

By: Representatives Henley, Criswell,
Eubanks, Hale, Hopkins

To: Education

HOUSE BILL NO. 995

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REVIEW EACH
2 AREA OF SUBJECT MATTER CURRICULUM NO LESS THAN EVERY SIX YEARS IN
3 CONJUNCTION WITH THE STATE TEXTBOOK ADOPTION CYCLE; TO REQUIRE THE
4 BOARD TO REVISE THE CURRICULUM AS NECESSARY TO IMPROVE THE QUALITY
5 OF EDUCATION; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972,
6 TO DELETE THE REQUIREMENT THAT THE STATE DEPARTMENT OF EDUCATION
7 FORM A SINGLE ACCOUNTABILITY SYSTEM BY COMBINING THE STATE SYSTEM
8 WITH THE FEDERAL SYSTEM; TO DELETE REFERENCES TO THE COMMON CORE
9 STATE STANDARDS; TO AMEND SECTION 37-177-5, MISSISSIPPI CODE OF
10 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** (1) Each area of subject matter curriculum,
14 except for technology curriculum, adopted by the State Board of
15 Education for implementation by the beginning of the 2016-2017
16 school year must be reviewed thoroughly by the board no less than
17 every six (6) years according to, and in coordination with, the
18 existing subject area textbook adoption cycle. The State Board of
19 Education shall implement any revisions in the curriculum deemed
20 necessary to achieve further improvements in the quality of
21 education for the students of this state.



22 (2) The State of Mississippi shall retain sole control over
23 the development, establishment and revision of curriculum
24 standards. Neither the board nor any other state education
25 entity, nor any state official, may join any consortium or any
26 other organization when participation in that consortium or
27 organization would cede any measure of control over any aspect of
28 Mississippi public education to entities outside the state, nor
29 may any such person or entity condition or delay a decision on
30 standards or curriculum on the decision of any consortium,
31 organization, other state government, or the federal government.

32 **SECTION 2.** Section 37-17-6, Mississippi Code of 1972, is
33 amended as follows:

34 37-17-6. (1) The State Board of Education, acting through
35 the Commission on School Accreditation, shall establish and
36 implement a permanent performance-based accreditation system, and
37 all noncharter public elementary and secondary schools shall be
38 accredited under this system.

39 (2) * * * The State Board of Education, acting through the
40 Commission on School Accreditation, shall require school districts
41 to provide school classroom space that is air-conditioned as a
42 minimum requirement for accreditation.

43 (3) (a) * * * The State Board of Education, acting through
44 the Commission on School Accreditation, shall require that school
45 districts employ certified school librarians according to the
46 following formula:



47	Number of Students	Number of Certified
48	Per School Library	School Librarians
49	0 - 499 Students	1/2 Full-time Equivalent
50		Certified Librarian
51	500 or More Students	1 Full-time Certified
52		Librarian

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

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

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

64 (e) Nothing in this subsection shall prohibit any
65 school district from employing more certified school librarians
66 than are provided for in this section.

67 (f) Any additional millage levied to fund school
68 librarians required for accreditation under this subsection shall
69 be included in the tax increase limitation set forth in Sections
70 37-57-105 and 37-57-107 and shall not be deemed a new program for
71 purposes of the limitation.



72 (4) * * * The State Board of Education shall implement the
73 performance-based accreditation system for school districts and
74 for individual noncharter public schools which shall include the
75 following:

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

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

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

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

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

87 (f) A determination of which schools exceed their
88 standards and a plan for providing recognition and rewards to
89 those schools;

90 (g) A determination of which schools are failing to
91 meet their standards and a determination of the appropriate role
92 of the State Board of Education and the State Department of
93 Education in providing assistance and initiating possible
94 intervention. A failing district is a district that fails to meet
95 both the absolute student achievement standards and the rate of
96 annual growth expectation standards as set by the State Board of



97 Education for two (2) consecutive years. The State Board of
98 Education shall establish the level of benchmarks by which
99 absolute student achievement and growth expectations shall be
100 assessed. In setting the benchmarks for school districts, the
101 State Board of Education may also take into account such factors
102 as graduation rates, dropout rates, completion rates, the extent
103 to which the school or district employs qualified teachers in
104 every classroom, and any other factors deemed appropriate by the
105 State Board of Education. The State Board of Education, acting
106 through the State Department of Education, shall apply a simple
107 "A," "B," "C," "D" and "F" designation to the current school and
108 school district statewide accountability performance
109 classification labels beginning with the State Accountability
110 Results for the 2011-2012 school year and following, and in the
111 school, district and state report cards required under state and
112 federal law. Under the new designations, a school or school
113 district that has earned a "Star" rating shall be designated an
114 "A" school or school district; a school or school district that
115 has earned a "High-Performing" rating shall be designated a "B"
116 school or school district; a school or school district that has
117 earned a "Successful" rating shall be designated a "C" school or
118 school district; a school or school district that has earned an
119 "Academic Watch" rating shall be designated a "D" school or school
120 district; a school or school district that has earned a
121 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



122 be designated an "F" school or school district. Effective with
123 the implementation of any new curriculum and assessment standards,
124 the State Board of Education, acting through the State Department
125 of Education, is further authorized and directed to change the
126 school and school district accreditation rating system to a simple
127 "A," "B," "C," "D," and "F" designation based on a combination of
128 student achievement scores and student growth as measured by the
129 statewide testing programs developed by the State Board of
130 Education pursuant to Chapter 16, Title 37, Mississippi Code of
131 1972. In any statute or regulation containing the former
132 accreditation designations, the new designations shall be
133 applicable;

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

136 (i) The State Board of Education may, based on a
137 written request that contains specific reasons for requesting a
138 waiver from the school districts affected by Hurricane Katrina of
139 2005, hold harmless school districts from assignment of district
140 and school level accountability ratings for the 2005-2006 school
141 year. The State Board of Education upon finding an extreme
142 hardship in the school district may grant the request. It is the
143 intent of the Legislature that all school districts maintain the
144 highest possible academic standards and instructional programs in
145 all schools as required by law and the State Board of Education.



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

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

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

156 (iii) To have sixty percent (60%) of students
157 scoring proficient and advanced on the assessments of the * * *
158 state-adopted curriculum standards by 2016 with incremental
159 increases of three percent (3%) each year thereafter.

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

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

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



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

174 (iv) Categories shall identify schools as Reward
175 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
176 at least five percent (5%) of schools in the state are not graded
177 as "F" schools, the lowest five percent (5%) of school grade point
178 designees will be identified as Priority schools. If at least ten
179 percent (10%) of schools in the state are not graded as "D"
180 schools, the lowest ten percent (10%) of school grade point
181 designees will be identified as Focus schools;

182 (v) The State Department of Education shall
183 discontinue the use of Star School, High-Performing, Successful,
184 Academic Watch, Low-Performing, At-Risk of Failing and Failing
185 school accountability designations;

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

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



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

198 (ix) The State Department of Education shall
199 determine feeder patterns of schools that do not earn a school
200 grade because the grades and subjects taught at the school do not
201 have statewide standardized assessments needed to calculate a
202 school grade. Upon determination of the feeder pattern, the
203 department shall notify schools and school districts prior to the
204 release of the school grades beginning in 2013. Feeder schools
205 will be assigned the accountability designation of the school to
206 which they provide students;

207 (x) Standards for student, school and school
208 district performance will be increased when student proficiency is
209 at a seventy-five percent (75%) and/or when sixty-five percent
210 (65%) of the schools and/or school districts are earning a grade
211 of "B" or higher, in order to raise the standard on performance
212 after targets are met.

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

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



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

225 (9) Deleted.

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

237 (11) * * * The State Board of Education shall be charged
238 with the implementation of the program of development in each
239 applicable school district as follows:

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

243 (b) Notify any applicable school district failing to
244 meet accreditation standards that it is on probation until



245 corrective actions are taken or until the deficiencies have been
246 removed. The local school district shall develop a corrective
247 action plan to improve its deficiencies. For district academic
248 deficiencies, the corrective action plan for each such school
249 district shall be based upon a complete analysis of the following:
250 student test data, student grades, student attendance reports,
251 student dropout data, existence and other relevant data. The
252 corrective action plan shall describe the specific measures to be
253 taken by the particular school district and school to improve:
254 (i) instruction; (ii) curriculum; (iii) professional development;
255 (iv) personnel and classroom organization; (v) student incentives
256 for performance; (vi) process deficiencies; and (vii) reporting to
257 the local school board, parents and the community. The corrective
258 action plan shall describe the specific individuals responsible
259 for implementing each component of the recommendation and how each
260 will be evaluated. All corrective action plans shall be provided
261 to the State Board of Education as may be required. The decision
262 of the State Board of Education establishing the probationary
263 period of time shall be final;

264 (c) Offer, during the probationary period, technical
265 assistance to the school district in making corrective actions.

266 * * * Subject to the availability of funds, the State Department
267 of Education shall provide technical and/or financial assistance
268 to all such school districts in order to implement each measure
269 identified in that district's corrective action plan through



270 professional development and on-site assistance. Each such school
271 district shall apply for and utilize all available federal funding
272 in order to support its corrective action plan in addition to
273 state funds made available under this paragraph;

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

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

290 (12) (a) If the recommendations for corrective action are
291 not taken by the local school district or if the deficiencies are
292 not removed by the end of the probationary period, the Commission
293 on School Accreditation shall conduct a hearing to allow the
294 affected school district to present evidence or other reasons why



295 its accreditation should not be withdrawn. Additionally, if the
296 local school district violates accreditation standards that have
297 been determined by the policies and procedures of the State Board
298 of Education to be a basis for withdrawal of school district's
299 accreditation without a probationary period, the Commission on
300 School Accreditation shall conduct a hearing to allow the affected
301 school district to present evidence or other reasons why its
302 accreditation should not be withdrawn. After its consideration of
303 the results of the hearing, the Commission on School Accreditation
304 shall be authorized, with the approval of the State Board of
305 Education, to withdraw the accreditation of a public school
306 district, and issue a request to the Governor that a state of
307 emergency be declared in that district.

308 (b) If the State Board of Education and the Commission
309 on School Accreditation determine that an extreme emergency
310 situation exists in a school district that jeopardizes the safety,
311 security or educational interests of the children enrolled in the
312 schools in that district and that emergency situation is believed
313 to be related to a serious violation or violations of
314 accreditation standards or state or federal law, or when a school
315 district meets the State Board of Education's definition of a
316 failing school district for two (2) consecutive full school years,
317 or if more than fifty percent (50%) of the schools within the
318 school district are designated as Schools At-Risk in any one (1)
319 year, the State Board of Education may request the Governor to



320 declare a state of emergency in that school district. For
321 purposes of this paragraph, the declarations of a state of
322 emergency shall not be limited to those instances when a school
323 district's impairments are related to a lack of financial
324 resources, but also shall include serious failure to meet minimum
325 academic standards, as evidenced by a continued pattern of poor
326 student performance.

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

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

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



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

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

354 (v) For states of emergency declared under
355 paragraph (a) only, if the accreditation deficiencies are related
356 to the fact that the school district is too small, with too few
357 resources, to meet the required standards and if another school
358 district is willing to accept those students, abolish that
359 district and assign that territory to another school district or
360 districts. If the school district has proposed a voluntary
361 consolidation with another school district or districts, then if
362 the State Board of Education finds that it is in the best interest
363 of the pupils of the district for the consolidation to proceed,
364 the voluntary consolidation shall have priority over any such
365 assignment of territory by the State Board of Education;

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



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

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

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

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



395 district shall be transferred monthly to the school district
396 accredited by the Commission on School Accreditation that has
397 granted the transfer of the school-age child.

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

409 (g) There is established a Mississippi Recovery School
410 District within the State Department of Education under the
411 supervision of a deputy superintendent appointed by the State
412 Superintendent of Public Education, who is subject to the approval
413 by the State Board of Education. The Mississippi Recovery School
414 District shall provide leadership and oversight of all school
415 districts that are subject to state conservatorship, as defined in
416 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
417 have all the authority granted under these two (2) chapters. The
418 Mississippi Department of Education, with the approval of the
419 State Board of Education, shall develop policies for the operation



420 and management of the Mississippi Recovery School District. The
421 deputy state superintendent is responsible for the Mississippi
422 Recovery School District and shall be authorized to oversee the
423 administration of the Mississippi Recovery School District,
424 oversee conservators assigned by the State Board of Education to a
425 local school district, hear appeals from school districts under
426 conservatorship that would normally be filed by students, parents
427 or employees and heard by a local school board, which hearings on
428 appeal shall be conducted in a prompt and timely manner in the
429 school district from which the appeal originated in order to
430 ensure the ability of appellants, other parties and witnesses to
431 appeal without undue burden of travel costs or loss of time from
432 work, and perform other related duties as assigned by the State
433 Superintendent of Public Education. The deputy state
434 superintendent is responsible for the Mississippi Recovery School
435 District and shall determine, based on rigorous professional
436 qualifications set by the State Board of Education, the
437 appropriate individuals to be engaged to be conservators and
438 financial advisors, if applicable, of all school districts subject
439 to state conservatorship. After State Board of Education
440 approval, these individuals shall be deemed independent
441 contractors.

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



445 notice at least once a week for at least three (3) consecutive
446 weeks in a newspaper published within the jurisdiction of the
447 school district failing to meet accreditation standards, or if no
448 newspaper is published therein, then in a newspaper having a
449 general circulation therein. The size of the notice shall be no
450 smaller than one-fourth (1/4) of a standard newspaper page and
451 shall be printed in bold print. If a conservator has been
452 appointed for the school district, the notice shall begin as
453 follows: "By authority of Section 37-17-6, Mississippi Code of
454 1972, as amended, adopted by the Mississippi Legislature during
455 the 1991 Regular Session, this school district (name of school
456 district) is hereby placed under the jurisdiction of the State
457 Department of Education acting through its appointed conservator
458 (name of conservator)."

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

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



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

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

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

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

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



495 employment, termination, nonrenewal and reassignment of all
496 licensed and nonlicensed personnel, contractual agreements and
497 purchase orders, and approving or disapproving all claim dockets
498 and the issuance of checks; in approving or disapproving
499 employment contracts of superintendents, assistant superintendents
500 or principals, the interim conservator shall not be required to
501 comply with the time limitations prescribed in Sections 37-9-15
502 and 37-9-105;

503 (ii) Supervising the day-to-day activities of the
504 district's staff, including reassigning the duties and
505 responsibilities of personnel in a manner which, in the
506 determination of the conservator, will best suit the needs of the
507 district;

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

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

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

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



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

524 (viii) Appointing a parent advisory committee,
525 comprised of parents of students in the school district that may
526 make recommendations to the conservator concerning the
527 administration, management and operation of the school district.

528 Except when, in the determination of the State Board of
529 Education, the school district's impairment is related to a lack
530 of financial resources, the cost of the salary of the conservator
531 and any other actual and necessary costs related to the
532 conservatorship paid by the State Department of Education shall be
533 reimbursed by the local school district from funds other than
534 adequate education program funds. The department shall submit an
535 itemized statement to the superintendent of the local school
536 district for reimbursement purposes, and any unpaid balance may be
537 withheld from the district's adequate education program funds.

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

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



545 impairments related to a lack of financial resources, the School
546 District Emergency Assistance Fund is created as a special fund in
547 the State Treasury into which monies may be transferred or
548 appropriated by the Legislature from any available public
549 education funds. Funds in the School District Emergency
550 Assistance Fund up to a maximum balance of Three Million Dollars
551 (\$3,000,000.00) annually shall not lapse but shall be available
552 for expenditure in subsequent years subject to approval of the
553 State Board of Education. Any amount in the fund in excess of
554 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
555 year shall lapse into the State General Fund or the Education
556 Enhancement Fund, depending on the source of the fund.

557 The State Board of Education may loan monies from the School
558 District Emergency Assistance Fund to a school district that is
559 under a state of emergency or under conservatorship, in those
560 amounts, as determined by the board, that are necessary to correct
561 the district's impairments related to a lack of financial
562 resources. The loans shall be evidenced by an agreement between
563 the school district and the State Board of Education and shall be
564 repayable in principal, without necessity of interest, to the
565 School District Emergency Assistance Fund by the school district
566 from any allowable funds that are available. The total amount
567 loaned to the district shall be due and payable within five (5)
568 years after the impairments related to a lack of financial
569 resources are corrected. If a school district fails to make



570 payments on the loan in accordance with the terms of the agreement
571 between the district and the State Board of Education, the State
572 Department of Education, in accordance with rules and regulations
573 established by the State Board of Education, may withhold that
574 district's adequate education program funds in an amount and
575 manner that will effectuate repayment consistent with the terms of
576 the agreement; the funds withheld by the department shall be
577 deposited into the School District Emergency Assistance Fund.

578 The State Board of Education shall develop a protocol that
579 will outline the performance standards and requisite time line
580 deemed necessary for extreme emergency measures. If the State
581 Board of Education determines that an extreme emergency exists,
582 simultaneous with the powers exercised in this subsection, it
583 shall take immediate action against all parties responsible for
584 the affected school districts having been determined to be in an
585 extreme emergency. The action shall include, but not be limited
586 to, initiating civil actions to recover funds and criminal actions
587 to account for criminal activity. Any funds recovered by the
588 State Auditor or the State Board of Education from the surety
589 bonds of school officials or from any civil action brought under
590 this subsection shall be applied toward the repayment of any loan
591 made to a school district hereunder.

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



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

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

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



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

625 "Shall County Superintendent of Education _____ (here the
626 name of the superintendent shall be inserted) of the _____
627 (here the title of the school district shall be inserted) be
628 retained in office? Yes _____ No _____"

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

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



644 (b) The State Board of Education may issue a written
645 request with documentation to the Governor asking that the
646 membership of the school board of the school district shall be
647 subject to recall. Whenever the Governor declares that the
648 membership of the school board is subject to recall, the county
649 election commission or the local governing authorities, as the
650 case may be, shall take the following action:

651 (i) If the members of the local school board are
652 elected to office, in those years in which the specific member's
653 office is not up for election, the name of the school board member
654 shall be submitted by the State Board of Education to the county
655 election commission, and the county election commission at a
656 special election shall submit the question to the voters eligible
657 to vote for the particular member's office within the county or
658 school district, as the case may be, and the special election
659 shall be held within sixty (60) days from notification by the
660 State Board of Education. The ballot shall read substantially as
661 follows:

662 "Members of the _____ (here the title of the school
663 district shall be inserted) School Board who are not up for
664 election this year are subject to recall because of the school
665 district's failure to meet critical accountability standards as
666 defined in the letter of notification to the Governor from the
667 State Board of Education. Shall the member of the school board
668 representing this area, _____ (here the name of the school



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

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

686 (ii) If the local school board is an appointed
687 school board, the name of all school board members shall be
688 submitted as a collective board by the president of the municipal
689 or county governing authority, as the case may be, at the next
690 regular meeting of the governing authority for retention in office
691 or dismissal from office. If a majority of the governing
692 authority voting on the question vote against retaining the board
693 in office, a vacancy shall exist in each school board member's



694 office, which shall be filled as provided by law; otherwise, the
695 members of the appointed school board shall remain in office for
696 the duration of their term of appointment, and those members may
697 be reappointed.

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

703 (18) * * * The State Board of Education, acting through the
704 Commission on School Accreditation, shall require each school
705 district to comply with standards established by the State
706 Department of Audit for the verification of fixed assets and the
707 auditing of fixed assets records as a minimum requirement for
708 accreditation.

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

716 The State Superintendent of Public Education and the State
717 Board of Education also shall develop a comprehensive
718 accountability plan to ensure that local school boards,



719 superintendents, principals and teachers are held accountable for
720 student achievement. * * *

721 (20) Before January 1, 2008, the State Board of Education
722 shall evaluate and submit a recommendation to the Education
723 Committees of the House of Representatives and the Senate on
724 inclusion of graduation rate and dropout rate in the school level
725 accountability system.

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

739 **SECTION 3.** Section 37-177-5, Mississippi Code of 1972, is
740 amended as follows:

741 37-177-5. The State Department of Education shall establish
742 a Mississippi Reading Panel to collaborate with the State
743 Department of Education in recommending appropriate equitable



744 alternative standardized assessments and cut scores to be used to
745 determine promotion to the Fourth Grade of those Third Grade
746 students who scored at the lowest achievement level on the state
747 annual accountability assessment or who, for unforeseen
748 circumstances, were unable to take the assessment. The panel
749 should have knowledge and input in the adoption or development of
750 a universal screener for required use only in select schools most
751 in need for the reading intervention program to identify reading
752 deficiencies and determine progress. A suggestive list of no less
753 than four (4) screening assessments should be available to schools
754 not selected for the critical reading intervention program taking
755 into consideration those screening assessments already being used
756 satisfactorily in Mississippi elementary schools. An approved
757 alternative standardized reading assessment may be used in
758 2014-2015 in the transition to * * * state-adopted standards
759 testing. The panel shall consist of six (6) members as follows:
760 the State Superintendent of Education, or his/her designee, who
761 will chair the committee; the Chair of the House Education
762 Committee, or his designee; the Chairman of the Senate Education
763 Committee, or his designee; one (1) member appointed by the
764 Governor; and two (2) additional members appointed by the State
765 Superintendent of Education.

766 **SECTION 4.** This act shall take effect and be in force from
767 and after July 1, 2016.

