

By: Representatives Frierson, Dixon, Bennett

To: Performance Based
BudgetingCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 29

1 AN ACT TO PROVIDE THAT ANY EDUCATIONAL REPORT REQUIRED OF
2 SCHOOL DISTRICTS TO BE FILED BY OR SUBMITTED TO THE STATE BOARD OF
3 EDUCATION OR STATE DEPARTMENT OF EDUCATION SHALL ALSO BE SUBMITTED
4 TO THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND
5 EXPENDITURE REVIEW (PEER) AT THE SAME TIME THAT SUCH REPORTS ARE
6 TO BE FILED BY OR SUBMITTED TO THE BOARD OR THE DEPARTMENT; TO
7 REQUIRE THE PEER COMMITTEE STAFF TO REVIEW AND EVALUATE EACH
8 REPORT TO DETERMINE THAT EACH SCHOOL DISTRICT'S CURRICULUMS AND
9 PROGRAMS ARE STRUCTURED TO PROVIDE EVIDENCED-BASED AND
10 RESEARCH-BASED INSTRUCTION AND INTERVENTION AND BEST PRACTICES; TO
11 REQUIRE THE PEER COMMITTEE STAFF TO DEFINE THE TERMS
12 "EVIDENCED-BASED PROGRAMS" AND "RESEARCH-BASED PROGRAMS" IN
13 ESTABLISHING ITS STANDARD OF REVIEW AND EVALUATION; TO REQUIRE
14 SCHOOL DISTRICTS TO PROVIDE ADDITIONAL DOCUMENTATION WITH THE
15 REPORT TO SERVE AS EVIDENCE IDENTIFYING AND VERIFYING THE PROGRAMS
16 USED IN THE DISTRICT'S CURRICULUM AS EVIDENCE BASED AND RESEARCH
17 BASED; TO REQUIRE THE PEER COMMITTEE STAFF TO ESTABLISH AN
18 INDEPENDENT RUBRIC TO ASSESS SCHOOL DISTRICTS' PROGRAMS OF
19 INSTRUCTION AND INTERVENTION AS EVIDENCE BASED AND/OR RESEARCH
20 BASED; TO REQUIRE THAT ALL PROGRAMS OF INSTRUCTION AND
21 INTERVENTION OFFERED THROUGH THE CURRICULUM OF PUBLIC SCHOOLS BE
22 EVIDENCE BASED, AS DETERMINED BY THE APPROVAL OF THE PEER
23 COMMITTEE STAFF BY THE YEAR 2021, AS INDICATED BY THE START OF THE
24 2021-2022 SCHOOL TERM; TO PRESCRIBE A 21-DAY REVIEW AND
25 CATEGORIZATION PROCESS OF REPORTS RECEIVED BY THE PEER COMMITTEE
26 STAFF; TO REQUIRE THE PEER COMMITTEE STAFF TO TRANSMIT ITS
27 CATEGORIZATION OF INFORMATION TO THE HOUSE AND SENATE EDUCATION
28 COMMITTEE CHAIRMEN AND HOUSE AND SENATE APPROPRIATIONS CHAIRMEN AS
29 AN "EVIDENCE-BASED ASSESSMENT NOTE"; TO PROVIDE THAT THE
30 ASSESSMENT NOTE SHALL BE CONSIDERED IN ALLOCATING FUNDS TO
31 DISTRICTS UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; TO
32 REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND PROVIDE
33 EVIDENCE-BASED PROGRAMS IN THE CURRICULUM STANDARDS FOR SCHOOLS;
34 TO WITHHOLD MAEP FUNDING FROM ANY SCHOOL DISTRICT THAT FAILS TO



35 IMPLEMENT EVIDENCE-BASED AND/OR RESEARCH-BASED PROGRAMS OF
36 INSTRUCTION AND INTERVENTION IN ALL COMPONENT AREAS OF ITS
37 CURRICULUM BY 2021 UNTIL SUCH DISTRICT COMES INTO COMPLIANCE; TO
38 AMEND SECTIONS 37-1-11, 37-1-12, 37-3-8, 37-3-53, 37-3-71,
39 37-3-85, 37-6-13, 37-7-346, 37-7-1001, 37-9-14, 37-9-33, 37-13-41,
40 37-13-60.1, 37-13-92, 37-13-131, 37-13-134.1, 37-13-193, 37-15-4,
41 37-15-8, 37-16-9, 37-17-6, 37-17-12, 37-21-9, 37-21-11, 37-22-25,
42 37-23-1, 37-23-147, 37-23-148, 37-27-25, 37-27-79, 37-28-31,
43 37-31-111, 37-37-3, 37-37-9, 37-43-51, 37-106-55, 37-131-11,
44 37-151-9, 37-151-97, 37-161-5, 37-173-19, 37-175-19 AND 37-177-17,
45 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD
46 SECTIONS 37-3-11, 37-20-9, 37-21-51, 37-23-15, 37-28-37 AND
47 37-151-10, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
48 AMENDMENTS; AND FOR RELATED PURPOSES.

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

50 **SECTION 1.** The Legislature finds that, in order to promote
51 the increased use of evidence-based and research-based instruction
52 and intervention programs and best practices as the basis for
53 solutions critical to public education, a uniform and systematic
54 reporting process is essential to the refinement of or to the
55 development and implementation of educational programs that
56 promote student achievement in every academic discipline across
57 the curriculum standards adopted by local school districts.

58 **SECTION 2.** (a) Any report required to be filed by or
59 submitted to the State Department of Education or State Board of
60 Education under the provisions of Title 37, Mississippi Code of
61 1972, shall also be submitted to the Joint Legislative Committee
62 on Performance Evaluation and Expenditure Review (PEER) at the
63 same time that such reports are to be filed by or submitted to the
64 State Department of Education or State Board of Education.

65 (b) Each school district shall submit an inventory of all
66 instruction and intervention programs offered in each school to



67 the Joint legislative Committee on Performance Evaluation and
68 Expenditure Review (PEER) no later than July 15 of each year.
69 PEER staff is responsible for establishing all of the data
70 elements that shall be included in the instruction and
71 intervention program inventory report. PEER Committee staff shall
72 review and evaluate each instruction and intervention program
73 inventory report to determine that each school district's
74 curriculums and programs are structured to provide evidenced-based
75 and research-based instruction and intervention and best
76 practices. In establishing its standard of review and evaluation,
77 the PEER Committee staff shall use the definitions set forth in
78 Section 27-103-159 (1) (a) (b), Mississippi Code of 1972, for the
79 terms "evidenced-based programs" and "research-based programs" as
80 used in the context of providing instruction, intervention and
81 best practices to achieving solutions critical to public
82 elementary and secondary schools.

83 (c) Each school district, when submitting instruction and
84 intervention program inventory reports to PEER by the deadline
85 established for each report, shall provide additional
86 documentation with the report which shall serve as evidence
87 identifying and verifying the programs used in the district's
88 curriculum as evidence based and research based. Likewise, any
89 reports the State Department of Education or State Board of
90 Education are required to submit to the Legislature annually,
91 shall also be submitted to PEER for purposes of being assessed for



sufficiency and efficiency of programs offered to districts and a determination of whether such programs are evidence based and/or researched based. The PEER Committee staff shall establish an independent rubric to assess school districts' programs of instruction and intervention as evidence based and/or research based using the definitions of these terms set forth in Section 27-103-159(1) (a) (b) (c), Mississippi Code of 1972.

SECTION 3. Section 37-1-11, Mississippi Code of 1972, is amended as follows:

37-1-11. (1) The school day shall be preserved for the purpose of teaching. It is the intent of the Legislature that every effort be made by the State Department of Education and the local school boards to protect the instructional time in the classroom and to reduce the amount of paperwork which must be completed by teachers.

(2) The State Board of Education shall adopt rules that provide for simplifying and reducing the number and length of written reports and other written documents that the State Department of Education requires from school districts and school district employees, which shall also be submitted to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) at the same time as those reports and other documents are due to the State Department of Education. The board shall conduct a comprehensive review of its rules to simplify and to reduce the number and length of reports required from school



districts and school district employees. The State Department of Education shall provide nonmandatory models to school districts of lesson plans, curriculum guides and other required reports that comply with department reporting requirements.

(3) The State Board of Education and the school board of each school district shall adopt policies to limit and reduce the number and length of written reports that classroom teachers are required to prepare.

SECTION 4. Section 37-1-12, Mississippi Code of 1972, is amended as follows:

37-1-12. The State Board of Education shall develop and promulgate regulations for annual reports from school districts and from the State Department of Education to the Legislature and to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER). Such regulations shall eliminate duplication, make effective use of technology and enable the Legislature to monitor education in Mississippi. These regulations may include methods to reduce redundant reporting requirements and eliminate inadequate performance measures, and the State Board of Education may include any proposed legislative amendments to state law necessary to improve statewide reporting mandates.

SECTION 5. Section 37-3-8, Mississippi Code of 1972, is amended as follows:



37-3-8. The State Department of Education shall conduct the following studies and shall report its findings to the State Board of Education on July 1 * * * of each year, and the board shall submit these reports to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and to the next regular session of the Legislature together with any corrective action taken and with recommendations for any further corrective action that might be required:

(a) Teaching out of field. A study shall be conducted to determine the extent to which teachers are teaching out of their fields of certification; the conditions that promote such a practice; and the most appropriate remedies to the problem.

(b) Mastery of subject matter and learning skills. A study shall be conducted to determine the extent to which children master one level of course work before being advanced to the next level; what may be done to assure that progression from one level to another is properly sequenced; and what steps are now being taken to assure that children are progressing satisfactorily toward mastery of the material under study.

SECTION 6. Section 37-3-53, Mississippi Code of 1972, is amended as follows:

37-3-53. (1) (a) Each school year, the State Board of Education, acting through the Office of Educational Accountability, shall develop a public school reporting system, or "Mississippi Report Card," on the performance of students and



public schools, including charter schools, at the local, district and state level. In developing the report card, the Office of Educational Accountability shall collect school, district and state level student achievement data in the appropriate grades as designated by the State Board of Education in all core subjects, and compare the data with national standards to identify students' strengths and weaknesses. The Mississippi Report Card shall provide more than reports to parents on the level at which their children are performing; the report shall provide clear and comparable public information on the level at which schools, school districts and the state public education system are performing. The Office of Educational Accountability shall encourage local school districts and the general public to use Mississippi Report Card information along with local individual student data to assess the quality of instructional programs and the performance of schools and to plan and implement programs of instructional improvement.

(b) Beginning with the 1998-1999 school year, the Mississippi Report Card shall include information, as compiled by the Office of Compulsory School Attendance Enforcement, which demonstrates clearly the absenteeism and dropout rates in each school district, charter school and the state as a whole and whether those rates reflect a positive or negative change from the same information as reported in the previous year's Mississippi Report Card.



(c) Each local school district shall be required to develop and publish an annual report as prescribed by the State Board of Education, which shall be submitted to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) under the same time schedule as provided for in this paragraph. By November 1 of each year, as prescribed by the State Board of Education, the report shall be published in a newspaper having general circulation in the county and posted on the school district's website in a printable format. The public notice shall include information on the report's availability on the district's website, with the website address, and the location(s) in the school district where a copy of the report can be obtained.

(2) The State Department of Education may benefit from the use of performance data from the Mississippi Report Card in making evaluations under Section 37-19-9.

SECTION 7. Section 37-3-71, Mississippi Code of 1972, is amended as follows:

37-3-71. All students in all school districts are eligible to participate in the Alliance for Families program. The number of school districts that may participate shall be determined by the amount of funding. The State Board of Education shall evaluate the Alliance for Families program in participating school districts and shall report to the Legislature, the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and the Governor annually on or before August 1,



* * * identifying exemplary programs and making recommendations regarding methods and criteria for funding such programs.

SECTION 8. Section 37-3-85, Mississippi Code of 1972, is amended as follows:

37-3-85. (1) The Legislature finds that:

(a) Students who are serious behavior problems in school are at risk of becoming juvenile and adult offenders;

(b) Growing numbers of children live in conditions that place them at risk of school failure;

(c) The provision of school and support services to these children and their families by public and nonprofit agencies is fragmented and does not prepare these children to learn effectively and have a successful school experience;

(d) The lack of collaboration among schools, families, local agencies and other groups involved in family support and youth development activities results in the inefficient and ineffective use of resources to meet the needs of these children;

(e) Schools are dedicating an increasing amount of their time and resources to responding to disruptive and violent behavior rather than fulfilling their mission to challenge with high expectations each child to learn, to achieve and to fulfill his or her potential;

(f) Responding to the needs of students who are at risk of school failure and providing for a safe and secure learning environment are cost-effective because it enables the state to



substitute preventive measures for expensive crisis intervention;
and

(g) Differing local needs and local resources
necessitate the development of locally generated, community-based
plans that coordinate and leverage existing resources, not the
imposition of uniform and inflexible, state-mandated plans.

(2) There is established within the State Department of
Education the Support Our Students (S.O.S.) program. The purpose
of the program is to award grants to neighborhood- and
community-based organizations to establish local S.O.S. programs
that provide high quality after-school mentoring activities for
school-aged children and provide for comprehensive, collaborative
delivery of mentoring services by public and nonpublic agencies to
these children. These services shall be designed to enrich and
make a positive impact on the lives of school-aged children.
These after-school activities may include activities after the
regular school day and activities on days that students are not
required to attend school.

(3) The goals of the S.O.S. program are to:

(a) Reduce juvenile crime in local communities served
by the program;

(b) Recruit community volunteers to provide positive
adult role models for school-aged children and to help supervise
after-school activities;



(c) Reduce the number of students who are unsupervised after school, otherwise known as "latchkey" children;

(d) Improve the academic performance of students participating in the program;

(e) Meet the physical, intellectual, emotional and social needs of students participating in the program and improve their attitudes and behavior; and

(f) Improve coordination of existing resources and enhance collaboration so as to provide services to school-aged children effectively and efficiently.

(4) As used in this section, "school-aged children" means children enrolled in kindergarten through the ninth grade.

(5) The State Department of Education shall develop and implement the Support Our Students (S.O.S.) program. The department shall:

(a) Sponsor a statewide conference each year for teams of interested representatives to provide background information and assistance regarding all aspects of the program;

(b) Disseminate information regarding the program to interested neighborhood and community groups;

(c) Develop and disseminate a request for applications to establish local S.O.S. programs;

(d) Provide initial technical assistance to grant applicants and ongoing technical assistance as grants are implemented;



(e) Administer funds appropriated by the Legislature;
(f) Monitor the grants funded;
(g) Revoke a grant if necessary or appropriate;
(h) Develop and implement a performance-based evaluation system to evaluate the program;
(i) Report on the program implementation to the Legislature, the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and the Office of the Governor;
(j) Adopt any rules necessary to implement this section.

(6) A community- or neighborhood-based 501(c)(3) entity or a consortium consisting of one or more local 501(c)(3) entities and one or more local school districts may apply for a grant.

(7) Applicants for grants shall submit to the State Department of Education an application that includes the following information:

(a) Identification of one or more neighborhoods to be served by the local S.O.S. program, based on a needs assessment of existing conditions for school-aged children to be served. Data used in the needs assessment may include for each neighborhood to be served by a local program (i) dropout statistics, (ii) the number and percentage of school-aged children who participate in the federal subsidized lunch program, (iii) the number of suspensions and expulsions involving school-aged children, (iv)



the number of children to be served, (v) the number and percentage of students with two (2) working parents or one (1) single parent to be served at a site; (vi) the incidence of juvenile crime in the neighborhood, and (vii) any other relevant or unique local demographic data.

Local authorities shall provide this or related information on a timely basis to local 501(c)(3) entities submitting applications to establish local S.O.S. programs;

(b) A three-year plan that addresses data used in the needs assessment and that includes proposed goals and anticipated outcomes of the local S.O.S. program. The plan shall be prepared after consultation with local after-school programs, schools, community organizations or groups which have as their purpose assisting or helping school-aged children who are at risk of failing in school or entering the juvenile justice system, or other appropriate groups. In addition, the three-year plan shall provide for regular collaborative efforts to seek input and advice from parents of the students being served and from other citizens who reflect the demographic conditions of the students being served;

(c) A statement of how grant funds would be used to address local problems and what other resources would be used to address the problems. This statement should include a list of services to be offered that are related to the goals and outcomes



and should include plans for recruiting volunteers to assist in the program's activities; and

(d) A process for assessing on an annual basis the success of the local plan for addressing the goals of the local S.O.S. program.

(8) The department shall develop and disseminate a request for applications and establish procedures to be followed in developing and submitting applications to establish local S.O.S. programs and administering grants to establish local S.O.S. programs.

In reviewing grant applications, the State Superintendent of Education shall consider the prevalence of under-served students and families in low-income neighborhoods and in isolated rural areas in the area for which the grant is requested, the severity of the local problems with regard to children at risk of school failure and with regard to school discipline, whether the proposed program meets state standards, and the likelihood that the locally designed plan will deal with the problems successfully. During the review process, the superintendent may recommend modifications in grant applications to applicants. The superintendent shall submit recommendations to the State Board of Education on which applicants should receive grants and the amount they should receive.

In selecting grant recipients, the State Board of Education shall consider (a) the recommendations of the superintendent, (b)



the geographic location of the applicants, and (c) the demographic profile of the applicants. After considering these factors, the State Board of Education shall give priority to grant applications that will serve areas that have a high incidence of juvenile crime and that propose different approaches that can serve as models for other communities. The State Board of Education shall select the grant recipients prior to July 1, 1995, for local programs that will be in operation at the beginning of the 1995-1996 school year, and prior to July 1 and thereafter for the appropriate school year.

A grant recipient may request a modification of a grant or additional funds to implement a grant through the grant application process. The request shall be reviewed and accepted or rejected in the same manner as a grant application.

(9) The State Department of Education shall administer the grant program under the direction of the State Board of Education. The State Department of Education shall provide technical assistance to grant applicants and recipients.

(10) All agencies of the state and local government, including departments of human services, health departments, local mental health, and intellectual disability commissions, court personnel, law enforcement agencies and cities and counties shall cooperate with the State Department of Education and local school boards that receive grants in coordinating the S.O.S. program at



the state level and in implementing the S.O.S. program at the local level.

(11) The Department of Education shall develop and implement an evaluation system, under the direction of the State Board of Education, that will assess the efficiency and effectiveness of the S.O.S. program. However, private schools shall not be included under the provisions of this section.

SECTION 9. Section 37-6-13, Mississippi Code of 1972, is amended as follows:

37-6-13. (1) Each person serving as a member of the school board of any school district shall receive per diem in the amount of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36) meetings of the school board during any one (1) fiscal year or, in his or her discretion, irrevocably may choose to receive as compensation for his or her services an annual salary in the amount of Two Thousand Four Hundred Dollars (\$2,400.00), which choice shall remain in force for all successive terms or periods of service of that member. The receipt of the compensation shall not entitle any member of a school board to receive or be eligible for any state employee group insurance, retirement or other fringe benefits. Each member shall be reimbursed for the necessary expenses and mileage in attending meetings of the school board. In addition to the foregoing, all members may be reimbursed for mileage and actual expenses incurred in the further performance of their duties, including attendance at any mandatory school board



413 training session or at regional and national education meetings,
414 when such mileage and other expenses are authorized by the board
415 prior to the date on which they occur. Detailed vouchers shall be
416 submitted for reimbursement for all expenses authorized by this
417 section. Such reimbursement shall be in accordance with Section
418 25-3-41.

419 Such expenses shall be paid on order of the school board by
420 pay certificates issued by the superintendent of the school
421 district involved against the funds available for payment of the
422 administrative expense of the district.

423 (2) (a) If a member of a school board misses twenty percent
424 (20%) or more of the meetings of the school board during a
425 calendar year, except for absences caused by required military
426 duty, the member must reimburse the school district that portion
427 of the total salary paid to the member that year which is
428 proportionate to the number of meetings missed by the member in
429 relation to the total number of school board meetings held during
430 that year. For purposes of this subsection, consideration may be
431 given only to meetings of which public notice is required.

432 (b) Before February 1 of each year, the president of
433 each local school board shall submit a report to the State Board
434 of Education and to the Joint Legislative Committee on Performance
435 Evaluation and Expenditure Review (PEER) containing the names of
436 any members of the school board who missed twenty percent (20%) or



more of the school board meetings during the preceding calendar year.

SECTION 10. Section 37-7-346, Mississippi Code of 1972, is amended as follows:

37-7-346. The State Department of Education and the Regional Education Service Agencies (RESAs) shall prepare jointly a report, to be submitted annually before December 15, * * * which shall also be submitted to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), for consideration of the Legislature and Governor, detailing the plans that shall be enacted by State Board of Education policy of how RESAs will work in partnership with the State Department of Education to increase their function as a local provider of educational services and purchasing consortia as provided in Section 37-7-345(6). These services must be prescribed by policies and standards of the State Department of Education and must include, but not necessarily be limited to, professional development, instructional materials, educational technology, curriculum development, alternative educational programs, purchasing cooperatives, insurance cooperatives, business manager services, auditing and accounting services, school safety/risk prevention, data processing and student records, communications/public information, employee background checks, grants management, printing/publications and internships.



461 **SECTION 11.** Section 37-7-1001, Mississippi Code of 1972, is
462 amended as follows:

463 37-7-1001. The State Board of Education is hereby authorized
464 to establish a Standing Commission on School District Efficiency.
465 The commission shall meet and study the operations, rules,
466 policies and regulations in school districts on an ongoing basis
467 for the purpose of identifying opportunities to increase
468 efficiencies, and to determine appropriate efficiency standards
469 that should be considered for accreditation standards. The
470 commission shall report annually its findings and recommendations
471 to the State Board of Education, and the State Board of Education
472 may make its report and recommendations annually to the Joint
473 Legislative Committee on Performance Evaluation and Expenditure
474 Review (PEER) and to the Legislature seeking legislative support
475 to achieve efficiencies in school districts. In establishing the
476 Standing Commission on School District Efficiency the State Board
477 of Education shall provide that the membership not be less than
478 six (6) members. The State Board of Education shall appoint
479 school district employees proficient in the areas of fiscal
480 management, procurement, data processing or other fields of school
481 business, with at least one (1) member being appointed from each
482 congressional district. The commission shall meet on a date
483 designated by the State Superintendent of Education and organize
484 by selecting a chairman and adopt rules for conducting business.
485 Members of the commission shall serve without compensation, but



may be reimbursed for necessary travel expenses from any available funds for attending official meetings of the commission. The State Department of Education shall provide necessary administrative and clerical support for the functions of the commission.

SECTION 12. Section 37-9-14, Mississippi Code of 1972, is amended as follows:

37-9-14. (1) It shall be the duty of the superintendent of schools to administer the schools within his district and to implement the decisions of the school board.

(2) In addition to all other powers, authority and duties imposed or granted by law, the superintendent of schools shall have the following powers, authority and duties:

(a) To enter into contracts in the manner provided by law with each assistant superintendent, principal and teacher of the public schools under his supervision, after such assistant superintendent, principal and teachers have been selected and approved in the manner provided by law.

(b) To enforce in the public schools of the school district the courses of study provided by law or the rules and regulations of the State Board of Education, and to comply with the law with reference to the use and distribution of free textbooks.

(c) To administer oaths in all cases to persons testifying before him relative to disputes relating to the schools



511 submitted to him for determination, and to take testimony in such
512 cases as provided by law.

513 (d) To examine the monthly and annual reports submitted
514 to him by principals and teachers for the purpose of determining
515 and verifying the accuracy thereof.

516 (e) To preserve all reports of superintendents,
517 principals, teachers and other school officers, and to deliver to
518 his successor or clerk of the board of supervisors all money,
519 property, books, effects and papers.

520 (f) To prepare and keep in his office a map or maps
521 showing the territory embraced in his school district, to furnish
522 the county assessor with a copy of such map or maps, and to revise
523 and correct same from time to time as changes in or alterations of
524 school districts may necessitate.

525 (g) To keep an accurate record of the names of all of
526 the members of the school board showing the districts for which
527 each was elected or appointed, the post office address of each,
528 and the date of the expiration of his term of office. All
529 official correspondence shall be addressed to the school board,
530 and notice to such members shall be regarded as notice to the
531 residents of the district, and it shall be the duty of the members
532 to notify such residents.

533 (h) To deliver in proper time to the assistant
534 superintendents, principals, teachers and board members such
535 forms, records and other supplies which will be needed during the



536 school year as provided by law or any applicable rules and
537 regulations, and to give to such individuals such information with
538 regard to their duties as may be required.

539 (i) To make to the school board reports for each
540 scholastic month in such form as the school board may require.

541 (j) To distribute promptly all reports, letters, forms,
542 circulars and instructions which he may receive for the use of
543 school officials.

544 (k) To keep on file and preserve in his office all
545 appropriate information concerning the affairs of the school
546 district.

547 (l) To visit the schools of his school district in his
548 discretion, and to require the assistant superintendents,
549 principals and teachers thereof to perform their duties as
550 prescribed by law.

551 (m) To observe such instructions and regulations as the
552 school board and other public officials may prescribe, and to make
553 special reports to these officers whenever required.

554 (n) To keep his office open for the transaction of
555 business upon the days and during the hours to be designated by
556 the school board.

557 (o) To make such reports as are required by the State
558 Board of Education, which shall also be submitted to the Joint
559 Legislative Committee on Performance Evaluation and Expenditure



Review (PEER) at the same time as those reports are due to the
State Department of Education.

(p) To make an enumeration of educable children in his
school district as prescribed by law.

(q) To keep in his office and carefully preserve the
public school record provided, to enter therein the proceedings of
the school board and his decision upon cases and his other
official acts, to record therein the data required from the
monthly and term reports of principals and teachers, and from the
summaries of records thus kept.

(r) To delegate student disciplinary matters to
appropriate school personnel.

(s) To make assignments to the various schools in the
district of all noninstructional and nonlicensed employees and all
licensed employees, as provided in Sections 37-9-15 and 37-9-17,
and to make reassignments of such employees from time to time;
however, a reassignment of a licensed employee may only be to an
area in which the employee has a valid license issued by the State
Department of Education. Upon request from any employee
transferred, such assignment shall be subject to review by the
school board.

(t) To employ substitutes for licensed employees,
regardless of whether or not such substitute holds the proper
license, subject to such reasonable rules and regulations as may
be adopted by the State Board of Education.



585 (u) To comply in a timely manner with the compulsory
586 education reporting requirements prescribed in Section
587 37-13-91(6).

588 (v) To perform such other duties as may be required of
589 him by law.

590 (w) To notify, in writing, the parent, guardian or
591 custodian, the youth court and local law enforcement of any
592 expulsion of a student for criminal activity as defined in Section
593 37-11-29.

594 (x) To notify the youth court and local law enforcement
595 agencies, by affidavit, of the occurrence of any crime committed
596 by a student or students upon school property or during any
597 school-related activity, regardless of location and the identity
598 of the student or students committing the crime.

599 (y) To employ and dismiss noninstructional and
600 nonlicensed employees as provided by law.

601 (z) To temporarily employ licensed and nonlicensed
602 employees to fill vacancies which may occur from time to time
603 without prior approval of the board of trustees, provided that the
604 board of trustees is notified of such employment and the action is
605 ratified by the board at the next regular meeting of the board. A
606 school district may pay a licensed employee based on the same
607 salary schedule as other contracted licensed employees in the
608 district until school board action, at which time a licensed
609 employee approved by the school board enters a contract. If the



610 board, within thirty (30) days of the date of employment of such
611 employee under this subsection, takes action to disapprove of the
612 employment by the superintendent, then the employment shall be
613 immediately terminated without further compensation, notice or
614 other employment rights with the district. The terminated
615 employee shall be paid such salary and fringe benefits that such
616 employee would otherwise be entitled to from the date of
617 employment to the date of termination for days actually worked.

618 (3) All funds to the credit of a school district shall be
619 paid out on pay certificates issued by the superintendent upon
620 order of the school board of the school district properly entered
621 upon the minutes thereof, and all such orders shall be supported
622 by properly itemized invoices from the vendors covering the
623 materials and supplies purchased. All such orders and the
624 itemized invoices supporting same shall be filed as a public
625 record in the office of the superintendent for a period of five
626 (5) years. The superintendent shall be liable upon his official
627 bond for the amount of any pay certificate issued in violation of
628 the provisions of this section. The school board shall have the
629 power and authority to direct and cause warrants to be issued
630 against such district funds for the purpose of refunding any
631 amount of taxes erroneously or illegally paid into such fund when
632 such refund has been approved in the manner provided by law.

633 (4) The superintendent of schools shall be special
634 accounting officer and treasurer with respect to any and all



635 district school funds for his school district. He or his designee
636 shall issue all warrants without the necessity of registration
637 thereof by the chancery clerk. Transactions with the depositories
638 and with the various tax collecting agencies which involve school
639 funds for such school district shall be with the superintendent of
640 schools, or his designee.

641 (5) The superintendent of schools will have no
642 responsibility with regard to agricultural high school and junior
643 college funds.

644 All agricultural high school and junior college funds shall
645 be handled and expended in the manner provided for in Sections
646 37-29-31 through 37-29-39.

647 (6) It shall be the duty of the superintendent of schools to
648 keep and preserve the minutes of the proceedings of the school
649 board.

650 (7) The superintendent of schools shall maintain as a record
651 in his office a book or a computer printout in which he shall
652 enter all demands, claims and accounts paid from any funds of the
653 school district. The record shall be in a form to be prescribed
654 by the State Auditor. All demands, claims and accounts filed
655 shall be preserved by the superintendent of schools as a public
656 record for a period of five (5) years. All claims found by the
657 school board to be illegal shall be rejected or disallowed. To
658 the extent allowed by board policy, all claims which are found to
659 be legal and proper may be paid and then ratified by the school



660 board at the next regularly scheduled board meeting, as paid by
661 the superintendent of schools. All claims as to which a
662 continuance is requested by the claimant and those found to be
663 defective but which may be perfected by amendment shall be
664 continued. The superintendent of schools shall issue a pay
665 certificate against any legal and proper fund of the school
666 district in favor of the claimant in payment of claims. The
667 provisions of this section, however, shall not be applicable to
668 the payment of salaries and applicable benefits, travel advances,
669 amounts due private contractors or other obligations where the
670 amount thereof has been previously approved by a contract or by an
671 order of the school board entered upon its minutes, or paid by
672 board policy, or by inclusion in the current fiscal year budget,
673 and all such amounts may be paid by the superintendent of schools
674 by pay certificates issued by him against the legal and proper
675 fund without allowance of a specific claim therefor as provided in
676 this section, provided that the payment thereof is otherwise in
677 conformity with law.

678 **SECTION 13.** Section 37-9-33, Mississippi Code of 1972, is
679 amended as follows:

680 37-9-33. (1) In employing and contracting with appointed
681 superintendents, principals and * * * licensed employees, the
682 school board shall in all cases determine whether the amount of
683 salary to be paid such superintendent, principals and * * *
684 licensed employees is in compliance with the provisions of the



685 adequate education program. No contract shall be entered into
686 where the salary of a superintendent, principal or * * * licensed
687 employee is to be paid, in whole or in part, from adequate
688 education program funds except where the requirements of said
689 chapter as to the amount of such salary are fully met. Nothing
690 herein shall be construed, however, to prohibit any school
691 district from increasing the salaries of appointed
692 superintendents, principals and * * * licensed employees above the
693 amounts fixed by said chapter, provided that the amount of such
694 increase is paid from funds available to such district other than
695 adequate program funds. Provided further, that school districts
696 are authorized, in their discretion, to negotiate the salary
697 levels applicable to * * * licensed employees employed after July
698 1, 2009, who are receiving retirement benefits from the retirement
699 system of another state, and the annual experience increment
700 provided in Section 37-19-7 shall not be applicable to any such
701 retired * * * licensed employee. Nothing herein shall be
702 construed to prohibit any school district from complying with the
703 school district employee furlough provisions of Section 37-7-308.

704 (2) Each school district shall provide an annual report to
705 the State Department of Education and to the Joint Legislative
706 Committee on Performance Evaluation and Expenditure Review (PEER)
707 on the number of * * * licensed and * * * nonlicensed employees
708 receiving a salary from the school district who are also receiving
709 retirement benefits from the Public Employees' Retirement System.



This report shall include the name of the employee(s), the hours per week for which the employee is under contract and the services for which the employee is under contract. Said required annual report shall be in a form and deadline promulgated by the State Board of Education.

SECTION 14. Section 37-13-41, Mississippi Code of 1972, is amended as follows:

37-13-41. All principals and/or superintendents of public schools in all school districts in Mississippi shall report to their county superintendent of education upon forms prepared and sent to the county superintendent of education by the director of the division of instruction, giving the type and amount of work done in each grade of their respective school, with other information that may be desired by the director. The county superintendents of education shall compile this information on forms sent out by the director. This shall be made in three (3) duplicates, one (1) copy to be sent to the director, one (1) copy to be submitted to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), and the other filed as other public records are filed in the county superintendents' offices. This report shall be made to the director by the county superintendents of education not later than the first of June each year.

SECTION 15. Section 37-13-60.1, Mississippi Code of 1972, is amended as follows:



37-13-60.1. (1) The Mississippi State Occupational Information Coordinating Committee, hereinafter "SOICC," is hereby designated as the entity responsible for the operation and management of an occupational information system to support career development in elementary schools, middle/junior high schools, high schools, postsecondary institutions and human service agencies pursuant to the Carl D. Perkins Vocational Education Act of 1984, Public Law 98-524, Section 422(b).

(2) SOICC shall develop and incorporate Mississippi-specific occupational and educational information to implement a career information delivery system for this state.

(3) SOICC shall train local staff in the use and operation of the career information delivery system in the career development process.

(4) SOICC shall establish the criteria pursuant to which appropriated funds will be distributed to local users of the career information delivery system.

(5) On or before January 1 of each year, SOICC shall report to the Senate Education Committee, * * * the House Education Committee of the Mississippi Legislature and the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) its assessment of the effectiveness and usefulness of the career information delivery system in the advancement of career development for state public school students.



(6) SOICC is authorized to impose reasonable fees on users of the career information delivery system in order to defray a portion of the expense incurred in the operation and management of the career information delivery system.

SECTION 16. Section 37-13-92, Mississippi Code of 1972, is amended as follows:

37-13-92. (1) Beginning with the school year 2004-2005, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program or behavior modification program as defined by the State Board of Education for, but not limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;

(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

(c) Any compulsory-school-age child referred to such alternative school program by the dispositive order of a chancellor or youth court judge, with the consent of the superintendent of the child's school district;



784 (d) Any compulsory-school-age child whose presence in
785 the classroom, in the determination of the school superintendent
786 or principal, is a disruption to the educational environment of
787 the school or a detriment to the interest and welfare of the
788 students and teachers of such class as a whole; and

789 (e) No school district is required to place a child
790 returning from out-of-home placement in the mental health,
791 juvenile justice or foster care system in alternative school.
792 Placement of a child in the alternative school shall be done
793 consistently, and for students identified under the Individuals
794 with Disabilities Education Act (IDEA), shall adhere to the
795 requirements of the Individuals with Disabilities Education
796 Improvement Act of 2004. If a school district chooses to place a
797 child in alternative school the district will make an individual
798 assessment and evaluation of that child in the following time
799 periods:

800 (i) Five (5) days for a child transitioning from a
801 group home, mental health care system, and/or the custody of the
802 Department of Human Services, Division of Youth and Family
803 Services;

804 (ii) Ten (10) days for a child transitioning from
805 a dispositional placement order by a youth court pursuant to
806 Section 43-21-605; and



807 (iii) An individualized assessment for youth
808 transitioning from out-of-home placement to the alternative school
809 shall include:

810 1. A strength needs assessment.

811 2. A determination of the child's academic
812 strengths and deficiencies.

813 3. A proposed plan for transitioning the
814 child to a regular education placement at the earliest possible
815 date.

816 (2) The principal or program administrator of any such
817 alternative school program shall require verification from the
818 appropriate guidance counselor of any such child referred to the
819 alternative school program regarding the suitability of such child
820 for attendance at the alternative school program. Before a
821 student may be removed to an alternative school education program,
822 the superintendent of the student's school district must determine
823 that the written and distributed disciplinary policy of the local
824 district is being followed. The policy shall include standards
825 for:

826 (a) The removal of a student to an alternative
827 education program that will include a process of educational
828 review to develop the student's individual instruction plan and
829 the evaluation at regular intervals of the student's educational
830 progress; the process shall include classroom teachers and/or
831 other appropriate professional personnel, as defined in the



832 district policy, to ensure a continuing educational program for
833 the removed student;

834 (b) The duration of alternative placement; and

835 (c) The notification of parents or guardians, and their
836 appropriate inclusion in the removal and evaluation process, as
837 defined in the district policy. Nothing in this paragraph should
838 be defined in a manner to circumvent the principal's or the
839 superintendent's authority to remove a student to alternative
840 education.

841 (3) The local school board or the superintendent shall
842 provide for the continuing education of a student who has been
843 removed to an alternative school program.

844 (4) A school district, in its discretion, may provide a
845 program of High School Equivalency Diploma preparatory instruction
846 in the alternative school program. However, any High School
847 Equivalency Diploma preparation program offered in an alternative
848 school program must be administered in compliance with the rules
849 and regulations established for such programs under Sections
850 37-35-1 through 37-35-11 and by the Mississippi Community College
851 Board. The school district may administer the High School
852 Equivalency Diploma Testing Program under the policies and
853 guidelines of the Testing Service of the American Council on
854 Education in the alternative school program or may authorize the
855 test to be administered through the community/junior college
856 district in which the alternative school is situated.



857 (5) Any such alternative school program operated under the
858 authority of this section shall meet all appropriate accreditation
859 requirements of the State Department of Education.

860 (6) The alternative school program may be held within such
861 school district or may be operated by two (2) or more adjacent
862 school districts, pursuant to a contract approved by the State
863 Board of Education. When two (2) or more school districts
864 contract to operate an alternative school program, the school
865 board of a district designated to be the lead district shall serve
866 as the governing board of the alternative school program.
867 Transportation for students attending the alternative school
868 program shall be the responsibility of the local school district.
869 The expense of establishing, maintaining and operating such
870 alternative school program may be paid from funds contributed or
871 otherwise made available to the school district for such purpose
872 or from local district maintenance funds.

873 (7) The State Board of Education shall promulgate minimum
874 guidelines for alternative school programs. The guidelines shall
875 require, at a minimum, the formulation of an individual
876 instruction plan for each student referred to the alternative
877 school program and, upon a determination that it is in a student's
878 best interest for that student to receive High School Equivalency
879 Diploma preparatory instruction, that the local school board
880 assign the student to a High School Equivalency Diploma
881 preparatory program established under subsection (4) of this



882 section. The minimum guidelines for alternative school programs
883 shall also require the following components:

884 (a) Clear guidelines and procedures for placement of
885 students into alternative education programs which at a minimum
886 shall prescribe due process procedures for disciplinary and High
887 School Equivalency Diploma placement;

888 (b) Clear and consistent goals for students and
889 parents;

890 (c) Curricula addressing cultural and learning style
891 differences;

892 (d) Direct supervision of all activities on a closed
893 campus;

894 (e) Attendance requirements that allow for educational
895 and workforce development opportunities;

896 (f) Selection of program from options provided by the
897 local school district, Division of Youth Services or the youth
898 court, including transfer to a community-based alternative school;

899 (g) Continual monitoring and evaluation and formalized
900 passage from one (1) step or program to another;

901 (h) A motivated and culturally diverse staff;

902 (i) Counseling for parents and students;

903 (j) Administrative and community support for the
904 program; and

905 (k) Clear procedures for annual alternative school
906 program review and evaluation.



907 (8) On request of a school district, the State Department of
908 Education shall provide the district informational material on
909 developing an alternative school program that takes into
910 consideration size, wealth and existing facilities in determining
911 a program best suited to a district.

912 (9) Any compulsory-school-age child who becomes involved in
913 any criminal or violent behavior shall be removed from such
914 alternative school program and, if probable cause exists, a case
915 shall be referred to the youth court.

916 (10) The State Board of Education shall promulgate
917 guidelines for alternative school programs which provide broad
918 authority to school boards of local school districts to establish
919 alternative education programs to meet the specific needs of the
920 school district.

921 (11) Each school district having an alternative school
922 program shall submit a report by July 31 of each calendar year to
923 the State Department of Education and to the Joint Legislative
924 Committee on Performance Evaluation and Expenditure Review (PEER)
925 describing the results of its annual alternative school program
926 review and evaluation undertaken pursuant to subsection (7)(k).
927 The report shall include a detailed account of any actions taken
928 by the school district during the previous year to comply with
929 substantive guidelines promulgated by the State Board of Education
930 under subsection (7)(a) through (j). In the report to be
931 implemented under this section, the State Department of Education



shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

SECTION 17. Section 37-13-131, Mississippi Code of 1972, is amended as follows:

37-13-131. (1) The State Department of Education is designated as the state agency responsible for the administration and supervision of the Comprehensive School Health Education Program as an educational curriculum in the State of Mississippi. It is the intent of the Legislature that all funds made available to the State Department of Education for the purpose of comprehensive school health education shall be administered by the State Department of Education.

(2) Pursuant to the provisions of subsection (1) of this section, the State Department of Education is authorized to establish an Office of Comprehensive School Health Education within the framework of the State Department of Education for the purpose of developing standards, procedures and criteria for the administration and supervision of a statewide program of health education in kindergarten through Grade 12. The State Department of Education, through the Office of Comprehensive School Health Education, shall assume the further responsibility for promoting a statewide effort designed to prepare local school faculties and



956 staffs to incorporate the comprehensive health education concept
957 into their local educational programs.

958 (3) The Mississippi Department of Health, in conjunction
959 with the Office of Student Development-Branch of Health-Related
960 Services of the State Department of Education, shall develop a
961 long-range strategic plan for a Comprehensive School Health
962 Education Program in Grades K through 12. The Comprehensive
963 School Health Education Program shall encompass four (4)
964 interdependent components: (a) health education; (b) health
965 service; (c) physical education and fitness; and (d) a healthful
966 school environment. These curriculum components shall be designed
967 to develop decision-making competencies related to health and
968 health behavior. Such curriculum components are intended to
969 motivate health maintenance and promote wellness, not only to
970 prevent disease or disability. The Mississippi Department of
971 Health, in conjunction with the Office of Student
972 Development-Branch of Health-Related Services of the Department of
973 Education, shall develop the strategic plan and make a annual
974 report thereon to the Governor, * * * the Legislature and to the
975 Joint Legislative Committee on Performance Evaluation and
976 Expenditure Review (PEER) at the same time as those reports and
977 other documents are due to the State Department of Education on or
978 before January 1 * * *.

979 **SECTION 18.** Section 37-13-134.1, Mississippi Code of 1972,
980 is amended as follows:



37-13-134.1. (1) Subject to available funding, the State Department of Education, in consultation with the State Department of Health, shall establish the school health grant pilot program to improve student health by assisting local school districts in implementing a school health program. In order to qualify for a school health grant, a school district shall submit a detailed implementation plan, developed in accordance with the guidelines for a school health program developed by the State Department of Education, and including the following components:

(a) A dedicated school health coordinator and technical and administrative support for collection of data and program evaluation.

(b) A description of how the school district currently addresses physical activity, nutrition, and other obesity prevention measures.

(c) A description of how the agency would use the state grant to augment what it is currently doing, including defining priorities based on the students' health need and meeting education performance indicators, developing an action plan for addressing those needs based on realistic goals and measurable objectives, establishing a timeline for implementation, and developing and maintaining a system to evaluate progress and outcomes for the program.

(d) All school districts receiving grants will report annually to the State Department of Education and to the Joint



1006 Legislative Committee on Performance Evaluation and Expenditure
1007 Review (PEER) progress towards the achievement of state education
1008 performance indicators and standards and requirements relating to
1009 physical activity and nutrition.

1010 (2) The amount in the coordinated school health grant pilot
1011 program shall be limited to the amount appropriated and shall be
1012 available to school districts based on the guidelines developed by
1013 the State Department of Education.

1014 (3) Any grants made to school district shall be expended to
1015 supplement and not supplant any funds already expended as school
1016 health programs. For this purpose, expenditures of components
1017 enumerated in subsection (2) of this section for the current
1018 fiscal year shall be considered the base expenditure on school
1019 health and any school district receiving grant funds shall
1020 maintain this base.

1021 (4) There is created in the State Treasury a fund into which
1022 any public or private funds from any source shall be deposited for
1023 the support of the activities of coordinated school health grant
1024 pilot program.

1025 (5) State grants are only for coordination and improvement
1026 of school health programs to improve student health in accordance
1027 with the detailed plan submitted in accordance with subsection (2)
1028 of this section.

1029 (6) The State Department of Education and the State
1030 Department of Health shall coordinate existing school health



1031 programs, grants and initiatives. To the extent possible,
1032 existing contracts and waiver requirements and funding, including
1033 Medicaid funding, shall also be coordinated.

1034 (7) The use of grant funds shall be subject to audit by the
1035 Office of the State Auditor.

1036 **SECTION 19.** Section 37-13-193, Mississippi Code of 1972, is
1037 amended as follows:

1038 37-13-193. The State Board of Education may make civil
1039 rights and human rights education a part of the K-12 curriculum of
1040 instruction in Mississippi public schools. The State Department
1041 of Education shall work with the Mississippi Civil Rights
1042 Education Commission established in Section 37-13-195 in
1043 implementing these five (5) guidelines: (a) provide assistance
1044 and advice to K-12 schools with respect to the Civil Rights
1045 Movement and human rights education and awareness programs; (b)
1046 survey and catalog the extent to which civil rights and human
1047 rights education exists in state curricula; (c) inventory civil
1048 rights memorials, exhibits and resources that could be used in
1049 classrooms and other educational programs; (d) compile a list of
1050 volunteers who are willing to share their knowledge and
1051 experiences concerning the struggle for civil rights; (e) prepare
1052 reports for the Governor, * * * the State Legislature and the
1053 Joint Legislative Committee on Performance Evaluation and
1054 Expenditure Review (PEER) on the inclusion of civil rights studies
1055 into the educational systems of the state.



SECTION 20. Section 37-15-4, Mississippi Code of 1972, is amended as follows:

37-15-4. The school board of every school district, as created and empowered by law, shall keep and preserve permanently a copy of all district-wide reports required by the State Board of Education to be filed on an annual basis, which shall also be submitted to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) at the same time as those reports are due to the State Board of Education.

Copies of those district-wide reports required by the State Board of Education, which shall also be submitted to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) on less than an annual basis may be destroyed after five (5) years upon approval of the school board of the school district.

All supporting documents necessary to compile such district-wide reports, except as delineated in Section 37-15-8 may be destroyed after three (3) years following the academic year for which the report was made upon approval of the school board of the school district.

SECTION 21. Section 37-15-8, Mississippi Code of 1972, is amended as follows:

37-15-8. The superintendent of the school district shall have the authority, with the approval of the school board of the



1080 school district spread upon its minutes, to dispose of the
1081 following records:

1082 (a) After five (5) years:

1083 (1) Bank statements;

1084 (2) Cancelled warrants and pay certificates;

1085 (3) School board paid bills;

1086 (4) Bids received, either accepted or rejected,
1087 for supplies, materials, equipment and construction;

1088 (5) Depository receipt warrants;

1089 (6) School board claims dockets, where claims are
1090 recorded on the minutes of the board;

1091 (7) Original of school board's orders after such
1092 orders have been recorded in the minute book;

1093 (8) Cancelled bonds and coupons;

1094 (9) Tax collector's reports of tax collection to
1095 superintendent of schools;

1096 (10) Transportation records.

1097 (b) After three (3) years:

1098 (1) Teacher contracts, computed from the
1099 expiration date thereof;

1100 (2) Bus purchase documents;

1101 (3) Teachers' registers, principals' reports and
1102 other evidence necessary to prepare the reports to the State Board
1103 of Education, which shall also be reported to the Joint



1104 Legislative Committee on Performance Evaluation and Expenditure
1105 Review (PEER).

1106 (c) After period to be set by the State Board of
1107 Education such other documents of a temporary or transitory nature
1108 as the State Board of Education by regulation shall designate.

1109 Notwithstanding any of the provisions of Sections 37-15-1
1110 through 37-15-4, 37-15-8 and 37-15-10 to the contrary, no records
1111 which are in the process of being audited by the State Department
1112 of Audit, or which are the basis of litigation, shall be destroyed
1113 until at least twelve (12) months after final completion of said
1114 audits and litigation.

1115 **SECTION 22.** Section 37-16-9, Mississippi Code of 1972, is
1116 amended as follows:

1117 37-16-9. (1) The state board shall, after a public hearing
1118 and consideration, make provision for appropriate accommodations
1119 for testing instruments and procedures for students with
1120 identified handicaps or disabilities in order to ensure that the
1121 results of the testing represent the student's achievement, rather
1122 than reflecting the student's impaired sensory, manual, speaking
1123 or psychological process skills, except when such skills are the
1124 factors the test purports to measure.

1125 (2) The public hearing and consideration required hereunder
1126 shall not be construed to amend or nullify the requirements of
1127 security relating to the contents of examinations or assessment
1128 instruments and related materials or data.



(3) Children with disabilities shall be included in general statewide and district-wide assessments programs, with appropriate accommodations, where necessary. As appropriate, the State Department of Education and the local educational agency shall:

(a) Develop policies and procedures for the participation of children with disabilities in alternate assessments for those children who cannot participate in statewide and district-wide assessment programs; and

(b) Develop and, beginning not later than July 1, 2000, conduct those alternate assessments.

(4) The State Department of Education shall make available to the public and to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

(a) The number of children with disabilities participating in regular assessments;

(b) The number of children participating in alternate assessments;

(c) The performance of those children on regular assessments, beginning not later than July 1, 1998, and on alternate assessments, not later than July 1, 2000, if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children; and



1154 (d) Data relating to the performance of children with
1155 disabilities shall be disaggregated for assessments conducted
1156 after July 1, 1998.

1157 **SECTION 23.** Section 37-17-6, Mississippi Code of 1972, is
1158 amended as follows:

1159 37-17-6. (1) The State Board of Education, acting through
1160 the Commission on School Accreditation, shall establish and
1161 implement a permanent performance-based accreditation system, and
1162 all noncharter public elementary and secondary schools shall be
1163 accredited under this system.

1164 (2) No later than June 30, 1995, the State Board of
1165 Education, acting through the Commission on School Accreditation,
1166 shall require school districts to provide school classroom space
1167 that is air-conditioned as a minimum requirement for
1168 accreditation.

1169 (3) (a) Beginning with the 1994-1995 school year, the State
1170 Board of Education, acting through the Commission on School
1171 Accreditation, shall require that school districts employ
1172 certified school librarians according to the following formula:

1173	Number of Students	Number of Certified
1174	Per School Library	School Librarians
1175	0 - 499 Students	1/2 Full-time Equivalent
1176		Certified Librarian
1177	500 or More Students	1 Full-time Certified
1178		Librarian



1179 (b) The State Board of Education, however, may increase
1180 the number of positions beyond the above requirements.

1181 (c) The assignment of certified school librarians to
1182 the particular schools shall be at the discretion of the local
1183 school district. No individual shall be employed as a certified
1184 school librarian without appropriate training and certification as
1185 a school librarian by the State Department of Education.

1186 (d) School librarians in the district shall spend at
1187 least fifty percent (50%) of direct work time in a school library
1188 and shall devote no more than one-fourth (1/4) of the workday to
1189 administrative activities that are library related.

1190 (e) Nothing in this subsection shall prohibit any
1191 school district from employing more certified school librarians
1192 than are provided for in this section.

1193 (f) Any additional millage levied to fund school
1194 librarians required for accreditation under this subsection shall
1195 be included in the tax increase limitation set forth in Sections
1196 37-57-105 and 37-57-107 and shall not be deemed a new program for
1197 purposes of the limitation.

1198 (4) On or before December 31, 2002, the State Board of
1199 Education shall implement the performance-based accreditation
1200 system for school districts and for individual noncharter public
1201 schools which shall include the following:

1202 (a) High expectations for students and high standards
1203 for all schools, with a focus on the basic curriculum;



1204 (b) Strong accountability for results with appropriate
1205 local flexibility for local implementation;
1206 (c) A process to implement accountability at both the
1207 school district level and the school level;
1208 (d) Individual schools shall be held accountable for
1209 student growth and performance;
1210 (e) Set annual performance standards for each of the
1211 schools of the state and measure the performance of each school
1212 against itself through the standard that has been set for it;
1213 (f) A determination of which schools exceed their
1214 standards and a plan for providing recognition and rewards to
1215 those schools;
1216 (g) A determination of which schools are failing to
1217 meet their standards and a determination of the appropriate role
1218 of the State Board of Education and the State Department of
1219 Education in providing assistance and initiating possible
1220 intervention. A failing district is a district that fails to meet
1221 both the absolute student achievement standards and the rate of
1222 annual growth expectation standards as set by the State Board of
1223 Education for two (2) consecutive years. The State Board of
1224 Education shall establish the level of benchmarks by which
1225 absolute student achievement and growth expectations shall be
1226 assessed. In setting the benchmarks for school districts, the
1227 State Board of Education may also take into account such factors
1228 as graduation rates, dropout rates, completion rates, the extent



1229 to which the school or district employs qualified teachers in
1230 every classroom, and any other factors deemed appropriate by the
1231 State Board of Education. The State Board of Education, acting
1232 through the State Department of Education, shall apply a simple
1233 "A," "B," "C," "D" and "F" designation to the current school and
1234 school district statewide accountability performance
1235 classification labels beginning with the State Accountability
1236 Results for the 2011-2012 school year and following, and in the
1237 school, district and state report cards required under state and
1238 federal law. Under the new designations, a school or school
1239 district that has earned a "Star" rating shall be designated an
1240 "A" school or school district; a school or school district that
1241 has earned a "High-Performing" rating shall be designated a "B"
1242 school or school district; a school or school district that has
1243 earned a "Successful" rating shall be designated a "C" school or
1244 school district; a school or school district that has earned an
1245 "Academic Watch" rating shall be designated a "D" school or school
1246 district; a school or school district that has earned a
1247 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
1248 be designated an "F" school or school district. Effective with
1249 the implementation of any new curriculum and assessment standards,
1250 the State Board of Education, acting through the State Department
1251 of Education, is further authorized and directed to change the
1252 school and school district accreditation rating system to a simple
1253 "A," "B," "C," "D," and "F" designation based on a combination of



1254 student achievement scores and student growth as measured by the
1255 statewide testing programs developed by the State Board of
1256 Education pursuant to Chapter 16, Title 37, Mississippi Code of
1257 1972. In any statute or regulation containing the former
1258 accreditation designations, the new designations shall be
1259 applicable;

1260 (h) Development of a comprehensive student assessment
1261 system to implement these requirements; and

1262 (i) The State Board of Education may, based on a
1263 written request that contains specific reasons for requesting a
1264 waiver from the school districts affected by Hurricane Katrina of
1265 2005, hold harmless school districts from assignment of district
1266 and school level accountability ratings for the 2005-2006 school
1267 year. The State Board of Education upon finding an extreme
1268 hardship in the school district may grant the request. It is the
1269 intent of the Legislature that all school districts maintain the
1270 highest possible academic standards and instructional programs in
1271 all schools as required by law and the State Board of Education.

1272 (5) (a) Effective with the 2013-2014 school year, the State
1273 Department of Education, acting through the Mississippi Commission
1274 on School Accreditation, shall revise and implement a single "A"
1275 through "F" school and school district accountability system
1276 complying with applicable federal and state requirements in order
1277 to reach the following educational goals:



1278 (i) To mobilize resources and supplies to ensure
1279 that all students exit third grade reading on grade level by 2015;

1280 (ii) To reduce the student dropout rate to
1281 thirteen percent (13%) by 2015; and

1282 (iii) To have sixty percent (60%) of students
1283 scoring proficient and advanced on the assessments of the Common
1284 Core State Standards by 2016 with incremental increases of three
1285 percent (3%) each year thereafter.

1286 (b) The State Department of Education shall combine the
1287 state school and school district accountability system with the
1288 federal system in order to have a single system.

1289 (c) The State Department of Education shall establish
1290 five (5) performance categories ("A," "B," "C," "D" and "F") for
1291 the accountability system based on the following criteria:

1292 (i) Student Achievement: the percent of students
1293 proficient and advanced on the current state assessments;

1294 (ii) Individual student growth: the percent of
1295 students making one (1) year's progress in one (1) year's time on
1296 the state assessment, with an emphasis on the progress of the
1297 lowest twenty-five percent (25%) of students in the school or
1298 district;

1299 (iii) Four-year graduation rate: the percent of
1300 students graduating with a standard high school diploma in four
1301 (4) years, as defined by federal regulations;



1302 (iv) Categories shall identify schools as Reward
1303 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
1304 at least five percent (5%) of schools in the state are not graded
1305 as "F" schools, the lowest five percent (5%) of school grade point
1306 designees will be identified as Priority schools. If at least ten
1307 percent (10%) of schools in the state are not graded as "D"
1308 schools, the lowest ten percent (10%) of school grade point
1309 designees will be identified as Focus schools;

1310 (v) The State Department of Education shall
1311 discontinue the use of Star School, High-Performing, Successful,
1312 Academic Watch, Low-Performing, At-Risk of Failing and Failing
1313 school accountability designations;

1314 (vi) The system shall include the federally
1315 compliant four-year graduation rate in school and school district
1316 accountability system calculations. Graduation rate will apply to
1317 high school and school district accountability ratings as a
1318 compensatory component. The system shall discontinue the use of
1319 the High School Completer Index (HSCI);

1320 (vii) The school and school district
1321 accountability system shall incorporate a standards-based growth
1322 model, in order to support improvement of individual student
1323 learning;

1324 (viii) The State Department of Education shall
1325 discontinue the use of the Quality Distribution Index (QDI);



1326 (ix) The State Department of Education shall
1327 determine feeder patterns of schools that do not earn a school
1328 grade because the grades and subjects taught at the school do not
1329 have statewide standardized assessments needed to calculate a
1330 school grade. Upon determination of the feeder pattern, the
1331 department shall notify schools and school districts prior to the
1332 release of the school grades beginning in 2013. Feeder schools
1333 will be assigned the accountability designation of the school to
1334 which they provide students;

1335 (x) Standards for student, school and school
1336 district performance will be increased when student proficiency is
1337 at a seventy-five percent (75%) and/or when sixty-five percent
1338 (65%) of the schools and/or school districts are earning a grade
1339 of "B" or higher, in order to raise the standard on performance
1340 after targets are met.

1341 (6) Nothing in this section shall be deemed to require a
1342 nonpublic school that receives no local, state or federal funds
1343 for support to become accredited by the State Board of Education.

1344 (7) The State Board of Education shall create an
1345 accreditation audit unit under the Commission on School
1346 Accreditation to determine whether schools are complying with
1347 accreditation standards.

1348 (8) The State Board of Education shall be specifically
1349 authorized and empowered to withhold adequate education program
1350 fund allocations, whichever is applicable, to any public school



1351 district for failure to timely report student, school personnel
1352 and fiscal data necessary to meet state and/or federal
1353 requirements.

1354 (9) Deleted.

1355 (10) The State Board of Education shall establish, for those
1356 school districts failing to meet accreditation standards, a
1357 program of development to be complied with in order to receive
1358 state funds, except as otherwise provided in subsection (15) of
1359 this section when the Governor has declared a state of emergency
1360 in a school district or as otherwise provided in Section 206,
1361 Mississippi Constitution of 1890. The state board, in
1362 establishing these standards, shall provide for notice to schools
1363 and sufficient time and aid to enable schools to attempt to meet
1364 these standards, unless procedures under subsection (15) of this
1365 section have been invoked.

1366 (11) Beginning July 1, 1998, the State Board of Education
1367 shall be charged with the implementation of the program of
1368 development in each applicable school district as follows:

1369 (a) Develop an impairment report for each district
1370 failing to meet accreditation standards in conjunction with school
1371 district officials;

1372 (b) Notify any applicable school district failing to
1373 meet accreditation standards that it is on probation until
1374 corrective actions are taken or until the deficiencies have been
1375 removed. The local school district shall develop a corrective



1376 action plan to improve its deficiencies. For district academic
1377 deficiencies, the corrective action plan for each such school
1378 district shall be based upon a complete analysis of the following:
1379 student test data, student grades, student attendance reports,
1380 student dropout data, existence and other relevant data. The
1381 corrective action plan shall describe the specific measures to be
1382 taken by the particular school district and school to improve:
1383 (i) instruction; (ii) curriculum; (iii) professional development;
1384 (iv) personnel and classroom organization; (v) student incentives
1385 for performance; (vi) process deficiencies; and (vii) reporting to
1386 the local school board, parents and the community. The corrective
1387 action plan shall describe the specific individuals responsible
1388 for implementing each component of the recommendation and how each
1389 will be evaluated. All corrective action plans shall be provided
1390 to the State Board of Education as may be required. The decision
1391 of the State Board of Education establishing the probationary
1392 period of time shall be final;

1393 (c) Offer, during the probationary period, technical
1394 assistance to the school district in making corrective actions.
1395 Beginning July 1, 1998, subject to the availability of funds, the
1396 State Department of Education shall provide technical and/or
1397 financial assistance to all such school districts in order to
1398 implement each measure identified in that district's corrective
1399 action plan through professional development and on-site
1400 assistance. Each such school district shall apply for and utilize



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

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

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

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



1426 local school district violates accreditation standards that have
1427 been determined by the policies and procedures of the State Board
1428 of Education to be a basis for withdrawal of school district's
1429 accreditation without a probationary period, the Commission on
1430 School Accreditation shall conduct a hearing to allow the affected
1431 school district to present evidence or other reasons why its
1432 accreditation should not be withdrawn. After its consideration of
1433 the results of the hearing, the Commission on School Accreditation
1434 shall be authorized, with the approval of the State Board of
1435 Education, to withdraw the accreditation of a public school
1436 district, and issue a request to the Governor that a state of
1437 emergency be declared in that district.

1438 (b) If the State Board of Education and the Commission
1439 on School Accreditation determine that an extreme emergency
1440 situation exists in a school district that jeopardizes the safety,
1441 security or educational interests of the children enrolled in the
1442 schools in that district and that emergency situation is believed
1443 to be related to a serious violation or violations of
1444 accreditation standards or state or federal law, or when a school
1445 district meets the State Board of Education's definition of a
1446 failing school district for two (2) consecutive full school years,
1447 or if more than fifty percent (50%) of the schools within the
1448 school district are designated as Schools At-Risk in any one (1)
1449 year, the State Board of Education may request the Governor to
1450 declare a state of emergency in that school district. For



1451 purposes of this paragraph, the declarations of a state of
1452 emergency shall not be limited to those instances when a school
1453 district's impairments are related to a lack of financial
1454 resources, but also shall include serious failure to meet minimum
1455 academic standards, as evidenced by a continued pattern of poor
1456 student performance.

1457 (c) Whenever the Governor declares a state of emergency
1458 in a school district in response to a request made under paragraph
1459 (a) or (b) of this subsection, the State Board of Education may
1460 take one or more of the following actions:

1461 (i) Declare a state of emergency, under which some
1462 or all of state funds can be escrowed except as otherwise provided
1463 in Section 206, Constitution of 1890, until the board determines
1464 corrective actions are being taken or the deficiencies have been
1465 removed, or that the needs of students warrant the release of
1466 funds. The funds may be released from escrow for any program
1467 which the board determines to have been restored to standard even
1468 though the state of emergency may not as yet be terminated for the
1469 district as a whole;

1470 (ii) Override any decision of the local school
1471 board or superintendent of education, or both, concerning the
1472 management and operation of the school district, or initiate and
1473 make decisions concerning the management and operation of the
1474 school district;



1475 (iii) Assign an interim conservator, or in its
1476 discretion, contract with a private entity with experience in the
1477 academic, finance and other operational functions of schools and
1478 school districts, who will have those powers and duties prescribed
1479 in subsection (15) of this section;

1480 (iv) Grant transfers to students who attend this
1481 school district so that they may attend other accredited schools
1482 or districts in a manner that is not in violation of state or
1483 federal law;

1484 (v) For states of emergency declared under
1485 paragraph (a) only, if the accreditation deficiencies are related
1486 to the fact that the school district is too small, with too few
1487 resources, to meet the required standards and if another school
1488 district is willing to accept those students, abolish that
1489 district and assign that territory to another school district or
1490 districts. If the school district has proposed a voluntary
1491 consolidation with another school district or districts, then if
1492 the State Board of Education finds that it is in the best interest
1493 of the pupils of the district for the consolidation to proceed,
1494 the voluntary consolidation shall have priority over any such
1495 assignment of territory by the State Board of Education;

1496 (vi) For states of emergency declared under
1497 paragraph (b) only, reduce local supplements paid to school
1498 district employees, including, but not limited to, instructional
1499 personnel, assistant teachers and extracurricular activities



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

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

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

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



1525 district shall be transferred monthly to the school district
1526 accredited by the Commission on School Accreditation that has
1527 granted the transfer of the school-age child.

1528 (f) Upon the declaration of a state of emergency for
1529 any school district in which the Governor has previously declared
1530 a state of emergency, the State Board of Education may either (i)
1531 establish a conservatorship or (ii) abolish the school district
1532 and administratively consolidate the school district with one or
1533 more existing school districts or (iii) reduce the size of the
1534 district and administratively consolidate parts of the district,
1535 as determined by the State Board of Education; provided, however,
1536 that no school district which is not under conservatorship shall
1537 be required to accept additional territory over the objection of
1538 the district.

1539 (g) There is established a Mississippi Recovery School
1540 District within the State Department of Education under the
1541 supervision of a deputy superintendent appointed by the State
1542 Superintendent of Public Education, who is subject to the approval
1543 by the State Board of Education. The Mississippi Recovery School
1544 District shall provide leadership and oversight of all school
1545 districts that are subject to state conservatorship, as defined in
1546 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
1547 have all the authority granted under these two (2) chapters. The
1548 Mississippi Department of Education, with the approval of the
1549 State Board of Education, shall develop policies for the operation



1550 and management of the Mississippi Recovery School District. The
1551 deputy state superintendent is responsible for the Mississippi
1552 Recovery School District and shall be authorized to oversee the
1553 administration of the Mississippi Recovery School District,
1554 oversee conservators assigned by the State Board of Education to a
1555 local school district, hear appeals from school districts under
1556 conservatorship that would normally be filed by students, parents
1557 or employees and heard by a local school board, which hearings on
1558 appeal shall be conducted in a prompt and timely manner in the
1559 school district from which the appeal originated in order to
1560 ensure the ability of appellants, other parties and witnesses to
1561 appeal without undue burden of travel costs or loss of time from
1562 work, and perform other related duties as assigned by the State
1563 Superintendent of Public Education. The deputy state
1564 superintendent is responsible for the Mississippi Recovery School
1565 District and shall determine, based on rigorous professional
1566 qualifications set by the State Board of Education, the
1567 appropriate individuals to be engaged to be conservators and
1568 financial advisors, if applicable, of all school districts subject
1569 to state conservatorship. After State Board of Education
1570 approval, these individuals shall be deemed independent
1571 contractors.

1572 (13) Upon the declaration of a state of emergency in a
1573 school district under subsection (12) of this section, the
1574 Commission on School Accreditation shall be responsible for public



1575 notice at least once a week for at least three (3) consecutive
1576 weeks in a newspaper published within the jurisdiction of the
1577 school district failing to meet accreditation standards, or if no
1578 newspaper is published therein, then in a newspaper having a
1579 general circulation therein. The size of the notice shall be no
1580 smaller than one-fourth (1/4) of a standard newspaper page and
1581 shall be printed in bold print. If a conservator has been
1582 appointed for the school district, the notice shall begin as
1583 follows: "By authority of Section 37-17-6, Mississippi Code of
1584 1972, as amended, adopted by the Mississippi Legislature during
1585 the 1991 Regular Session, this school district (name of school
1586 district) is hereby placed under the jurisdiction of the State
1587 Department of Education acting through its appointed conservator
1588 (name of conservator)."

1589 The notice also shall include, in the discretion of the State
1590 Board of Education, any or all details relating to the school
1591 district's emergency status, including the declaration of a state
1592 of emergency in the school district and a description of the
1593 district's impairment deficiencies, conditions of any
1594 conservatorship and corrective actions recommended and being
1595 taken. Public notices issued under this section shall be subject
1596 to Section 13-3-31 and not contrary to other laws regarding
1597 newspaper publication.

1598 Upon termination of the state of emergency in a school
1599 district, the Commission on School Accreditation shall cause



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

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

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

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

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



1625 employment, termination, nonrenewal and reassignment of all
1626 licensed and nonlicensed personnel, contractual agreements and
1627 purchase orders, and approving or disapproving all claim dockets
1628 and the issuance of checks; in approving or disapproving
1629 employment contracts of superintendents, assistant superintendents
1630 or principals, the interim conservator shall not be required to
1631 comply with the time limitations prescribed in Sections 37-9-15
1632 and 37-9-105;

1633 (ii) Supervising the day-to-day activities of the
1634 district's staff, including reassigning the duties and
1635 responsibilities of personnel in a manner which, in the
1636 determination of the conservator, will best suit the needs of the
1637 district;

1638 (iii) Reviewing the district's total financial
1639 obligations and operations and making recommendations to the
1640 district for cost savings, including, but not limited to,
1641 reassigning the duties and responsibilities of staff;

1642 (iv) Attending all meetings of the district's
1643 school board and administrative staff;

1644 (v) Approving or disapproving all athletic, band
1645 and other extracurricular activities and any matters related to
1646 those activities;

1647 (vi) Maintaining a detailed account of
1648 recommendations made to the district and actions taken in response
1649 to those recommendations;



1650 (vii) Reporting periodically to the State Board of
1651 Education and the Joint Legislative Committee on Performance
1652 Evaluation and Expenditure Review (PEER) on the progress or lack
1653 of progress being made in the district to improve the district's
1654 impairments during the state of emergency; and

1655 (viii) Appointing a parent advisory committee,
1656 comprised of parents of students in the school district that may
1657 make recommendations to the conservator concerning the
1658 administration, management and operation of the school district.

1659 Except when, in the determination of the State Board of
1660 Education, the school district's impairment is related to a lack
1661 of financial resources, the cost of the salary of the conservator
1662 and any other actual and necessary costs related to the
1663 conservatorship paid by the State Department of Education shall be
1664 reimbursed by the local school district from funds other than
1665 adequate education program funds. The department shall submit an
1666 itemized statement to the superintendent of the local school
1667 district for reimbursement purposes, and any unpaid balance may be
1668 withheld from the district's adequate education program funds.

1669 At the time that the Governor, in accordance with the request
1670 of the State Board of Education, declares that the state of
1671 emergency no longer exists in a school district, the powers and
1672 responsibilities of the interim conservator assigned to the
1673 district shall cease.



1674 (b) In order to provide loans to school districts under
1675 a state of emergency or under conservatorship that have
1676 impairments related to a lack of financial resources, the School
1677 District Emergency Assistance Fund is created as a special fund in
1678 the State Treasury into which monies may be transferred or
1679 appropriated by the Legislature from any available public
1680 education funds. Funds in the School District Emergency
1681 Assistance Fund up to a maximum balance of Three Million Dollars
1682 (\$3,000,000.00) annually shall not lapse but shall be available
1683 for expenditure in subsequent years subject to approval of the
1684 State Board of Education. Any amount in the fund in excess of
1685 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1686 year shall lapse into the State General Fund or the Education
1687 Enhancement Fund, depending on the source of the fund.

1688 The State Board of Education may loan monies from the School
1689 District Emergency Assistance Fund to a school district that is
1690 under a state of emergency or under conservatorship, in those
1691 amounts, as determined by the board, that are necessary to correct
1692 the district's impairments related to a lack of financial
1693 resources. The loans shall be evidenced by an agreement between
1694 the school district and the State Board of Education and shall be
1695 repayable in principal, without necessity of interest, to the
1696 School District Emergency Assistance Fund by the school district
1697 from any allowable funds that are available. The total amount
1698 loaned to the district shall be due and payable within five (5)



1699 years after the impairments related to a lack of financial
1700 resources are corrected. If a school district fails to make
1701 payments on the loan in accordance with the terms of the agreement
1702 between the district and the State Board of Education, the State
1703 Department of Education, in accordance with rules and regulations
1704 established by the State Board of Education, may withhold that
1705 district's adequate education program funds in an amount and
1706 manner that will effectuate repayment consistent with the terms of
1707 the agreement; the funds withheld by the department shall be
1708 deposited into the School District Emergency Assistance Fund.

1709 The State Board of Education shall develop a protocol that
1710 will outline the performance standards and requisite time line
1711 deemed necessary for extreme emergency measures. If the State
1712 Board of Education determines that an extreme emergency exists,
1713 simultaneous with the powers exercised in this subsection, it
1714 shall take immediate action against all parties responsible for
1715 the affected school districts having been determined to be in an
1716 extreme emergency. The action shall include, but not be limited
1717 to, initiating civil actions to recover funds and criminal actions
1718 to account for criminal activity. Any funds recovered by the
1719 State Auditor or the State Board of Education from the surety
1720 bonds of school officials or from any civil action brought under
1721 this subsection shall be applied toward the repayment of any loan
1722 made to a school district hereunder.



1723 (16) If a majority of the membership of the school board of
1724 any school district resigns from office, the State Board of
1725 Education shall be authorized to assign an interim conservator,
1726 who shall be responsible for the administration, management and
1727 operation of the school district until the time as new board
1728 members are selected or the Governor declares a state of emergency
1729 in that school district under subsection (12), whichever occurs
1730 first. In that case, the State Board of Education, acting through
1731 the interim conservator, shall have all powers which were held by
1732 the previously existing school board, and may take any action as
1733 prescribed in Section 37-17-13 and/or one or more of the actions
1734 authorized in this section.

1735 (17) (a) If the Governor declares a state of emergency in a
1736 school district, the State Board of Education may take all such
1737 action pertaining to that school district as is authorized under
1738 subsection (12) or (15) of this section, including the appointment
1739 of an interim conservator. The State Board of Education shall
1740 also have the authority to issue a written request with
1741 documentation to the Governor asking that the office of the
1742 superintendent of the school district be subject to recall. If
1743 the Governor declares that the office of the superintendent of the
1744 school district is subject to recall, the local school board or
1745 the county election commission, as the case may be, shall take the
1746 following action:



1747 (i) If the office of superintendent is an elected
1748 office, in those years in which there is no general election, the
1749 name shall be submitted by the State Board of Education to the
1750 county election commission, and the county election commission
1751 shall submit the question at a special election to the voters
1752 eligible to vote for the office of superintendent within the
1753 county, and the special election shall be held within sixty (60)
1754 days from notification by the State Board of Education. The
1755 ballot shall read substantially as follows:

1756 "Shall County Superintendent of Education _____ (here the
1757 name of the superintendent shall be inserted) of the _____
1758 (here the title of the school district shall be inserted) be
1759 retained in office? Yes _____ No _____"

1760 If a majority of those voting on the question votes against
1761 retaining the superintendent in office, a vacancy shall exist
1762 which shall be filled in the manner provided by law; otherwise,
1763 the superintendent shall remain in office for the term of that
1764 office, and at the expiration of the term shall be eligible for
1765 qualification and election to another term or terms.

1766 (ii) If the office of superintendent is an
1767 appointive office, the name of the superintendent shall be
1768 submitted by the president of the local school board at the next
1769 regular meeting of the school board for retention in office or
1770 dismissal from office. If a majority of the school board voting
1771 on the question vote against retaining the superintendent in



1772 office, a vacancy shall exist which shall be filled as provided by
1773 law, otherwise the superintendent shall remain in office for the
1774 duration of his employment contract.

1775 (b) The State Board of Education may issue a written
1776 request with documentation to the Governor asking that the
1777 membership of the school board of the school district shall be
1778 subject to recall. Whenever the Governor declares that the
1779 membership of the school board is subject to recall, the county
1780 election commission or the local governing authorities, as the
1781 case may be, shall take the following action:

1782 (i) If the members of the local school board are
1783 elected to office, in those years in which the specific member's
1784 office is not up for election, the name of the school board member
1785 shall be submitted by the State Board of Education to the county
1786 election commission, and the county election commission at a
1787 special election shall submit the question to the voters eligible
1788 to vote for the particular member's office within the county or
1789 school district, as the case may be, and the special election
1790 shall be held within sixty (60) days from notification by the
1791 State Board of Education. The ballot shall read substantially as
1792 follows:

1793 "Members of the _____ (here the title of the school
1794 district shall be inserted) School Board who are not up for
1795 election this year are subject to recall because of the school
1796 district's failure to meet critical accountability standards as



1797 defined in the letter of notification to the Governor from the
1798 State Board of Education. Shall the member of the school board
1799 representing this area, _____ (here the name of the school
1800 board member holding the office shall be inserted), be retained in
1801 office? Yes _____ No _____ "

1802 If a majority of those voting on the question vote against
1803 retaining the member of the school board in office, a vacancy in
1804 that board member's office shall exist, which shall be filled in
1805 the manner provided by law; otherwise, the school board member
1806 shall remain in office for the term of that office, and at the
1807 expiration of the term of office, the member shall be eligible for
1808 qualification and election to another term or terms of office.
1809 However, if a majority of the school board members are recalled in
1810 the special election, the Governor shall authorize the board of
1811 supervisors of the county in which the school district is situated
1812 to appoint members to fill the offices of the members recalled.
1813 The board of supervisors shall make those appointments in the
1814 manner provided by law for filling vacancies on the school board,
1815 and the appointed members shall serve until the office is filled
1816 at the next regular special election or general election.

1817 (ii) If the local school board is an appointed
1818 school board, the name of all school board members shall be
1819 submitted as a collective board by the president of the municipal
1820 or county governing authority, as the case may be, at the next
1821 regular meeting of the governing authority for retention in office



1822 or dismissal from office. If a majority of the governing
1823 authority voting on the question vote against retaining the board
1824 in office, a vacancy shall exist in each school board member's
1825 office, which shall be filled as provided by law; otherwise, the
1826 members of the appointed school board shall remain in office for
1827 the duration of their term of appointment, and those members may
1828 be reappointed.

1829 (iii) If the local school board is comprised of
1830 both elected and appointed members, the elected members shall be
1831 subject to recall in the manner provided in subparagraph (i) of
1832 this * * * paragraph (b), and the appointed members shall be
1833 subject to recall in the manner provided in subparagraph (ii).

1834 (18) Beginning with the school district audits conducted for
1835 the 1997-1998 fiscal year, the State Board of Education, acting
1836 through the Commission on School Accreditation, shall require each
1837 school district to comply with standards established by the State
1838 Department of Audit for the verification of fixed assets and the
1839 auditing of fixed assets records as a minimum requirement for
1840 accreditation.

1841 (19) Before December 1, 1999, the State Board of Education
1842 shall recommend a program to the Education Committees of the House
1843 of Representatives and the Senate for identifying and rewarding
1844 public schools that improve or are high performing. The program
1845 shall be described by the board in a written report, which shall



1846 include criteria and a process through which improving schools and
1847 high-performing schools will be identified and rewarded.

1848 The State Superintendent of Public Education and the State
1849 Board of Education also shall develop a comprehensive
1850 accountability plan to ensure that local school boards,
1851 superintendents, principals and teachers are held accountable for
1852 student achievement. A written report on the accountability plan
1853 shall be submitted to the Education Committees of both houses of
1854 the Legislature and to the Joint Legislative Committee on
1855 Performance Evaluation and Expenditure Review (PEER) annually
1856 before December 1, * * * with any necessary legislative
1857 recommendations.

1858 (20) Before January 1, 2008, the State Board of Education
1859 shall evaluate and submit a recommendation to the Education
1860 Committees of the House of Representatives and the Senate on
1861 inclusion of graduation rate and dropout rate in the school level
1862 accountability system.

1863 (21) If a local school district is determined as failing and
1864 placed into conservatorship for reasons authorized by the
1865 provisions of this section, the conservator appointed to the
1866 district shall, within forty-five (45) days after being appointed,
1867 present a detailed and structured corrective action plan to move
1868 the local school district out of conservatorship status to the
1869 local school board and local superintendent of education if they
1870 have not been removed by the conservator, or if the board and



superintendent have been removed, to the local governing authority of the municipality or county in which the school district under conservatorship is located. A copy of the conservator's corrective action plan shall also be filed with the State Board of Education and with the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER).

SECTION 24. Section 37-17-12, Mississippi Code of 1972, is amended as follows:

37-17-12. (1) (a) Effective July 1, 2006, principals and administrators with career level certifications at schools with the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions pursuant to Section 37-3-4, subject to approval of the local superintendent.

(b) Effective July 1, 2006, school districts meeting the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions pursuant to Sections 37-3-46, 37-3-49(2), 37-7-337, 37-17-8 and 37-21-7(4).

(c) The State Department of Education shall develop a policy to determine reevaluation of exemption status.

(2) The State Department of Education is directed to provide a report of all exempted process standards and nonexempted process standards to the Office of the Governor, the Chairs of the House and Senate Education Committees, the Joint Legislative Committee



1896 on Performance Evaluation and Expenditure Review (PEER) and the
1897 Mississippi Association of School Superintendents annually by
1898 December 1 * * *.

1899 **SECTION 25.** Section 37-21-9, Mississippi Code of 1972, is
1900 amended as follows:

1901 37-21-9. The State Department of Education shall:

1902 (a) Conduct a total needs assessment of the state to
1903 determine what areas currently lack pre-kindergarten programs and
1904 services, and conduct a cost-benefit analysis of establishing
1905 pre-kindergarten programs on a statewide basis. Any expected
1906 costs, whether federal, state or local, associated with
1907 implementing this requirement shall be clearly outlined; and

1908 (b) Conduct a cost-benefit analysis of implementing
1909 mandatory kindergarten on a statewide basis. Any expected costs,
1910 whether federal, state or local, associated with implementing this
1911 requirement shall be clearly outlined; and

1912 (c) Study the feasibility of developing an optional
1913 graduation diploma, to be known as an occupational diploma, that
1914 would include course requirements to ensure that students have
1915 mastered skills and employment competencies. The study shall
1916 include proposed procedures for ensuring that students may select
1917 and move between courses of study leading to a standard high
1918 school diploma or an occupational diploma. The study shall
1919 include options for continued skills training through community
1920 colleges, which shall include agreements between school districts



and community colleges to minimize the circumstances under which students must repeat successfully completed high school coursework in community college. Any expected costs, both federal and state, associated in implementing these requirements shall be clearly outlined; and

(d) Report annually to the Mississippi Legislature and the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) on the graduation and dropout rates based on Grades 7 through 12 and Grades 9 through 12 cohort groups, statewide and by district.

SECTION 26. Section 37-21-11, Mississippi Code of 1972, is amended as follows:

37-21-11. (1) There is hereby established the "Kindergarten Readiness Assessment Program," authorizing the Mississippi Department of Education to establish a common statewide kindergarten readiness assessment, the purpose of which is to provide teachers, administrators and parents baseline data on students at the beginning of their kindergarten year. It is the intent of the Legislature, in establishing this program, to ensure that the Mississippi Department of Education shall:

(a) Select a readiness assessment that provides data on each kindergarten student's performance to inform deployment of resources and instructional supports;



1944 (b) Establish a policy to ensure each student's parent
1945 or guardian is informed of the student's performance on the
1946 assessment;

1947 (c) Establish a policy to ensure that districts report
1948 results to the State Superintendent of Education and to the Joint
1949 Legislative Committee on Performance Evaluation and Expenditure
1950 Review (PEER); and

1951 (d) Require this assessment be given to all students
1952 enrolled in a public kindergarten in Mississippi.

1953 (2) The kindergarten readiness assessment may be given prior
1954 to the beginning of kindergarten or during the first thirty (30)
1955 days of the kindergarten year.

1956 **SECTION 27.** Section 37-22-25, Mississippi Code of 1972, is
1957 amended as follows:

1958 37-22-25. (1) This section shall be known and may be cited
1959 as the "Mississippi School District Emergency Bridge Loan Act."

1960 (2) (a) There is established a bridge loan program to be
1961 administered by the State Department of Education for the purpose
1962 of assisting local school districts that suffer revenue losses as
1963 a result of an economic downturn that substantially impacts the
1964 state and local revenues available to school districts. Loan
1965 proceeds distributed to school districts shall be specifically for
1966 school district operations identified as essential by the
1967 department.



1968 (b) It is the intent of the Legislature that the
1969 department endeavor to ensure that the costs of the administration
1970 of this section are as low as possible.

1971 (3) (a) There is created a special fund in the State
1972 Treasury to be designated as the "Mississippi School District
1973 Emergency Bridge Loan Fund," referred to in this section as the
1974 "fund." The fund shall consist of money designated for deposit in
1975 the fund from any source including, but not limited to,
1976 appropriations, bond proceeds, grants, gifts, donations or funds
1977 from any source, public or private. The fund shall be credited
1978 with all repayments of principal and interest derived from loans
1979 made from the fund. Unexpended amounts remaining in the fund at
1980 the end of a fiscal year shall not lapse into the State General
1981 Fund, and any interest earned on amounts in the fund shall be
1982 deposited to the credit of the State General Fund. Monies in the
1983 fund may not be used or expended for any purpose except as
1984 authorized under this section.

1985 (b) The department shall establish a loan program by
1986 which loans may be made available to school districts to assist
1987 those school districts. Any school district that demonstrates for
1988 the current fiscal year a projected revenue loss equal to or
1989 exceeding one-third (1/3) of its revenues in the preceding fiscal
1990 year may qualify for a loan. The interest rate on loans made
1991 under this section may vary from time to time and from loan to
1992 loan and shall be at or below market interest rates as determined



1993 by the department. The department shall act as quickly as is
1994 practicable and prudent in deciding on any loan request that it
1995 receives.

1996 (c) The aggregate amount of any loans received under
1997 this section by a school district shall not exceed one hundred
1998 percent (100%) of the difference between the revenue received by
1999 the school district to fund essential operations in the preceding
2000 fiscal year and the estimated revenue from those sources in the
2001 current fiscal year plus sixteenth section principal funds that
2002 may be expended under law, cash reserves or fund balances at the
2003 fiscal year end, as determined by the department. The State Board
2004 of Education shall set the maximum amount of any loan made under
2005 this section at an amount that will ensure the equitable
2006 distribution of the amounts available for loans to the eligible
2007 school districts.

2008 (d) A school district that receives a loan from the
2009 fund shall pledge for repayment of the loan any part of the
2010 homestead exemption annual tax loss reimbursement to which it may
2011 be entitled under Section 27-33-77, as may be required by the
2012 department. Each recipient of a loan shall establish a dedicated
2013 source of revenue for repayment of the loan. Before any school
2014 district shall receive a loan, it must execute with the department
2015 a loan agreement evidencing the loan, a copy of which must be
2016 filed by the department with the State Tax Commission. The loan
2017 agreement may not be construed to prohibit any recipient from



prepaying any part or all of the funds received. The repayment schedule in each loan agreement shall provide for: (i) monthly payments; (ii) semiannual payments; or (iii) other periodic payments. The loan agreement shall provide for the repayment of all funds received from the fund within not more than ten (10) years. At the request of the department, the State Tax Commission shall withhold semiannually from the amount to be remitted to a school district the sum necessary to pay all or a portion of the periodic payments for the loan.

(e) A school district that receives a loan from the state which is not eligible to pledge for repayment of the loan under paragraph (d) of this subsection shall repay the loan by making payments each month to the State Treasurer through the Department of Finance and Administration for and on behalf of the department according to Section 7-7-15, to be credited to the fund in lieu of pledging homestead exemption annual tax loss reimbursement.

Loan repayments shall be according to a repayment schedule contained in each loan agreement as required under paragraph (d) of this subsection.

(f) Evidences of indebtedness that are issued under this section may not be deemed indebtedness within the meaning specified in Section 37-59-5.

(g) The State Auditor, upon the request of the department, shall audit the receipts and expenditures of a school



2043 district if loan repayments appear to be in arrears. If the
2044 Auditor finds that the school district is in arrears in the
2045 repayments, the Auditor immediately shall notify the State
2046 Superintendent of Public Education, who may take any action
2047 necessary to enforce the terms of the loan agreement. The
2048 superintendent, in his discretion, may notify the State Tax
2049 Commission to withhold all future payments to the school district
2050 of homestead exemption annual tax loss reimbursements under
2051 Section 27-33-77 until such time that the school district is again
2052 current in its loan repayments, as certified by the department.

2053 (h) All monies deposited in the fund may be used only
2054 for providing the loans authorized under this section. In
2055 addition, any amounts in the fund may be used to defray the
2056 reasonable costs of administering the fund. The department is
2057 authorized to use amounts available to it from the fund to
2058 contract for those facilities and staff needed to administer and
2059 provide routine management for the funds and loan program.

2060 (4) In administering this section, the State Department of
2061 Education shall have the following powers and duties:

2062 (a) To supervise the use of all funds made available
2063 under this section;

2064 (b) To promulgate rules and regulations and to
2065 establish procedures in accordance with this section for the
2066 implementation of the loan program;



2067 (c) To requisition monies in the fund and distribute
2068 those monies in accordance with this section;

2069 (d) To maintain, in accordance with generally accepted
2070 government accounting standards, an accurate record of all monies
2071 in the fund made available to school districts under this section;
2072 and

2073 (e) To file annually with the Legislature and the Joint
2074 Legislative Committee on Performance Evaluation and Expenditure
2075 Review (PEER) a report detailing how monies in the fund were spent
2076 during the preceding fiscal year in each school district.

2077 (5) The State Bond Commission, at one time or from time to
2078 time, may declare the necessity for general funds for the purposes
2079 provided in this section, including the costs incident to the
2080 administration of the loan program. Upon approval by the State
2081 Bond Commission, the Department of Finance and Administration may
2082 transfer the necessary amount from the General Fund to the fund in
2083 ample time to discharge such loans and incidental costs.

2084 (6) The Department of Finance and Administration, without
2085 further process of law, may certify the necessity for warrants and
2086 issue those warrants in such amounts as may be necessary to make
2087 loans under the program authorized by this section.

2088 (7) After any state funds in the fund are no longer needed
2089 for the particular purpose for which they were appropriated,
2090 deposited or transferred into the fund, the Department of Finance
2091 and Administration shall transfer those state funds back to the



2092 particular fund or funds in the State Treasury from which they
2093 were appropriated or transferred into the fund, upon certification
2094 of the State Superintendent of Public Education that the state
2095 funds currently are not needed.

2096 **SECTION 28.** Section 37-23-1, Mississippi Code of 1972, is
2097 amended as follows:

2098 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
2099 is to mandate free appropriate public educational services and
2100 equipment for exceptional children in the age range three (3)
2101 through twenty (20) for whom the regular school programs are not
2102 adequate and to provide, on a permissive basis, a free appropriate
2103 public education, as a part of the state's early intervention
2104 system in accordance with regulations developed in collaboration
2105 with the agency designated as "lead agency" under Part C of the
2106 Individuals with Disabilities Education Act. The portion of the
2107 regulations developed in collaboration with the lead agency which
2108 are necessary to implement the programs under the authority of the
2109 State Board of Education shall be presented to the State Board of
2110 Education for adoption. This specifically includes, but shall not
2111 be limited to, provision for day schools for the deaf and blind of
2112 an age under six (6) years, where early training is in accordance
2113 with the most advanced and best approved scientific methods of
2114 instruction, always taking into consideration the best interests
2115 of the child and his improvement at a time during which he is most
2116 susceptible of improvement. Educational programs to exceptional



2117 children under the age of three (3) years shall be eligible for
2118 adequate education program funds.

2119 All references in the laws of this state to the "Individuals
2120 with Disabilities Education Act" or to the "IDEA" shall be
2121 construed to include any subsequent amendments to that act.

2122 The educational programs and services provided for
2123 exceptional children in Sections 37-23-1 through 37-23-15,
2124 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
2125 shall be designed to provide individualized appropriate special
2126 education and related services that enable a child to reach his or
2127 her appropriate and uniquely designed goals for success. The
2128 State Board of Education shall establish an accountability system
2129 for special education programs and students with disabilities.
2130 The system shall establish accountability standards for services
2131 provided to improve the educational skills designed to prepare
2132 children for life after their years in school. These standards
2133 shall be a part of the accreditation system and shall be
2134 implemented before July 1, 1996.

2135 The State Department of Education shall establish goals for
2136 the performance of children with disabilities that will promote
2137 the purpose of IDEA and are consistent, to the maximum extent
2138 appropriate, with other goals and standards for children
2139 established by the State Department of Education. Performance
2140 indicators used to assess progress toward achieving those goals
2141 that, at a minimum, address the performance of children with



disabilities on assessments, drop-out rates, and graduation rates shall be developed. Every two (2) years, the progress toward meeting the established performance goals shall be reported to the public and to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER).

SECTION 29. Section 37-23-147, Mississippi Code of 1972, is amended as follows:

37-23-147. (1) The State Department of Education shall establish goals for the performance of children with disabilities that will promote the purpose of IDEA and are consistent, to the maximum extent appropriate, with other goals and standards for children established by the State Department of Education. Performance indicators used to assess progress toward achieving those goals that, at a minimum, address the performance of children with disabilities on assessments, drop-out rates, and graduation rates shall be developed. Every two (2) years, the progress toward meeting the established performance goals shall be reported to the public and to the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER).

(2) To encourage the full inclusion of children with disabilities in all aspects of academic and extracurricular activities, the State Department of Education shall provide special recognition to the schools receiving such designation and their school districts. Examples of such recognition may include, but not be limited to: public announcements and events,



2167 certificates of recognition and plaques for teachers, principals,
2168 superintendents and parents, and media announcements utilizing the
2169 services of Mississippi Educational Television. This special
2170 recognition shall be awarded to one (1) elementary, one (1) middle
2171 school, and one (1) high school, based on entries submitted to the
2172 Mississippi Advisory Committee for Special Education by the
2173 deadline of March 31. These entries shall be in the form of a
2174 report, not to exceed five (5) pages, listing name, address and
2175 telephone number of the school district/school; teacher or staff
2176 responsible for administering the program; type of position held
2177 by each of these employees including credentials; description of
2178 the program; number of students with disabilities included; type
2179 and level of severity of disabilities; number of students without
2180 disabilities involved in the program; how long the program has
2181 been in operation; benefit of program to all students; and a
2182 description of how this program could be replicated by other
2183 school districts. Winners of the Exemplary Inclusion Program
2184 contest shall be chosen by the Mississippi Advisory Committee for
2185 Special Education in April of each year.

2186 Recognition shall be given to these schools during the May
2187 Mississippi State Board of Education meeting each year.
2188 Information on these exemplary programs shall be provided to other
2189 school districts and the general public through news releases, the
2190 state department website, and other similar avenues.



2191 **SECTION 30.** Section 37-23-148, Mississippi Code of 1972, is
2192 amended as follows:

2193 37-23-148. (1) Children with disabilities shall be included
2194 in general statewide and district-wide assessments programs, with
2195 appropriate accommodations, where necessary. As appropriate, the
2196 State Department of Education and the local educational agency
2197 shall:

2198 (a) Develop policies and procedures for the
2199 participation of children with disabilities in alternate
2200 assessments for those children who cannot participate in statewide
2201 and district-wide assessment programs; and

2202 (b) Develop and, beginning not later than July 1, 2000,
2203 conduct those alternate assessments.

2204 (2) The State Department of Education shall make available
2205 to the public, and report to the public and to the Joint
2206 Legislative Committee on Performance Evaluation and Expenditure
2207 Review (PEER) with the same frequency and in the same detail as it
2208 reports on the assessment of nondisabled children, the following:

2209 (a) The number of children with disabilities
2210 participating in regular assessments;

2211 (b) The number of children participating in alternate
2212 assessments;

2213 (c) The performance of those children on regular
2214 assessments, beginning not later than July 1, 1998, and on
2215 alternate assessments, not later than July 1, 2000, if doing so



2216 would be statistically sound and would not result in the
2217 disclosure of performance results identifiable to individual
2218 children; and

2219 (d) Data relating to the performance of children with
2220 disabilities shall be disaggregated for assessments conducted
2221 after July 1, 1998.

2222 **SECTION 31.** Section 37-27-25, Mississippi Code of 1972, is
2223 amended as follows:

2224 37-27-25. The board of trustees of agricultural high schools
2225 shall make detailed statements of receipts and disbursements to
2226 the board or boards of supervisors and the county superintendent
2227 or superintendents of education annually on the first Monday of
2228 July. The county superintendent of education shall transmit to
2229 the State Superintendent of Public Education, a copy of said
2230 detailed statement which shall be embodied in his annual report to
2231 the Legislature and to the Joint Legislative Committee on
2232 Performance Evaluation and Expenditure Review (PEER).

2233 **SECTION 32.** Section 37-27-79, Mississippi Code of 1972, is
2234 amended as follows:

2235 37-27-79. (1) The State Board of Education shall review and
2236 develop a report relating to the need for a separate board of
2237 trustees and separate administrative office for the Coahoma
2238 Agricultural High School, the Forrest Agricultural High School and
2239 the Hinds Agricultural High School and shall annually submit this
2240 finding with recommendations for any necessary legislation to the



2241 Chairmen of the Senate and House Education Committees and to the
2242 Joint Legislative Committee on Performance Evaluation and
2243 Expenditure Review (PEER) on or before December 1, * * * for
2244 consideration in the * * * approaching Regular Session of the
2245 Mississippi Legislature. Said report shall include any necessary
2246 recommendations for the consolidation and transfer of
2247 administrative offices, transfer of real and personal property,
2248 and transfer of students from such agricultural high school to the
2249 appropriate school district.

2250 (2) Any agricultural high school in this state (whether
2251 maintained by one (1) county or more than one (1) county) may be
2252 abolished when twenty percent (20%) of the qualified electors
2253 residing in such county or counties shall file a petition with the
2254 board of supervisors or boards of supervisors of such county or
2255 counties, and request that such school be abolished. Thereupon,
2256 the question shall be submitted to an election of the qualified
2257 electors of the county or counties within not less than thirty
2258 (30) days nor more than sixty (60) days after the next meeting of
2259 the board of supervisors or boards of supervisors after the filing
2260 of the petition. At such election said electors may vote for
2261 abolishing the agricultural high school or against abolishing the
2262 agricultural high school. If a majority of the votes cast in such
2263 election be in favor of abolishing such school, then such school
2264 shall be abolished. If less than a majority of those voting fail
2265 to vote for abolishing such school then it shall not be abolished



2266 but shall be supported and maintained as now provided by law.
2267 When an election is called under this section and the school is
2268 not abolished, then another election cannot be held for a period
2269 of two (2) years.

2270 **SECTION 33.** Section 37-28-31, Mississippi Code of 1972, is
2271 amended as follows:

2272 37-28-31. (1) The authorizer shall monitor annually the
2273 performance and legal compliance of each charter school it
2274 oversees, including collecting and analyzing data to support the
2275 school's evaluation according to the charter contract. The
2276 authorizer may conduct or require oversight activities that enable
2277 the authorizer to fulfill its responsibilities under this chapter,
2278 including conducting appropriate inquiries and investigations, so
2279 long as those activities are consistent with the intent of this
2280 act, adhere to the terms of the charter contract and do not unduly
2281 inhibit the autonomy granted to charter schools.

2282 (2) As part of its annual report to the Legislature and to
2283 the Joint Legislative Committee on Performance Evaluation and
2284 Expenditure Review (PEER), the authorizer shall publish and
2285 provide a performance report for each charter school it oversees
2286 in accordance with the performance framework set forth in the
2287 charter contract. The report must be made available to the public
2288 at the same time as it is submitted to the Legislature and to the
2289 Joint Legislative Committee on Performance Evaluation and
2290 Expenditure Review (PEER). The authorizer may require each



2291 charter school it oversees to submit an annual report to assist
2292 the authorizer in gathering complete information about each
2293 school, consistent with the performance framework.

2294 (3) If a charter school's performance or legal compliance is
2295 unsatisfactory, the authorizer shall notify promptly the charter
2296 school of the problem and provide reasonable opportunity for the
2297 school to remedy the problem unless the problem warrants
2298 revocation, in which case the revocation timeframes will apply.

2299 (4) The authorizer may take appropriate corrective actions
2300 or exercise sanctions in response to apparent deficiencies in a
2301 charter school's performance or legal compliance. If warranted,
2302 the actions or sanctions may include requiring a charter school to
2303 develop and execute a corrective action plan within a specified
2304 timeframe.

2305 **SECTION 34.** Section 37-31-111, Mississippi Code of 1972, is
2306 amended as follows:

2307 37-31-111. An annual report on program activities and
2308 results shall be prepared by the State Department of Education,
2309 vocational division, and submitted to the Legislature and to the
2310 Joint Legislative Committee on Performance Evaluation and
2311 Expenditure Review (PEER) with the overall annual vocational
2312 education report.

2313 **SECTION 35.** Section 37-37-3, Mississippi Code of 1972, is
2314 amended as follows:



2315 37-37-3. In addition to all auditors and other employees now
2316 or hereafter provided by law, the State Auditor may appoint and
2317 employ examiners in the Department of Audit. The examiners shall
2318 make such audits as may be necessary to determine the correctness
2319 and accuracy of all reports made to the State Department of
2320 Education and to the Joint Legislative Committee on Performance
2321 Evaluation and Expenditure Review (PEER) by any school district or
2322 school official concerning the number of educable students in any
2323 school district, the number of students enrolled in any school
2324 district, the number of students in average daily attendance in
2325 any school district, and the number of students being transported
2326 or entitled to transportation to any of the public schools of this
2327 state.

2328 **SECTION 36.** Section 37-37-9, Mississippi Code of 1972, is
2329 amended as follows:

2330 37-37-9. Upon completion of each review or audit, the State
2331 Auditor shall prepare a report setting forth the audit results and
2332 findings, specifically noting all exceptions or violations of any
2333 existing law. Copies thereof shall be furnished to the State
2334 Department of Education and each school district reviewed or
2335 audited. The original copy shall be retained in the Office of the
2336 State Auditor as a permanent record thereof and shall be subject
2337 to public inspection. The State Auditor shall complete a
2338 comprehensive annual report summarizing results of reviews or
2339 audits each year and provide the report to the State Department of



2340 Education, the Joint Legislative Committee on Performance
2341 Evaluation and Expenditure Review (PEER) and to the Education
2342 Committees of the Mississippi House of Representatives and Senate.

2343 **SECTION 37.** Section 37-43-51, Mississippi Code of 1972, is
2344 amended as follows:

2345 37-43-51. The management of all public, private, parochial
2346 or denominational schools wherein the board is furnishing to the
2347 students thereof free school textbooks and said free school
2348 textbooks are used by the students in said school, shall file
2349 annually with the State Board of Education and the Joint
2350 Legislative Committee on Performance Evaluation and Expenditure
2351 Review (PEER) any and all reports as may be required by the board.

2352 Any person who shall refuse, neglect or fail to file any
2353 report required by the board shall be denied a new allocation of
2354 funds until such reports have been completed and filed with the
2355 board.

2356 **SECTION 38.** Section 37-106-55, Mississippi Code of 1972, is
2357 amended as follows:

2358 37-106-55. (1) There is established the "Critical Needs
2359 Teacher Forgivable Loan Program," the purpose of which is to
2360 attract qualified teachers to those geographical areas of the
2361 state and those subject areas of the curriculum where there exists
2362 a critical shortage of teachers by awarding forgivable loans to
2363 persons declaring an intention to serve in the teaching field who



2364 actually render service to the state while possessing an
2365 appropriate teaching license.

2366 (2) Individuals shall not be eligible to enroll in the
2367 Critical Needs Teacher Scholarship Program after the 2014-2015
2368 academic year, and in subsequent years individuals are encouraged
2369 to apply to the Teaching Fellows Program established in Section
2370 37-106-77. Any individual who is enrolled in or accepted for
2371 enrollment at a teacher education program approved by the State
2372 Board of Education or other program at a baccalaureate
2373 degree-granting institution of higher learning in the State of
2374 Mississippi and has a passing score on the Praxis I Basic Skills
2375 Test who expresses in writing an intention to teach in a
2376 geographical area of the state or a subject area of the public
2377 school curriculum in which there exists a critical shortage of
2378 teachers, as designated by the State Board of Education, shall be
2379 eligible for a forgivable loan to be applied toward the costs of
2380 the individual's college education. The annual amount of the
2381 award shall be equal to the total cost for tuition, room and
2382 meals, books, materials and fees at the college or university in
2383 which the student is enrolled, not to exceed an amount equal to
2384 the highest total cost of tuition, room and meals, books,
2385 materials and fees assessed by a state institution of higher
2386 learning during that school year. Awards made to nonresidents of
2387 the state shall not include any amount assessed by the college or
2388 university for out-of-state tuition.



2389 (3) Awards granted under the Critical Needs Teacher
2390 Forgivable Loan Program shall be available to both full-time and
2391 part-time students. Students enrolling on a full-time basis may
2392 receive a maximum of two (2) annual awards. The maximum number of
2393 awards that may be made to students attending school on a
2394 part-time basis, and the maximum time period for part-time
2395 students to complete the number of academic hours necessary to
2396 obtain a baccalaureate degree in education, shall be established
2397 by rules and regulations promulgated by the board. Critical Needs
2398 Teacher Forgivable Loans shall not be based upon an applicant's
2399 financial need.

2400 (4) Awards granted under the Critical Needs Teacher
2401 Forgivable Loan Program shall be made available to nontraditional
2402 licensed teachers showing a documented need for student loan
2403 repayment and employed in those school districts designated by the
2404 State Board of Education as a geographical area of the state or in
2405 a subject area of the curriculum in which there is a critical
2406 shortage of teachers. The maximum annual amount of this repayment
2407 should not exceed Three Thousand Dollars (\$3,000.00) and the
2408 maximum time period for repayment shall be no more than four (4)
2409 years.

2410 (5) Except in those cases where employment positions may not
2411 be available upon completion of licensure requirements, at the
2412 beginning of the first school year in which a recipient of a
2413 Critical Needs Teacher Forgivable Loan is eligible for employment



2414 as a licensed teacher or a nontraditional teacher intern pursuant
2415 to Section 37-3-2(6)(b), that person shall begin to render service
2416 as a licensed teacher or nontraditional teacher intern in a public
2417 school district in a geographical area of the state or a subject
2418 area of the curriculum where there is a critical shortage of
2419 teachers, as approved by the State Board of Education.

2420 (6) Failure to repay any loan and interest that becomes due
2421 shall be cause for the revocation of a person's teaching license
2422 by the State Board of Education.

2423 (7) Repayment and conversion terms shall be the same as
2424 those outlined in Section 37-106-53.

2425 (8) The board shall promulgate rules and regulations
2426 necessary for the proper administration of the Critical Needs
2427 Teacher Forgivable Loan Program.

2428 (9) The State Board of Education shall compile and report,
2429 in consultation with the board, an annual report with findings and
2430 recommendations to the legislative committees on education and to
2431 the Joint Legislative Committee on Performance Evaluation and
2432 Expenditure Review (PEER) by December 1, * * * on the following:

2433 (a) The number of participants in the Critical Needs
2434 Teacher Forgivable Loan Program, by institution and by freshman,
2435 sophomore, junior and senior level;

2436 (b) The number of nontraditional teacher license
2437 program participants;



2438 (c) The number of individuals who completed the
2439 Critical Needs Teacher Forgivable Loan Program and the school
2440 district in which they are employed;

2441 (d) The number of individuals who are in default of
2442 their obligation under the Critical Needs Teacher Forgivable Loan
2443 Program and the status of their obligation;

2444 (e) The number of participants in the program who have
2445 successfully completed the Praxis examination in their junior
2446 year; and

2447 (f) The number of noneducation majors participating in
2448 the program.

2449 (10) Where local school districts exhibit financial need,
2450 the State Department of Education may, subject to the availability
2451 of funds specifically appropriated therefor by the Legislature,
2452 provide financial assistance for the recruitment of certified
2453 teachers in an amount not to exceed Seventy-five Thousand Dollars
2454 (\$75,000.00) annually.

2455 This section shall stand repealed July 1, 2020.

2456 **SECTION 39.** Section 37-131-11, Mississippi Code of 1972, is
2457 amended as follows:

2458 37-131-11. All demonstration or practice schools established
2459 under the provisions of Section 37-131-1 shall, as far as may be
2460 practicable, be subject to and governed by the same laws as other
2461 public schools of the State of Mississippi, and shall make all
2462 reports required by law to be made by public schools to the State



2463 Board of Education or the state educational finance commission and
2464 to the Joint Legislative Committee on Performance Evaluation and
2465 Expenditure Review (PEER) at the same time and in the same manner
2466 as such reports are made by other public schools. However, for
2467 the purpose of the allocation of minimum education program funds,
2468 the reports of children in average daily attendance shall be made
2469 to the school district involved by said demonstration or practice
2470 school, and a copy thereof shall be filed with the State Board of
2471 Education. The school district shall use said reports so filed
2472 with it in making its reports to the State Board of Education and
2473 to the Joint Legislative Committee on Performance Evaluation and
2474 Expenditure Review (PEER) for the purpose of the allocation of
2475 minimum education program funds but the average daily attendance
2476 of the pupils attending such demonstration or practice school
2477 shall be segregated and separated in such reports from the average
2478 daily attendance in the regular schools of the district.

2479 **SECTION 40.** Section 37-151-9, Mississippi Code of 1972, is
2480 amended as follows:

2481 37-151-9. (1) The State Board of Education and State
2482 Superintendent of Education shall establish within the State
2483 Department of Education a special unit at the division level
2484 called the Office of Educational Accountability. The Director of
2485 the Office of Educational Accountability shall hold a position
2486 comparable to a deputy superintendent and shall be appointed by
2487 the State Board of Education with the advice and consent of the



2488 Senate. He shall serve at the will and pleasure of the State
2489 Board of Education and may employ necessary professional,
2490 administrative and clerical staff. The Director of the Office of
2491 Educational Accountability shall provide all reports to the
2492 Legislature, Governor, Joint Legislative Committee on Performance
2493 Evaluation and Expenditure Review (PEER), Mississippi Commission
2494 on School Accreditation and State Board of Education and respond
2495 to any inquiries for information.

2496 (2) The Office of Educational Accountability is responsible
2497 for monitoring and reviewing programs developed under the
2498 Education Reform Act, the Mississippi Adequate Education Program
2499 Act of 1994, the Education Enhancement Fund, and subsequent
2500 education initiatives, and shall provide information,
2501 recommendations and an annual assessment to the Legislature,
2502 Governor, the Joint Legislative Committee on Performance
2503 Evaluation and Expenditure Review (PEER), Mississippi Commission
2504 on School Accreditation and the State Board of Education.
2505 Commencing in 1995, the annual assessment of education reform
2506 programs shall be performed by the Office of Educational
2507 Accountability by December 1 of each year. The Office of
2508 Educational Accountability shall specifically monitor the
2509 implementation of Level III accreditation in all school districts,
2510 and shall make an assessment with recommendations to the 1996
2511 Regular Session of the Legislature.



(3) In addition, the Office of Educational Accountability shall have the following specific duties and responsibilities:

(a) Developing and maintaining a system of communication with school district personnel;

(b) Provide opportunities for public comment on the current functions of the State Department of Education's programs, needed public education services and innovative suggestions;

(c) Assess both positive and negative impact on school districts of new education programs, including but not limited to The Mississippi Report Card and alternative school programs.

SECTION 41. Section 37-151-97, Mississippi Code of 1972, is amended as follows:

37-151-97. The State Department of Education shall develop an annual reporting process to inform the Legislature, local district personnel, the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and the general public as to the ongoing and future plans for the state's educational programs. The annual reporting process will include those vital statistics that are commonly reported by schools and districts and that can provide clear demographic, strategic and educational information to constituencies such as, but not limited to, the following information:

(a) Student enrollment, attendance, drop-out and graduation;

(b) Overall student and district achievement;



2537 (c) Budget, administrative costs and other pertinent
2538 fiscal information, including:
2539 (i) The receipts and disbursements of all school
2540 funds handled by the board;
2541 (ii) Reports of expenditures for public schools,
2542 which, upon request must be made available on an individual
2543 district basis by the State Department of Education;
2544 1. Total Student Expenditures:
2545 a. Instruction (1000s);
2546 b. Other Student Instructional
2547 Expenditures (2100s, 2200s);
2548 2. General Administration (2300s and 2500s);
2549 3. School Administration (2400s);
2550 4. Other Expenditures (2600s, 2700s, 2800s,
2551 3100s, 3200s); and
2552 5. Nonoperational Expenditures (4000s, 5000s,
2553 6000s);
2554 (iii) The number of school districts,
2555 schoolteachers employed, school administrators employed, pupils
2556 taught and the attendance record of pupils therein;
2557 (iv) County and district levies for each school
2558 district and agricultural high school;
2559 (v) The condition of vocational education, a list
2560 of schools to which federal and state aid has been given, and a
2561 detailed statement of the expenditures of federal funds and the



state funds that may be provided, and the ranking of subjects taught as compared with the state's needs.

(d) Other as directed by the State Board of Education.

Further, the reporting process will include an annual report developed specifically to relate the mission and goals of the State Board of Education, State Superintendent of Public Education and departments. This document will become the method through which the strategic planning and management process of the department is articulated to the public. It will explain and inform the public of the major initiatives of the department and clearly identify rationale for program development and/or elimination. The report will establish benchmarks, future plans and discuss the effectiveness of educational programs.

In addition to the information specified herein, the State Board of Education shall have full and plenary authority and power to require the furnishing of such further, additional and supplementary information as it may deem necessary for the purpose of determining the cost of the adequate education program in such school district for the succeeding fiscal year, the amount of the adequate education program funds to be allotted to each school district for the succeeding fiscal year, and for any other purpose authorized by law or deemed necessary by said State Board of Education.

It shall be the duty of the State Department of Education to prescribe the forms for the reports provided for in this section.



2587 **SECTION 42.** Section 37-161-5, Mississippi Code of 1972, is
2588 amended as follows:

2589 37-161-5. (1) There is established a commission to be known
2590 as the "Lifelong Learning Commission."

2591 (2) The commission shall consist of four (4) members, who
2592 shall serve ex officio, as follows:

2593 (a) The Governor of the State of Mississippi, who shall
2594 serve as chairman;

2595 (b) The State Superintendent of Public Education;

2596 (c) The Commissioner of the Mississippi Community
2597 College Board; and

2598 (d) The Commissioner of Higher Education.

2599 (3) The duties of the Lifelong Learning Commission shall
2600 include, but not necessarily be limited to, the following:

2601 (a) To assess the dropout crisis in Mississippi and
2602 recommend action steps to address it;

2603 (b) To create a set of common definitions for
2604 graduation and dropout rates which can be used to compare the
2605 commission's progress relative to other states;

2606 (c) To facilitate agreements that will make the
2607 Mississippi high school experience more meaningful;

2608 (d) To encourage more rigor and relevance in the high
2609 school experience;

2610 (e) To facilitate the transferability of education from
2611 secondary to postsecondary institutions;



2612 (f) To raise state awareness on the need for improving
2613 Mississippi's high schools;

2614 (g) To develop a series of best practices policy
2615 actions that state policymakers and legislators can implement to
2616 achieve system-wide high school reform; and

2617 (h) To convene town hall meetings around the state,
2618 when the commission determines necessary, where students,
2619 teachers, administrators and parents can discuss high school, the
2620 senior year and impediments to greater success.

2621 (4) The commission may prepare an annual report for the
2622 consideration of the Chairmen of the House and Senate Education,
2623 * * * Universities and Colleges Committees and to the Joint
2624 Legislative Committee on Performance Evaluation and Expenditure
2625 Review (PEER) pertaining to the information gathered in the
2626 performance of its duties.

2627 (5) The commission members shall meet at those times and
2628 places deemed necessary by the commission. The commission may use
2629 any available resources to fulfill its mission.

2630 **SECTION 43.** Section 37-173-19, Mississippi Code of 1972, is
2631 amended as follows:

2632 37-173-19. (1) The department shall publicize information
2633 regarding the Mississippi Dyslexia Therapy Scholarship on the
2634 department's official website.

2635 (2) Annually, by December 15, report to the Governor, the
2636 Lieutenant Governor, * * * the Speaker of the House of



Representatives and the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) the State Department of Education's actions with respect to implementing accountability in the scholarship program under this section, any substantiated allegations or violations of law or rule by an eligible nonpublic school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

SECTION 44. Section 37-175-19, Mississippi Code of 1972, is amended as follows:

37-175-19. (1) The department shall publicize information regarding the Mississippi Speech-Language Therapy Scholarship on the department's official website.

(2) The department shall annually, by December 15, report to the Governor, the Lieutenant Governor, * * * the Speaker of the House of Representatives and the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) the department's actions with respect to implementing accountability in the scholarship program under this section, any substantiated allegations or violations of law or rule by an eligible nonpublic school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the department.



2662 **SECTION 45.** Section 37-177-17, Mississippi Code of 1972, is
2663 amended as follows:

2664 37-177-17. (1) Within thirty (30) days of final State Board
2665 of Education approval of state accountability results, the school
2666 board of each school district must publish, in a newspaper having
2667 a general circulation within the school district, and report to
2668 the State Board of Education, the Joint Legislative Committee on
2669 Performance Evaluation and Expenditure Review (PEER) and the
2670 Mississippi Reading Panel the following information relating to
2671 the preceding school year:

2672 (a) The provisions of this chapter relating to public
2673 school student progression and the school district's policies and
2674 procedures on student retention and promotion;

2675 (b) By grade, the number and percentage of all students
2676 performing at each level of competency on the reading and math
2677 portion of the annual state accountability system and the number
2678 and percentage of students given an approved alternative
2679 standardized reading assessment and the percentage of these
2680 students performing at each competency level on said alternative
2681 standardized assessment;

2682 (c) By grade, the number and percentage of all students
2683 retained in kindergarten through Grade 8;

2684 (d) Information on the total number and percentage of
2685 students who were promoted for good cause, by each category of
2686 good cause described in Section 37-177-11; and



(e) Any revisions to the school board's policy on student retention and promotion from the prior school year.

(2) The State Department of Education shall establish a uniform format for school districts to report the information required in subsection (1) of this section. The format must be developed with input from school boards and must be provided no later than ninety (90) days before the annual due date of the information. The department shall compile annually the required district information, along with state-level summary information, and report the information to the Governor, Senate, House of Representatives, Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and general public.

SECTION 46. Section 37-3-11, Mississippi Code of 1972, is brought forward as follows:

37-3-11. The State Superintendent of Public Education shall perform the duties assigned to him by the State Board of Education, and he shall have the following duties:

(a) To serve as secretary for the State Board of Education;

(b) To be the chief administrative officer of the State Department of Education;

(c) To recommend to the State Board of Education, for its consideration, rules and regulations for the supervision of the public schools and agricultural high schools of the school



2711 districts throughout the state and for the efficient organization
2712 and conduct of the same;

2713 (d) To collect data and make it available to the state
2714 board for determining the proper distribution of the state common
2715 school funds;

2716 (e) To keep a complete record of all official acts of
2717 the State Superintendent and the acts of the State Board of
2718 Education;

2719 (f) To prepare, have printed and furnish all officers
2720 charged with the administration of the laws pertaining to the
2721 public schools, such blank forms and books as may be necessary to
2722 the proper discharge of their duties, which printing is to be paid
2723 for out of funds provided by the Legislature;

2724 (g) To have printed in pamphlet form the laws
2725 pertaining to the public schools and publish therein forms for
2726 conducting school business, the rules and regulations for the
2727 government of schools that the State Superintendent or the State
2728 Board of Education may recommend, and such other matters as may be
2729 deemed worthy of public interest pertaining to the public schools,
2730 which printing is to be paid for out of funds provided by the
2731 Legislature;

2732 (h) To meet all superintendents annually at such time
2733 and place as the State Superintendent shall appoint for the
2734 purpose of accumulating facts relative to schools, to review the
2735 educational progress made in the various sections of the state, to



2736 compare views, discuss problems, hear discussions and suggestions
2737 relative to examinations and qualifications of teachers, methods
2738 of instruction, textbooks, summer schools for teachers, visitation
2739 of schools, consolidation of schools, health work in the schools,
2740 vocational education and other matters pertaining to the public
2741 school system;

2742 (i) To advise all superintendents upon all matters
2743 involving the welfare of the schools, and at the request of any
2744 superintendent, to give an opinion upon a written statement of
2745 facts on all questions and controversies arising out of the
2746 interpretation and construction of the school laws, in regard to
2747 rights, powers and duties of school officers and superintendents,
2748 and to keep a record of all such decisions. Before giving any
2749 opinion, the superintendent may submit the statement of facts to
2750 the Attorney General, and it shall be the duty of the Attorney
2751 General forthwith to examine such statement and suggest the proper
2752 decision to be made upon such fact;

2753 (j) To require annually, and as often as the State
2754 Superintendent may deem proper, of all superintendents, detailed
2755 reports on the educational business of the various districts;

2756 (k) On or before January 10 in each year to prepare,
2757 under the direction of the State Board of Education, the annual
2758 information report of the State Department of Education as
2759 described in Section 37-151-97;



2760 (1) To determine the number of educable children in the
2761 several school districts under rules and regulations prescribed by
2762 the State Board of Education; and

2763 (m) To perform such other duties as may be prescribed
2764 by the State Board of Education.

2765 **SECTION 47.** Section 37-20-9, Mississippi Code of 1972, is
2766 brought forward as follows:

2767 37-20-9. (1) The State Department of Education shall
2768 provide technical assistance to districts and carry out the
2769 responsibilities of reviewing, monitoring and evaluating the
2770 programs conducted under this chapter.

2771 (2) The State Board of Education shall adopt rules which, in
2772 its opinion, are necessary to assure that the programs in each
2773 school district are carried out in a manner consistent with the
2774 purpose and intent of this chapter. The State Board of Education
2775 shall develop a procedure for approving or denying local program
2776 applications within sixty (60) days of their receipt by the State
2777 Department of Education. The State Department of Education shall
2778 include in its annual report the number of students participating
2779 in programs under this chapter, the extent to which student
2780 achievement has increased, the programs which appear to be most
2781 successful, and an analysis of the expenditure of funds by
2782 district.

2783 **SECTION 48.** Section 37-21-51, Mississippi Code of 1972, is
2784 brought forward as follows:



2785 37-21-51. (1) As used in this section:

2786 (a) "Preschool or prekindergarten children" means any
2787 children who have not entered kindergarten but will have obtained
2788 four (4) years of age on or before September 1 of a school year.

2789 (b) An "early learning collaborative" is a district or
2790 countywide council that writes and submits an application to
2791 participate in the voluntary prekindergarten program. An early
2792 learning collaborative is comprised, at a minimum, of a public
2793 school district and/or a local Head Start affiliate if in
2794 existence, private or parochial schools, or one or more licensed
2795 child care centers. Agencies or other organizations that work
2796 with young children and their families may also participate in the
2797 collaborative to provide resources and coordination even if those
2798 agencies or organizations are not prekindergarten providers.

2799 (c) A "prekindergarten provider" is a public, private
2800 or parochial school, licensed child care center or Head Start
2801 center that serves prekindergarten children and participates in
2802 the voluntary prekindergarten program.

2803 (d) A "lead partner" is a public school district or
2804 other nonprofit entity with the instructional expertise and
2805 operational capacity to manage the early learning collaborative's
2806 prekindergarten program as described in the collaborative's
2807 approved application for funds. The lead partner serves as the
2808 fiscal agent for the collaborative and shall disburse awarded
2809 funds in accordance with the collaborative's approved application.



2810 The lead partner must facilitate a professional learning community
2811 for the teachers in the prekindergarten program and lead the
2812 collaborative. The lead partner ensures that the collaborative
2813 adopts and implements curriculum and assessments that align with
2814 the comprehensive early learning standards. The public school
2815 district shall be the lead partner if no other qualifying lead
2816 partner is selected.

2817 (e) "Comprehensive early learning standards" are
2818 standards adopted by the State Board of Education that address the
2819 highest level of fundamental domains of early learning to include,
2820 but not be limited to, physical well-being and motor development,
2821 social/emotional development, approaches toward learning, language
2822 development and cognition and general knowledge. The
2823 comprehensive early learning standards shall also include
2824 standards for emergent literacy skills, including oral
2825 communication, knowledge of print and letters, phonological and
2826 phonemic awareness, and vocabulary and comprehension development.

2827 (f) A "research-based curriculum" is an age-appropriate
2828 curriculum that is based on the findings of current research and
2829 has been found to be effective in improving student learning.

2830 (2) To ensure that all children have access to quality early
2831 childhood education and development services, the Legislature
2832 finds and declares the following:

2833 (a) Parents have the primary duty to educate their
2834 young preschool children;



2835 (b) The State of Mississippi can assist and educate
2836 parents in their role as the primary caregivers and educators of
2837 young preschool children;

2838 (c) There is a need to explore innovative approaches
2839 and strategies for aiding parents and families in the education
2840 and development of young preschool children; and

2841 (d) There exists a patchwork of prekindergarten
2842 entities but no coordination of services and there needs to be a
2843 coordination of these services.

2844 (3) (a) This subsection shall be known and may be cited as
2845 the "Early Learning Collaborative Act of 2013."

2846 (b) Effective with the 2013-2014 school year, the
2847 Mississippi State Department of Education shall establish a
2848 voluntary prekindergarten program, which shall be a collaboration
2849 among the entities providing prekindergarten programs including
2850 Head Start, licensed child care facilities and licensed public,
2851 parochial and private school prekindergarten programs. This
2852 program shall be implemented no later than the 2014-2015 school
2853 year. Enrollment in the prekindergarten program shall be
2854 coordinated with the Head Start agencies in the local areas and
2855 shall not be permitted to cause a reduction in children served by
2856 the Head Start program. Under this program, eligible entities may
2857 submit an application for funds to (i) defray the cost of
2858 additional and/or more qualified teaching staff, appropriate
2859 educational materials and equipment and to improve the quality of



2860 educational experiences offered to four-year-old children in early
2861 care and education programs, and/or to (ii) extend developmentally
2862 appropriate education services at such programs currently serving
2863 four-year-old children to include practices of high quality
2864 instruction, and to (iii) administer, implement, monitor and
2865 evaluate the programs, and to (iv) defray the cost of professional
2866 development and age-appropriate child assessment.

2867 (c) Subject to the availability of funds appropriated
2868 therefor, the State Department of Education shall administer the
2869 implementation, monitoring and evaluation of the voluntary
2870 prekindergarten program, including awards and the application
2871 process.

2872 (i) The department shall establish a rigorous and
2873 transparent application process for the awarding of funds. Lead
2874 partners shall submit the applications on behalf of their early
2875 learning collaborative.

2876 (ii) The department will establish monitoring
2877 policies and procedures that, at a minimum, will include at least
2878 one (1) site visit a year.

2879 (iii) The department will provide technical
2880 assistance to collaboratives and their providers to improve the
2881 quality of prekindergarten programs.

2882 (iv) The department will evaluate the
2883 effectiveness of each early childhood collaborative and each
2884 prekindergarten provider. If the State Department of Education



2885 adopts a statewide kindergarten screening that assesses the
2886 readiness of each student for kindergarten, the State Department
2887 of Education shall adopt a minimum rate of readiness that each
2888 prekindergarten provider must meet in order to remain eligible for
2889 prekindergarten program funds. Each parent who enrolls his or her
2890 child in the prekindergarten program must submit the child for the
2891 statewide kindergarten screening, regardless of whether the child
2892 is admitted to kindergarten in a public school.

2893 (d) Prekindergarten program funds shall be awarded to
2894 early childhood collaboratives whose proposed programs meet the
2895 program criteria. The criteria shall include:

2896 (i) Voluntary enrollment of children;

2897 (ii) Collaboration among prekindergarten providers
2898 and other early childhood programs through the establishment of an
2899 early learning collaborative;

2900 (iii) Qualifications of master teachers, teachers
2901 and assistants, which must conform to guidelines in Section
2902 37-21-3;

2903 (iv) At least fifteen (15) hours of annual
2904 professional development for program instructional staff,
2905 including professional development in early literacy;

2906 (v) The use of state-adopted comprehensive early
2907 learning standards;

2908 (vi) The use of a research-based curriculum that
2909 is designed to prepare students to be ready for kindergarten, with



2910 emphasis in early literacy, and is aligned with the comprehensive
2911 early learning standards;

2912 (vii) The use of age-appropriate assessments
2913 aligned to the comprehensive early learning standards;

2914 (viii) Teacher/child ratios of one (1) adult for
2915 every ten (10) children with a maximum of twenty (20) children per
2916 classroom and a minimum of five (5) children per classroom;

2917 (ix) The provision of at least one (1) meal
2918 meeting state and federal nutrition guidelines for young children;

2919 (x) Plans to screen and/or refer children for
2920 vision, hearing and other health issues;

2921 (xi) Parent involvement opportunities;

2922 (xii) Plans to serve children with disabilities as
2923 indicated under IDEA;

2924 (xiii) The number of instructional hours to be
2925 provided, which shall equal no less than five hundred forty (540)
2926 instructional hours per school year for half-day programs and one
2927 thousand eighty (1,080) instructional hours per school year for
2928 full-day programs; and

2929 (xiv) A budget detailing the use of funds for
2930 allowed expenses.

2931 Participating child care centers shall: (a) meet state child
2932 care facility licensure requirements unless exempted under Section
2933 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
2934 nationally recognized assessment tool, approved by the State



2935 Department of Education, designed to document classroom quality,
2936 which must be in place not later than July 1, 2016, as certified
2937 by the State Department of Education.

2938 Within the prekindergarten program, a prekindergarten
2939 provider must comply with the antidiscrimination requirements
2940 applicable to public schools. A prekindergarten provider may not
2941 discriminate against a parent or child, including the refusal to
2942 admit a child for enrollment in the prekindergarten program, in
2943 violation of these antidiscrimination requirements. However, a
2944 prekindergarten provider may refuse to admit a child based on the
2945 provider's standard eligibility guidelines, provided that these
2946 guidelines do not violate the antidiscrimination requirements.
2947 Consistent with the Legislature's recognition of the primacy of a
2948 parent's role in the education of a preschool-age child and the
2949 related recognition of the state in assisting and educating
2950 parents in that role, if the State Department of Education adopts
2951 a statewide kindergarten screening that assesses the readiness of
2952 each student for kindergarten, the State Department of Education
2953 shall recognize each child's unique pattern of development when
2954 adopting a minimum rate of readiness that prekindergarten
2955 providers must meet in order to remain eligible for
2956 prekindergarten program funds. Each parent who enrolls his or her
2957 child in the prekindergarten program may submit the child for the
2958 statewide kindergarten screening, regardless of whether the child
2959 is admitted to kindergarten in a public school.



2960 The State Department of Education may add program criteria
2961 not inconsistent with these requirements and shall develop
2962 policies and procedures to implement and enforce these criteria.

2963 (e) The State Department of Education shall ensure that
2964 early learning collaboratives provide each parent enrolling a
2965 child in the voluntary prekindergarten program with a profile of
2966 every prekindergarten provider participating in the
2967 collaborative's geographic catchment area. The State Department
2968 of Education shall prescribe the information to be included in
2969 each profile as well as the format of the profiles. At a minimum,
2970 the profiles must include the prekindergarten provider's services,
2971 curriculum, instructor credentials and instructor-to-student
2972 ratio.

2973 (f) A teacher, assistant teacher or other employee
2974 whose salary and fringe benefits are paid from state funds under
2975 this act shall only be classified as a state or local school
2976 district employee eligible for state health insurance benefits or
2977 membership in the Public Employees' Retirement System, if the
2978 person's employer is already an agency or instrumentality of the
2979 state, such as a school district, and the employee would be
2980 eligible for such benefits in the normal course of business.

2981 (g) Funding shall be provided for this program
2982 beginning with the 2014 fiscal year subject to appropriation by
2983 the Legislature as provided in paragraph (h) of this subsection.
2984 The department shall make an annual report to the Legislature and



2985 the Governor regarding the effectiveness of the program. The PEER
2986 Committee shall review those reports and other program data and
2987 submit an independent evaluation of program operation and
2988 effectiveness to the Legislature and the Governor on or before
2989 October 1 of the calendar year before the beginning of the next
2990 phased-in period of funding.

2991 (h) (i) The Legislature shall appropriate funds to
2992 implement the Early Education Collaborative Act of 2013 on a
2993 phased-in basis as follows:

2994 1. The first phase shall be based on an
2995 annual state appropriation of not more than Eight Million Dollars
2996 (\$8,000,000.00) and shall serve approximately three thousand five
2997 hundred (3,500) children through five (5) to eight (8) early
2998 learning collaboratives and their prekindergarten providers;

2999 2. The second phase shall be based on an
3000 annual state appropriation of not more than Sixteen Million
3001 Dollars (\$16,000,000.00) and shall serve approximately seven
3002 thousand (7,000) children through ten (10) to fifteen (15) early
3003 learning collaboratives and their prekindergarten providers;

3004 3. The third phase shall be based on an
3005 annual state appropriation of not more than Thirty-three Million
3006 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall
3007 serve approximately fifteen thousand (15,000) children through
3008 twenty (20) to twenty-five (25) early learning collaboratives and
3009 their prekindergarten providers.



3010 (ii) Future phases shall be based on interest in
3011 the program and the effectiveness of the program as determined by
3012 the school readiness of participants. Each phase shall last for
3013 at least three (3) years but no more than five (5) years. The
3014 State Department of Education shall determine when to move to a
3015 new phase of the program, within the timeline provided herein.

3016 (iii) Funding shall be provided to early learning
3017 collaboratives on the basis of Two Thousand One Hundred Fifty
3018 Dollars (\$2,150.00) per student in a full-day program and One
3019 Thousand Seventy-five Dollars (\$1,075.00) per student in a
3020 half-day program proposed in the collaborative's approved
3021 application. Once an early learning collaborative's plan is
3022 approved and funded, the collaborative and/or its prekindergarten
3023 providers shall receive funds on an ongoing basis unless the
3024 collaborative and/or its prekindergarten providers no longer meet
3025 the criteria to participate in the program.

3026 (iv) Early learning collaboratives shall match
3027 state funds on a 1:1 basis. Local matching funds may include
3028 local tax dollars, federal dollars as allowed, parent tuition,
3029 philanthropic contributions, or in-kind donations of facilities,
3030 equipment and services required as part of the program such as
3031 food service or health screenings.

3032 (v) The State Department of Education shall
3033 reserve no more than five percent (5%) of the appropriation in any
3034 year for administrative costs. Funds remaining after awards to



3035 early learning collaboratives and the department's administrative
3036 needs are met may be carried over in the following year. In the
3037 first year of implementation of the program, the department may
3038 delay the awarding of funds until the 2014-2015 school year should
3039 time not be sufficient to establish the program's operation prior
3040 to the 2013-2014 school year.

3041 (vi) In the initial phase of implementation, the
3042 State Department of Education shall award state funds under the
3043 Early Learning Collaborative Act of 2013 based on a community's
3044 capacity, commitment and need. To determine capacity, commitment
3045 and need, the State Department of Education shall require evidence
3046 of existing strong local collaborations of early education
3047 stakeholders. Such evidence shall include, but not be limited to,
3048 collaborations resulting from any of the following:

- 3049 1. Participation in Excel By 5;
3050 2. Participation in Supporting Partnerships
3051 to Assure Ready Kids (SPARK);
3052 3. Participation in the Gilmore Early
3053 Learning Initiative (GELI); or
3054 4. Participation in the Mississippi Building
3055 Blocks.

3056 In determining community need, the department shall consider
3057 low academic achievement within the public school districts
3058 participating in an applicant early learning collaborative and the



3059 number and percentage of children without quality prekindergarten
3060 options.

3061 (vii) All authority granted to the State
3062 Department of Education to establish program rules is subject to
3063 the public processes established in the provisions of the
3064 Mississippi Administrative Procedures Law, including, but not
3065 limited to, filing notice of the proposed rules, public hearings
3066 and any economic impact statement with the Office of the Secretary
3067 of State before presenting such information to the State Board of
3068 Education for final approval.

3069 **SECTION 49.** Section 37-23-15, Mississippi Code of 1972, is
3070 brought forward as follows:

3071 37-23-15. (1) The State Department of Education, in
3072 accordance with Sections 37-23-1 through 37-23-75, and any
3073 additional authority granted in this chapter, shall:

3074 (a) Adopt pilot programs under which certain students
3075 enrolled or enrolling in public schools in this state shall be
3076 tested for dyslexia and related disorders as may be necessary.
3077 The pilot programs shall provide that upon the request of a
3078 parent, student, school nurse, classroom teacher or other school
3079 personnel who has reason to believe that a student has a need to
3080 be tested for dyslexia, such student shall be reviewed for
3081 appropriate services. However, a student shall not be tested for
3082 dyslexia whose parent or guardian objects thereto on grounds that



3083 such testing conflicts with his conscientiously held religious
3084 beliefs.

3085 (b) In accordance with the pilot programs adopted by
3086 the State Department of Education, such school boards shall
3087 provide remediation in an appropriate multi-sensory, systematic
3088 language-based regular education program or programs, as
3089 determined by the school district, such as the Texas Scottish Rite
3090 Hospital Dyslexia Training Program, pertinent to the child's
3091 physical and educational disorders or the sensory area in need of
3092 remediation for those students who do not qualify for special
3093 education services.

3094 (c) The State Department of Education, by not later
3095 than January 1, 1997, shall make recommendations to the school
3096 boards designated for the pilot programs for the delivery of
3097 services to students who are identified as dyslexic.

3098 (d) For the purposes of this section:

3099 (i) "Dyslexia" means a language processing
3100 disorder which may be manifested by difficulty processing
3101 expressive or receptive, oral or written language despite adequate
3102 intelligence, educational exposure and cultural opportunity.
3103 Specific manifestations may occur in one or more areas, including
3104 difficulty with the alphabet, reading comprehension, writing and
3105 spelling.

3106 (ii) "Related disorders" shall include disorders
3107 similar to or related to dyslexia such as developmental auditory



3108 imperception, dysphasia, specific developmental dyslexia,
3109 dyspraxia, developmental dysgraphia and developmental spelling
3110 disability.

3111 (e) Local school districts designated for the pilot
3112 programs may utilize any source of funds other than minimum
3113 program funds to provide any services under this section.

3114 (f) Nothing in this section shall be construed to
3115 require any school district to implement this section unless the
3116 local school board, by resolution spread on its minutes,
3117 voluntarily agrees to comply with this section and any regulations
3118 promulgated under this section. Any local school board may
3119 withdraw from participation in the program authorized under this
3120 section by providing written notice of its determination to
3121 withdraw to the State Department of Education no later than June 1
3122 of the preceding fiscal year.

3123 (2) State funding for the pilot programs for testing
3124 students for dyslexia shall be subject to the availability of
3125 funds specifically appropriated therefor by the Legislature.

3126 (3) The State Department of Education shall prepare a report
3127 for the 1999 Regular Session of the Legislature to be submitted to
3128 the Chairmen of the Education Committees of the Senate and House
3129 of Representatives not later than November 1, 1998, with
3130 recommendations as to the effectiveness of the pilot programs for
3131 students with dyslexia and whether or not the pilot programs
3132 should be expanded or discontinued.



3133 **SECTION 50.** Section 37-28-37, Mississippi Code of 1972, is
3134 brought forward as follows:

3135 37-28-37. (1) Before October 1 of each year, beginning in
3136 the year that the state has had at least one (1) charter school
3137 operating for a full school year, the Mississippi Charter School
3138 Authorizer Board shall issue to the Governor, Legislature, State
3139 Board of Education and the public an annual report on the state's
3140 charter schools for the preceding school year. The report must
3141 include a comparison of the performance of charter school students
3142 with the performance of academically, ethnically and economically
3143 comparable groups of students in the school district in which a
3144 charter school is located. In addition, the report must include
3145 the authorizer's assessment of the successes, challenges and areas
3146 for improvement in meeting the purposes of this chapter. The
3147 report also must include an assessment on whether the number and
3148 size of operating charter schools are sufficient to meet demand,
3149 as calculated according to admissions data and the number of
3150 students denied enrollment based on lottery results. The report
3151 due from the authorizer under this section must be coordinated
3152 with reports due from charter school governing boards, as near as
3153 possible, to decrease or eliminate duplication.

3154 (2) The Joint Legislative Committee on Performance
3155 Evaluation and Expenditure Review (PEER) shall prepare an annual
3156 report assessing the sufficiency of funding for charter schools,
3157 the efficacy of the state formula for authorizer funding, and any



suggested changes in state law or policy necessary to strengthen the state's charter schools.

SECTION 51. Section 37-151-10, Mississippi Code of 1972, is brought forward as follows:

37-151-10. (1) There is established a Center for Education Analysis which shall be an advisory group attached to the Public Education Forum of Mississippi. The Center for Education Analysis shall create a structure to systematically collect, compile and coordinate data that can be disseminated to business, legislative and education entities for decision-making purposes relating to public education. The Center for Education Analysis may enter into a contractual agreement with the Public Education Forum of Mississippi in order to place the center within the administrative framework of the Public Education Forum under the following conditions:

(a) All new programs authorized in this section are subject to the availability of funds specifically appropriated therefor by the Legislature from the Education Enhancement Fund to the Public Education Forum for the support and maintenance of the programs of the Center for Education Analysis.

(b) The Public Education Forum will provide a business framework to coordinate its recommendations and reports with the programs of the Center for Education Analysis.

(c) The Public Education Forum shall employ a director for the Center for Education Analysis with appropriate



3183 qualifications. Any public funds expended pursuant to this
3184 section shall be audited by the Mississippi Department of Audit.

3185 There is created in the State Treasury a special fund to be
3186 known as the "Center for Education Analysis Fund." Monies may be
3187 expended out of such funds pursuant to appropriation by the
3188 Legislature, to implement the public education analysis program
3189 established under the provisions of this section. Disbursements
3190 from such fund shall be made only upon requisition of the Director
3191 for the Center for Education Analysis.

3192 (2) The Center for Education Analysis established in
3193 subsection (1) shall develop and submit to the Legislature and the
3194 Governor an annual report on the implementation of the Mississippi
3195 Adequate Education Program funding formula and the Interim School
3196 District Capital Expenditure Fund program. The first report shall
3197 be submitted on January 1, 1999, relating to implementation of the
3198 adequate education program and interim capital expenditure program
3199 activities during the preceding fiscal year, and shall be
3200 submitted annually on January 1 of each subsequent year until
3201 January 1, 2003, at which time the report shall become a distinct
3202 part of the Mississippi Report Card describing the one hundred
3203 percent (100%) implementation of the Mississippi Adequate
3204 Education Program funding formula. The annual report shall
3205 include the following:

3206 (a) A description of the amount of Mississippi Adequate
3207 Education Program funds available to each school district during



3208 the phase-in period compared to the amount of funds available upon
3209 full implementation of the funding formula;

3210 (b) A description of each school district's capital
3211 expenditure plan, including:

3212 (i) A listing of the school district facilities to
3213 be constructed, purchased, repaired, renovated, remodeled or
3214 enlarged, with designation of the nature of each such project as
3215 new construction, retrofitting/renovation, or site work and/or
3216 preparation;

3217 (ii) For each completed capital improvement
3218 project and upon the completion of any approved capital
3219 expenditure plan, a listing by individual project of:

3220 (A) The total dimensions of each
3221 construction, renovation or site preparation project;

3222 (B) The total project cost in dollars;

3223 (C) The project cost per square foot of newly
3224 constructed space or, in the case of renovation, per square foot
3225 of the principal structure affected by such renovation;

3226 (D) The total cost of all furniture and
3227 equipment per project;

3228 (E) The total amount of nonconstruction fees
3229 per project;

3230 (F) The total of other costs associated with
3231 the project not otherwise included in items (A) through (E) above;
3232 and



3233 (G) The number of classrooms created and/or
3234 affected by the project;

3235 (iii) A listing of all school district State Aid
3236 Capital Improvement Bonds secured by Mississippi Adequate
3237 Education Program funds issued by school districts and the capital
3238 improvements funded through such bond issue;

3239 (iv) A description of any other local bond issue
3240 proceeds combined with such funds for capital improvement
3241 purposes; and

3242 (v) Any other appropriate information relating to
3243 capital improvements by school districts as determined by the
3244 State Board of Education;

3245 (c) An annual assessment of the impact of additional
3246 funding under the Mississippi Adequate Education Program on such
3247 school districts with less than a Level III accreditation; and

3248 (d) An annual assessment of the impact of teacher
3249 recruitment incentives on the employment of licensed teachers in
3250 critical teacher shortage geographic areas, including, but not
3251 limited to, all incentive programs authorized under House Bill No.
3252 609, 1998 Regular Session [Laws, 1998, Chapter 544].

3253 **SECTION 52.** This act shall take effect and be in force from
3254 and after July 1, 2016.

