implementation, and
68 who shall be appointed by the Governor;

69 (f) The Chairmen of the House and Senate Education
70 Committees and the Chairmen of the House and Senate Appropriations
71 Committees, each of whom shall serve as nonvoting ex officio
72 members of the commission.

73 Commission appointees shall be citizens of Mississippi who
74 have a demonstrated expertise in the development or implementation
75 of educational standards, who are qualified to assure the
76 alignment of standards to college and career readiness. The
77 commission shall be as fairly balanced as reasonably possible with
78 members from each of the congressional districts.

79 (3) Members of the commission shall be appointed by the
80 appointing authority prescribed in subsection (2) of this section
81 within thirty (30) days of the effective date of this act.

82 (4) The commission shall hold its first meeting no later
83 than June 1, 2015, upon the call of the Governor, and shall
84 organize for business, select a chairman, and shall adopt bylaws
85 for conducting business and issuing reports. Members shall serve
86 without compensation but shall be reimbursed for necessary



87 expenditures incurred in the performance of their duties as
88 members of the commission.

89 (5) The commission shall meet upon the call of the chairman.
90 A quorum of the commission shall be a majority of the voting
91 members. Any vacancy on the commission shall be filled by the
92 appointing authority.

93 (6) To the extent that funds are available, the commission
94 may contract for professional, clerical and consultant services.
95 The commission may also contract with an entity who has an
96 excellent national reputation in the area of school standards and
97 assessments to facilitate the work of the commission.
98 Professional and clerical staff positions for the commission may
99 be filled by persons whose services are loaned to the commission
100 to fulfill the work of the commission.

101 (7) The State Department of Education shall provide meeting
102 rooms, office space, equipment and supplies to the commission and
103 shall be reimbursed from the commission's budget, to the extent
104 that funds are available.

105 (8) Notwithstanding any current law to the contrary, upon
106 the request of the commission, all state departments and agencies
107 and local governments and their subdivisions shall furnish the
108 commission with any information in their possession or available
109 to them.

110 (9) The commission shall do the following:



111 (a) Recommend additional academic standards or propose
112 changes to existing academic standards to the State Board of
113 Education and the State Legislature.

114 (b) Consider the impact on educators, including the
115 need for professional development, when making any of the
116 recommendations required in this section.

117 (c) Review relevant research on the subject area and
118 identify areas in the standards where revision is appropriate.

119 (d) Examine curriculum standards for the subject area
120 adopted by other states.

121 (e) Collect feedback on the standards from teachers,
122 parents and other citizens and make feedback available to the
123 public via Internet posting.

124 (f) Issue its recommendation to the State Board of
125 Education, the Governor and the appropriate committees of the
126 Legislature not later than December 1, 2015.

127 **SECTION 2.** (1) Academic standards adopted by the State
128 Board of Education shall continue to be named and referred to as
129 the "Mississippi College and Career Readiness Standards,"
130 reflecting emphasis on Mississippi's needs and priorities while
131 maintaining the educational morals and objectives of the state.

132 (2) The State Board of Education shall remove the Common
133 Core copyright and any references to the Common Core Standards
134 from the Mississippi College and Career Readiness Standards to



135 ensure Mississippi's sovereign right to modify standards to best
136 meet the needs of Mississippi's citizens.

137 (3) The State Board of Education shall ensure that no
138 official, employee, agency or board of the state shall enter into
139 any agreement, memorandum of understanding, or contract with any
140 federal agency or private entity which in any way cedes or limits
141 state discretion or control over the development, adoption or
142 revision of the Mississippi College and Career Readiness
143 Standards, including, but not limited to, agreements, memoranda of
144 understanding and contracts in exchange for funding for public
145 schools and programs.

146 **SECTION 3.** No personally identifiable data on students' or
147 their families' religions, political party affiliations, biometric
148 information or voting histories shall be shared with the federal
149 government without parental consent. No personally identifiable
150 student data shall be collected for the purpose of the development
151 of commercial products or services without parental consent. No
152 psychological or socio-emotional surveys shall be administered to
153 students or completed by school personnel regarding a particular
154 student without parental consent.

155 **SECTION 4.** Section 37-16-7, Mississippi Code of 1972, is
156 amended as follows:

157 37-16-7. (1) Each district school board shall establish
158 standards for graduation from its schools which shall include as a
159 minimum:



160 (a) Mastery of minimum academic skills as measured by
161 assessments developed and administered by the State Board of
162 Education. Beginning with the 2015-2016 school year, the State
163 Department of Education shall not require school districts to
164 administer the multistate Partnership for Assessment of Readiness
165 for College and Careers (PARCC) test or any other consortia
166 developed test.

167 (b) Completion of a minimum number of academic credits,
168 and all other applicable requirements prescribed by the district
169 school board.

170 (c) By school, information on high-school graduation
171 rates. High schools with graduation rates lower than eighty
172 percent (80%) must submit a detailed plan to the Mississippi
173 Department of Education to restructure the high-school experience
174 to improve graduation rates.

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

178 (3) The State Board of Education may establish student
179 proficiency standards for promotion to grade levels leading to
180 graduation.

181 (4) Beginning in the 2014-2015 school year, students
182 enrolled in Mississippi public schools may not be required to pass
183 any end-of-course test administered under the Subject Area Testing
184 Program as a requirement for graduation. The State Board of



185 Education shall adopt a policy requiring the administration of
186 those end-of-course tests mandated under the federal requirements
187 of No Child Left Behind.

188 **SECTION 5.** Section 37-17-6, Mississippi Code of 1972, is
189 amended as follows:

190 37-17-6. (1) The State Board of Education, acting through
191 the Commission on School Accreditation, shall establish and
192 implement a permanent performance-based accreditation system, and
193 all noncharter public elementary and secondary schools shall be
194 accredited under this system.

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

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

204	Number of Students	Number of Certified
205	Per School Library	School Librarians
206	0 - 499 Students	1/2 Full-time Equivalent
207		Certified Librarian
208	500 or More Students	1 Full-time Certified
209		Librarian



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

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

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

221 (e) Nothing in this subsection shall prohibit any
222 school district from employing more certified school librarians
223 than are provided for in this section.

224 (f) Any additional millage levied to fund school
225 librarians required for accreditation under this subsection shall
226 be included in the tax increase limitation set forth in Sections
227 37-57-105 and 37-57-107 and shall not be deemed a new program for
228 purposes of the limitation.

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

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



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

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

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

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

244 (f) A determination of which schools exceed their
245 standards and a plan for providing recognition and rewards to
246 those schools;

247 (g) A determination of which schools are failing to
248 meet their standards and a determination of the appropriate role
249 of the State Board of Education and the State Department of
250 Education in providing assistance and initiating possible
251 intervention. A failing district is a district that fails to meet
252 both the absolute student achievement standards and the rate of
253 annual growth expectation standards as set by the State Board of
254 Education for two (2) consecutive years. The State Board of
255 Education shall establish the level of benchmarks by which
256 absolute student achievement and growth expectations shall be
257 assessed. In setting the benchmarks for school districts, the
258 State Board of Education may also take into account such factors
259 as graduation rates, dropout rates, completion rates, the extent



260 to which the school or district employs qualified teachers in
261 every classroom, and any other factors deemed appropriate by the
262 State Board of Education. The State Board of Education, acting
263 through the State Department of Education, shall apply a simple
264 "A," "B," "C," "D" and "F" designation to the current school and
265 school district statewide accountability performance
266 classification labels beginning with the State Accountability
267 Results for the 2011-2012 school year and following, and in the
268 school, district and state report cards required under state and
269 federal law. Under the new designations, a school or school
270 district that has earned a "Star" rating shall be designated an
271 "A" school or school district; a school or school district that
272 has earned a "High-Performing" rating shall be designated a "B"
273 school or school district; a school or school district that has
274 earned a "Successful" rating shall be designated a "C" school or
275 school district; a school or school district that has earned an
276 "Academic Watch" rating shall be designated a "D" school or school
277 district; a school or school district that has earned a
278 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
279 be designated an "F" school or school district. Effective with
280 the implementation of any new curriculum and assessment standards,
281 the State Board of Education, acting through the State Department
282 of Education, is further authorized and directed to change the
283 school and school district accreditation rating system to a simple
284 "A," "B," "C," "D," and "F" designation based on a combination of



285 student achievement scores and student growth as measured by the
286 statewide testing programs developed by the State Board of
287 Education pursuant to Chapter 16, Title 37, Mississippi Code of
288 1972. In any statute or regulation containing the former
289 accreditation designations, the new designations shall be
290 applicable;

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

293 (i) The State Board of Education may, based on a
294 written request that contains specific reasons for requesting a
295 waiver from the school districts affected by Hurricane Katrina of
296 2005, hold harmless school districts from assignment of district
297 and school level accountability ratings for the 2005-2006 school
298 year. The State Board of Education upon finding an extreme
299 hardship in the school district may grant the request. It is the
300 intent of the Legislature that all school districts maintain the
301 highest possible academic standards and instructional programs in
302 all schools as required by law and the State Board of Education.

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



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

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

313 (iii) To have sixty percent (60%) of students
314 scoring proficient and advanced on the assessments of the * * *
315 Mississippi College and Career Readiness Standards by 2016 with
316 incremental increases of three percent (3%) each year thereafter.

317 (b) Effective January 1, 2017, the State Department of
318 Education shall combine the state school and school district
319 accountability system with the federal system in order to have a
320 single system.

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

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

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

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



334 (iv) Categories shall identify schools as Reward
335 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
336 at least five percent (5%) of schools in the state are not graded
337 as "F" schools, the lowest five percent (5%) of school grade point
338 designees will be identified as Priority schools. If at least ten
339 percent (10%) of schools in the state are not graded as "D"
340 schools, the lowest ten percent (10%) of school grade point
341 designees will be identified as Focus schools;

342 (v) The State Department of Education shall
343 discontinue the use of Star School, High-Performing, Successful,
344 Academic Watch, Low-Performing, At-Risk of Failing and Failing
345 school accountability designations;

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

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

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



358 (ix) The State Department of Education shall
359 determine feeder patterns of schools that do not earn a school
360 grade because the grades and subjects taught at the school do not
361 have statewide standardized assessments needed to calculate a
362 school grade. Upon determination of the feeder pattern, the
363 department shall notify schools and school districts prior to the
364 release of the school grades beginning in 2013. Feeder schools
365 will be assigned the accountability designation of the school to
366 which they provide students;

367 (x) Standards for student, school and school
368 district performance will be increased when student proficiency is
369 at a seventy-five percent (75%) and/or when sixty-five percent
370 (65%) of the schools and/or school districts are earning a grade
371 of "B" or higher, in order to raise the standard on performance
372 after targets are met.

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

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

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



383 district for failure to timely report student, school personnel
384 and fiscal data necessary to meet state and/or federal
385 requirements.

386 (9) Deleted.

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

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

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

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



408 action plan to improve its deficiencies. For district academic
409 deficiencies, the corrective action plan for each such school
410 district shall be based upon a complete analysis of the following:
411 student test data, student grades, student attendance reports,
412 student dropout data, existence and other relevant data. The
413 corrective action plan shall describe the specific measures to be
414 taken by the particular school district and school to improve:
415 (i) instruction; (ii) curriculum; (iii) professional development;
416 (iv) personnel and classroom organization; (v) student incentives
417 for performance; (vi) process deficiencies; and (vii) reporting to
418 the local school board, parents and the community. The corrective
419 action plan shall describe the specific individuals responsible
420 for implementing each component of the recommendation and how each
421 will be evaluated. All corrective action plans shall be provided
422 to the State Board of Education as may be required. The decision
423 of the State Board of Education establishing the probationary
424 period of time shall be final;

425 (c) Offer, during the probationary period, technical
426 assistance to the school district in making corrective actions.
427 Beginning July 1, 1998, subject to the availability of funds, the
428 State Department of Education shall provide technical and/or
429 financial assistance to all such school districts in order to
430 implement each measure identified in that district's corrective
431 action plan through professional development and on-site
432 assistance. Each such school district shall apply for and utilize



433 all available federal funding in order to support its corrective
434 action plan in addition to state funds made available under this
435 paragraph;

436 (d) Assign department personnel or contract, in its
437 discretion, with the institutions of higher learning or other
438 appropriate private entities with experience in the academic,
439 finance and other operational functions of schools to assist
440 school districts;

441 (e) Provide for publication of public notice at least
442 one time during the probationary period, in a newspaper published
443 within the jurisdiction of the school district failing to meet
444 accreditation standards, or if no newspaper is published therein,
445 then in a newspaper having a general circulation therein. The
446 publication shall include the following: declaration of school
447 system's status as being on probation; all details relating to the
448 impairment report; and other information as the State Board of
449 Education deems appropriate. Public notices issued under this
450 section shall be subject to Section 13-3-31 and not contrary to
451 other laws regarding newspaper publication.

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



458 local school district violates accreditation standards that have
459 been determined by the policies and procedures of the State Board
460 of Education to be a basis for withdrawal of school district's
461 accreditation without a probationary period, the Commission on
462 School Accreditation shall conduct a hearing to allow the affected
463 school district to present evidence or other reasons why its
464 accreditation should not be withdrawn. After its consideration of
465 the results of the hearing, the Commission on School Accreditation
466 shall be authorized, with the approval of the State Board of
467 Education, to withdraw the accreditation of a public school
468 district, and issue a request to the Governor that a state of
469 emergency be declared in that district.

470 (b) If the State Board of Education and the Commission
471 on School Accreditation determine that an extreme emergency
472 situation exists in a school district that jeopardizes the safety,
473 security or educational interests of the children enrolled in the
474 schools in that district and that emergency situation is believed
475 to be related to a serious violation or violations of
476 accreditation standards or state or federal law, or when a school
477 district meets the State Board of Education's definition of a
478 failing school district for two (2) consecutive full school years,
479 or if more than fifty percent (50%) of the schools within the
480 school district are designated as Schools At-Risk in any one (1)
481 year, the State Board of Education may request the Governor to
482 declare a state of emergency in that school district. For



483 purposes of this paragraph, the declarations of a state of
484 emergency shall not be limited to those instances when a school
485 district's impairments are related to a lack of financial
486 resources, but also shall include serious failure to meet minimum
487 academic standards, as evidenced by a continued pattern of poor
488 student performance.

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

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

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



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

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

516 (v) For states of emergency declared under
517 paragraph (a) only, if the accreditation deficiencies are related
518 to the fact that the school district is too small, with too few
519 resources, to meet the required standards and if another school
520 district is willing to accept those students, abolish that
521 district and assign that territory to another school district or
522 districts. If the school district has proposed a voluntary
523 consolidation with another school district or districts, then if
524 the State Board of Education finds that it is in the best interest
525 of the pupils of the district for the consolidation to proceed,
526 the voluntary consolidation shall have priority over any such
527 assignment of territory by the State Board of Education;

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



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

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

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

544 (e) The parent or legal guardian of a school-age child
545 who is enrolled in a school district whose accreditation has been
546 withdrawn by the Commission on School Accreditation and without
547 approval of that school district may file a petition in writing to
548 a school district accredited by the Commission on School
549 Accreditation for a legal transfer. The school district
550 accredited by the Commission on School Accreditation may grant the
551 transfer according to the procedures of Section 37-15-31(1)(b).
552 In the event the accreditation of the student's home district is
553 restored after a transfer has been approved, the student may
554 continue to attend the transferee school district. The per-pupil
555 amount of the adequate education program allotment, including the
556 collective "add-on program" costs for the student's home school



557 district shall be transferred monthly to the school district
558 accredited by the Commission on School Accreditation that has
559 granted the transfer of the school-age child.

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

571 (g) There is established a Mississippi Recovery School
572 District within the State Department of Education under the
573 supervision of a deputy superintendent appointed by the State
574 Superintendent of Public Education, who is subject to the approval
575 by the State Board of Education. The Mississippi Recovery School
576 District shall provide leadership and oversight of all school
577 districts that are subject to state conservatorship, as defined in
578 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
579 have all the authority granted under these two (2) chapters. The
580 Mississippi Department of Education, with the approval of the
581 State Board of Education, shall develop policies for the operation



582 and management of the Mississippi Recovery School District. The
583 deputy state superintendent is responsible for the Mississippi
584 Recovery School District and shall be authorized to oversee the
585 administration of the Mississippi Recovery School District,
586 oversee conservators assigned by the State Board of Education to a
587 local school district, hear appeals from school districts under
588 conservatorship that would normally be filed by students, parents
589 or employees and heard by a local school board, which hearings on
590 appeal shall be conducted in a prompt and timely manner in the
591 school district from which the appeal originated in order to
592 ensure the ability of appellants, other parties and witnesses to
593 appeal without undue burden of travel costs or loss of time from
594 work, and perform other related duties as assigned by the State
595 Superintendent of Public Education. The deputy state
596 superintendent is responsible for the Mississippi Recovery School
597 District and shall determine, based on rigorous professional
598 qualifications set by the State Board of Education, the
599 appropriate individuals to be engaged to be conservators and
600 financial advisors, if applicable, of all school districts subject
601 to state conservatorship. After State Board of Education
602 approval, these individuals shall be deemed independent
603 contractors.

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



607 notice at least once a week for at least three (3) consecutive
608 weeks in a newspaper published within the jurisdiction of the
609 school district failing to meet accreditation standards, or if no
610 newspaper is published therein, then in a newspaper having a
611 general circulation therein. The size of the notice shall be no
612 smaller than one-fourth (1/4) of a standard newspaper page and
613 shall be printed in bold print. If a conservator has been
614 appointed for the school district, the notice shall begin as
615 follows: "By authority of Section 37-17-6, Mississippi Code of
616 1972, as amended, adopted by the Mississippi Legislature during
617 the 1991 Regular Session, this school district (name of school
618 district) is hereby placed under the jurisdiction of the State
619 Department of Education acting through its appointed conservator
620 (name of conservator)."

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

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



632 notice to be published in the school district in the same manner
633 provided in this section, to include any or all details relating
634 to the corrective action taken in the school district that
635 resulted in the termination of the state of emergency.

636 (14) The State Board of Education or the Commission on
637 School Accreditation shall have the authority to require school
638 districts to produce the necessary reports, correspondence,
639 financial statements, and any other documents and information
640 necessary to fulfill the requirements of this section.

641 Nothing in this section shall be construed to grant any
642 individual, corporation, board or conservator the authority to
643 levy taxes except in accordance with presently existing statutory
644 provisions.

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

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



657 employment, termination, nonrenewal and reassignment of all
658 licensed and nonlicensed personnel, contractual agreements and
659 purchase orders, and approving or disapproving all claim dockets
660 and the issuance of checks; in approving or disapproving
661 employment contracts of superintendents, assistant superintendents
662 or principals, the interim conservator shall not be required to
663 comply with the time limitations prescribed in Sections 37-9-15
664 and 37-9-105;

665 (ii) Supervising the day-to-day activities of the
666 district's staff, including reassigning the duties and
667 responsibilities of personnel in a manner which, in the
668 determination of the conservator, will best suit the needs of the
669 district;

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

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

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

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



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

686 (viii) Appointing a parent advisory committee,
687 comprised of parents of students in the school district that may
688 make recommendations to the conservator concerning the
689 administration, management and operation of the school district.

690 Except when, in the determination of the State Board of
691 Education, the school district's impairment is related to a lack
692 of financial resources, the cost of the salary of the conservator
693 and any other actual and necessary costs related to the
694 conservatorship paid by the State Department of Education shall be
695 reimbursed by the local school district from funds other than
696 adequate education program funds. The department shall submit an
697 itemized statement to the superintendent of the local school
698 district for reimbursement purposes, and any unpaid balance may be
699 withheld from the district's adequate education program funds.

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

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



707 impairments related to a lack of financial resources, the School
708 District Emergency Assistance Fund is created as a special fund in
709 the State Treasury into which monies may be transferred or
710 appropriated by the Legislature from any available public
711 education funds. Funds in the School District Emergency
712 Assistance Fund up to a maximum balance of Three Million Dollars
713 (\$3,000,000.00) annually shall not lapse but shall be available
714 for expenditure in subsequent years subject to approval of the
715 State Board of Education. Any amount in the fund in excess of
716 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
717 year shall lapse into the State General Fund or the Education
718 Enhancement Fund, depending on the source of the fund.

719 The State Board of Education may loan monies from the School
720 District Emergency Assistance Fund to a school district that is
721 under a state of emergency or under conservatorship, in those
722 amounts, as determined by the board, that are necessary to correct
723 the district's impairments related to a lack of financial
724 resources. The loans shall be evidenced by an agreement between
725 the school district and the State Board of Education and shall be
726 repayable in principal, without necessity of interest, to the
727 School District Emergency Assistance Fund by the school district
728 from any allowable funds that are available. The total amount
729 loaned to the district shall be due and payable within five (5)
730 years after the impairments related to a lack of financial
731 resources are corrected. If a school district fails to make



732 payments on the loan in accordance with the terms of the agreement
733 between the district and the State Board of Education, the State
734 Department of Education, in accordance with rules and regulations
735 established by the State Board of Education, may withhold that
736 district's adequate education program funds in an amount and
737 manner that will effectuate repayment consistent with the terms of
738 the agreement; the funds withheld by the department shall be
739 deposited into the School District Emergency Assistance Fund.

740 The State Board of Education shall develop a protocol that
741 will outline the performance standards and requisite time line
742 deemed necessary for extreme emergency measures. If the State
743 Board of Education determines that an extreme emergency exists,
744 simultaneous with the powers exercised in this subsection, it
745 shall take immediate action against all parties responsible for
746 the affected school districts having been determined to be in an
747 extreme emergency. The action shall include, but not be limited
748 to, initiating civil actions to recover funds and criminal actions
749 to account for criminal activity. Any funds recovered by the
750 State Auditor or the State Board of Education from the surety
751 bonds of school officials or from any civil action brought under
752 this subsection shall be applied toward the repayment of any loan
753 made to a school district hereunder.

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



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

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

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



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

787 "Shall County Superintendent of Education _____ (here the
788 name of the superintendent shall be inserted) of the _____
789 (here the title of the school district shall be inserted) be
790 retained in office? Yes _____ No _____"

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

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



806 (b) The State Board of Education may issue a written
807 request with documentation to the Governor asking that the
808 membership of the school board of the school district shall be
809 subject to recall. Whenever the Governor declares that the
810 membership of the school board is subject to recall, the county
811 election commission or the local governing authorities, as the
812 case may be, shall take the following action:

813 (i) If the members of the local school board are
814 elected to office, in those years in which the specific member's
815 office is not up for election, the name of the school board member
816 shall be submitted by the State Board of Education to the county
817 election commission, and the county election commission at a
818 special election shall submit the question to the voters eligible
819 to vote for the particular member's office within the county or
820 school district, as the case may be, and the special election
821 shall be held within sixty (60) days from notification by the
822 State Board of Education. The ballot shall read substantially as
823 follows:

824 "Members of the _____ (here the title of the school
825 district shall be inserted) School Board who are not up for
826 election this year are subject to recall because of the school
827 district's failure to meet critical accountability standards as
828 defined in the letter of notification to the Governor from the
829 State Board of Education. Shall the member of the school board
830 representing this area, _____ (here the name of the school



831 board member holding the office shall be inserted), be retained in
832 office? Yes _____ No _____"

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

848 (ii) If the local school board is an appointed
849 school board, the name of all school board members shall be
850 submitted as a collective board by the president of the municipal
851 or county governing authority, as the case may be, at the next
852 regular meeting of the governing authority for retention in office
853 or dismissal from office. If a majority of the governing
854 authority voting on the question vote against retaining the board
855 in office, a vacancy shall exist in each school board member's



856 office, which shall be filled as provided by law; otherwise, the
857 members of the appointed school board shall remain in office for
858 the duration of their term of appointment, and those members may
859 be reappointed.

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

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

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

879 The State Superintendent of Public Education and the State
880 Board of Education also shall develop a comprehensive



881 accountability plan to ensure that local school boards,
882 superintendents, principals and teachers are held accountable for
883 student achievement. A written report on the accountability plan
884 shall be submitted to the Education Committees of both houses of
885 the Legislature before December 1, 1999, with any necessary
886 legislative recommendations.

887 (20) Before January 1, 2008, the State Board of Education
888 shall evaluate and submit a recommendation to the Education
889 Committees of the House of Representatives and the Senate on
890 inclusion of graduation rate and dropout rate in the school level
891 accountability system.

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



905 **SECTION 6.** Section 37-177-5, Mississippi Code of 1972, is
906 amended as follows:

907 37-177-5. The State Department of Education shall establish
908 a Mississippi Reading Panel to collaborate with the State
909 Department of Education in recommending appropriate equitable
910 alternative standardized assessments and cut scores to be used to
911 determine promotion to the Fourth Grade of those Third Grade
912 students who scored at the lowest achievement level on the state
913 annual accountability assessment or who, for unforeseen
914 circumstances, were unable to take the assessment. The panel
915 should have knowledge and input in the adoption or development of
916 a universal screener for required use only in select schools most
917 in need for the reading intervention program to identify reading
918 deficiencies and determine progress. A suggestive list of no less
919 than four (4) screening assessments should be available to schools
920 not selected for the critical reading intervention program taking
921 into consideration those screening assessments already being used
922 satisfactorily in Mississippi elementary schools. An approved
923 alternative standardized reading assessment may be used in
924 2014-2015 in the transition to * * * the Mississippi College and
925 Career-Ready Standards testing. The panel shall consist of six
926 (6) members as follows: the State Superintendent of Education, or
927 his/her designee, who will chair the committee; the Chair of the
928 House Education Committee, or his designee; the Chairman of the
929 Senate Education Committee, or his designee; one (1) member



930 appointed by the Governor; and two (2) additional members
931 appointed by the State Superintendent of Education.

932 **SECTION 7.** This act shall take effect and be in force from
933 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ESTABLISH A MISSISSIPPI COMMISSION ON COLLEGE AND
2 CAREER READINESS TO DEVELOP AND RECOMMEND NEW CURRICULUM AND
3 ASSESSMENT STANDARDS FOR THE PUBLIC SCHOOLS BASED ON NATIONAL AND
4 INTERNATIONAL BENCHMARKS; TO PROVIDE FOR THE MEMBERSHIP OF THE
5 COMMISSION AND TO PROVIDE THAT THE COMMISSION SHALL BE LOCATED
6 ADMINISTRATIVELY IN THE STATE DEPARTMENT OF EDUCATION; TO
7 AUTHORIZE THE STATE BOARD OF EDUCATION TO CONSIDER THE NEW
8 MISSISSIPPI COLLEGE AND CAREER READINESS STANDARDS RECOMMENDED BY
9 THE COMMISSION; TO DIRECT THE STATE BOARD OF EDUCATION TO REMOVE
10 THE COMMON CORE COPYRIGHT AND ANY REFERENCES TO THE COMMON CORE
11 STANDARDS FROM THE MISSISSIPPI COLLEGE AND CAREER READINESS
12 STANDARDS; TO PROVIDE FOR STUDENT CONFIDENTIALITY; TO AMEND
13 SECTION 37-16-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT
14 THE STATE DEPARTMENT OF EDUCATION TO DISCONTINUE PARCC STUDENT
15 ASSESSMENTS OR ANY OTHER CONSORTIA DEVELOPED TEST; TO AMEND
16 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO DELETE UNTIL JANUARY
17 1, 2017, THE REQUIREMENT THAT THE STATE DEPARTMENT OF EDUCATION
18 COMBINE THE STATE SCHOOL ACCOUNTABILITY SYSTEM WITH THE FEDERAL
19 SYSTEM; TO CONFORM REFERENCES TO THE STATE ACCOUNTABILITY
20 STANDARDS WITH THEIR COMMON NAME, THE "MISSISSIPPI COLLEGE AND
21 CAREER-READY STANDARDS"; TO AMEND SECTION 37-177-5, MISSISSIPPI
22 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR
23 RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)
Tollison

X (SIGNED)
Moore

(NOT SIGNED)
Hill

X (SIGNED)
Dixon

X (SIGNED)
Polk

X (SIGNED)
Barker

