

By: Representative Henley

To: Education

HOUSE BILL NO. 279

1 AN ACT TO PROHIBIT THE STATE BOARD OF EDUCATION AND THE STATE
 2 DEPARTMENT OF EDUCATION FROM TAKING ANY FURTHER ACTION TO
 3 IMPLEMENT THE COMMON CORE AND MISSISSIPPI COLLEGE AND CAREER
 4 READINESS STANDARDS; TO REQUIRE THE STATE BOARD OF EDUCATION TO
 5 ADHERE TO PRE-EXISTING PROCEDURES UNDER ITS APA TO REVIEW AND
 6 REVISE OUR CURRICULUM STANDARDS AS APPLICABLE WITHIN OUR BOARD
 7 POLICIES BEGINNING WITH MATHEMATICS AND ENGLISH IN 2017; TO
 8 PROHIBIT THE STATE BOARD AND STATE DEPARTMENT OF EDUCATION FROM
 9 EXPENDING CERTAIN FEDERAL FUNDS TO TRACK STUDENTS BEYOND THEIR
 10 K-12 EDUCATION AND TO DISTRIBUTE CERTAIN STUDENT IDENTIFIABLE
 11 INFORMATION; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972,
 12 TO DELETE REFERENCES TO COMMON CORE AND TO DELETE THE REQUIREMENT
 13 THAT THE STATE DEPARTMENT OF EDUCATION FORM A SINGLE
 14 ACCOUNTABILITY SYSTEM BY COMBINING THE STATE SYSTEM WITH THE
 15 FEDERAL SYSTEM; TO BRING FORWARD SECTION 37-177-5, MISSISSIPPI
 16 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR
 17 RELATED PURPOSES.

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

19 **SECTION 1. Definitions.** As used in Sections 1 through 4 of
 20 this act, the following words and phrases have the meanings
 21 ascribed in this section unless the context clearly indicates
 22 otherwise:

- 23 (a) "Board" means the State Board of Education.
- 24 (b) "Department" means the State Department of
 25 Education.



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

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

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

33 **SECTION 2.** (1) Any actions taken by the board or the
34 department to adopt or implement the Common Core State Standards
35 and/or the Mississippi College-and Career-Readiness Standards as
36 of the effective date of this act are void ab initio.

37 (2) The board shall immediately remove the Common Core
38 copyright and any references to the Common Core Standards from all
39 board policies and State Department of Education materials, both
40 in print and online to ensure Mississippi's sovereign right to
41 modify standards to best meet the needs of Mississippi's citizens.

42 (3) The State of Mississippi shall retain sole control over
43 the development, establishment and revision of curriculum
44 standards. Neither the State Board of Education nor any other
45 state education entity, nor any state official elected or
46 appointed, may join any consortium or any other organization when
47 participation in that consortium or organization would cede any
48 measure of control over any aspect of Mississippi public education
49 to entities outside the state, nor may any such person or entity
50 condition or delay a decision on standards or curriculum on the



51 decision of any consortium, organization, other state government
52 or the federal government.

53 (4) Beginning in 2017, the K-12 standards for mathematics,
54 history, science and English must be reviewed pursuant to Title 7,
55 Education Administrative Code and Mississippi Board of Education
56 Policy 28.1 at least every five (5) to seven (7) years, with the
57 review for only one (1) subject being initiated in a given year.
58 Notwithstanding this paragraph, the standards for English Language
59 Arts must be reviewed this year and again after no more than five
60 (5) years, and the standards for math must be reviewed this year
61 and again after no more than five (5) years.

62 (5) The State Board of Education shall then present proposed
63 revisions to the standards at an open hearing before a joint
64 meeting composed of the House Education Committee and the Senate
65 Education Committee no later than January 31, 2018. The
66 Legislature shall approve or disapprove revisions in the
67 curriculum standards as it deems in the best interest of the state
68 and its citizens. The final decision regarding adopting revisions
69 to curriculum standards rests with the Legislature and must be
70 made before the Legislature adjourns sine die.

71 **SECTION 3.** (1) On and after July 1, 2017, neither the
72 board, the department nor any other education entity may:

73 (a) Expend any funds, whether from federal Race to the
74 Top grants, American Recovery and Reinvestment Act funds, or
75 elsewhere, on construction, enhancement or expansion of any



76 statewide longitudinal data system designed to track students
77 beyond their K-12 careers, or to compile their personal,
78 nonacademic information beyond what is necessary either for
79 administrative functions directly related to the student's
80 education, for evaluation of academic programs and student
81 progress, or for compliance with the requirements of the United
82 States Department of Education as outlined in paragraph (e) of
83 this subsection;

84 (b) Share any personally identifiable information
85 compiled on students or teachers with any entity outside the State
86 of Mississippi, except as provided in this section; however, this
87 does not include hard data storage located in safe locations
88 outside the state, or cloud data storage as long as the cloud
89 computing provider agrees in writing that it will not redisclose
90 the information or use the information for any secondary purposes
91 that benefit the provider or any third party, including, but not
92 limited to, online behavioral advertising, creating or correcting
93 an individual or household profile primarily for the provider's
94 benefit, the sale of data for any commercial purpose or any other
95 commercial for-profit activity;

96 (c) Share any personally identifiable information about
97 any student or teacher with any entity that intends to use that
98 information for development of commercial products or services or
99 that intends to transfer that data to any other entity for use in
100 development of commercial products or services;



101 (d) Share any personally identifiable information about
102 any student or teacher with any entity inside the State of
103 Mississippi unless that entity is an education agency or
104 institution that does not intend to:

105 (i) Use the data to develop commercial products or
106 services;

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

109 (iii) Transfer the data for economic or workforce
110 development planning; or

111 (e) Share any personally identifiable information on
112 students and teachers with the United States Department of
113 Education unless:

114 (i) Such sharing is required by the United States
115 Department of Education as a condition of receiving a federal
116 education grant;

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

120 (iii) The United States Department of Education
121 agrees in writing that the data will not be used for any research
122 beyond that related to evaluation of the program or programs
123 funded by the grant, unless the parent or guardian of any student,
124 and any teacher, whose data will be used for such research
125 affirmatively consent in writing to that use;



126 (iv) The United States Department of Education
127 agrees in writing to destroy the data upon completion of the
128 evaluation of the program or programs for which the data were
129 compiled; and

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

134 (2) If the United States Department of Education requires,
135 as a condition of making a federal education grant, that the grant
136 recipient share student or teacher data under circumstances that
137 do not comply with paragraph (e) of subsection (1) of this
138 section, the grant recipient must provide written notification to
139 the parents and guardians of every student whose data will be
140 shared or every teacher whose data will be shared of the
141 following:

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

145 (b) That neither the grant recipient nor any other
146 entity within the State of Mississippi will have control over the
147 use or further sharing of that data;

148 (c) The contact information, including telephone number
149 and e-mail address, of the United States Department of Education
150 official who demands the data; and



151 (d) That the parent or guardian of every student whose
152 data will be shared and every teacher whose data will be shared
153 can opt-out and information on the process to opt-out.

154 (3) No state or national student assessment may be adopted
155 or administered in this state that collects any type of
156 psychological data, including assessment of noncognitive skills or
157 attributes, psychological resources, mindsets, learning
158 strategies, effortful control, attitudes, dispositions, social
159 skills, or other interpersonal or intrapersonal resources, for any
160 purpose whatsoever.

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

163 37-17-6. (1) The State Board of Education, acting through
164 the Commission on School Accreditation, shall establish and
165 implement a permanent performance-based accreditation system, and
166 all noncharter public elementary and secondary schools shall be
167 accredited under this system.

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

172 (3) * * * The State Board of Education, acting through the
173 Commission on School Accreditation, shall require that school
174 districts employ certified school librarians according to the
175 following formula:



176	Number of Students	Number of Certified
177	Per School Library	School Librarians
178	0 - 499 Students	1/2 Full-time Equivalent
179		Certified Librarian
180	500 or More Students	1 Full-time Certified
181		Librarian

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

184 (c) The assignment of certified school librarians to
185 the particular schools shall be at the discretion of the local
186 school district. No individual shall be employed as a certified
187 school librarian without appropriate training and certification as
188 a school librarian by the State Department of Education.

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

193 (e) Nothing in this subsection shall prohibit any
194 school district from employing more certified school librarians
195 than are provided for in this section.

196 (f) Any additional millage levied to fund school
197 librarians required for accreditation under this subsection shall
198 be included in the tax increase limitation set forth in Sections
199 37-57-105 and 37-57-107 and shall not be deemed a new program for
200 purposes of the limitation.



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

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

207 (b) Strong accountability for results with appropriate
208 local flexibility for local implementation;

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

211 (d) Individual schools shall be held accountable for
212 student growth and performance;

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

216 (f) A determination of which schools exceed their
217 standards and a plan for providing recognition and rewards to
218 those schools;

219 (g) A determination of which schools are failing to
220 meet their standards and a determination of the appropriate role
221 of the State Board of Education and the State Department of
222 Education in providing assistance and initiating possible
223 intervention. A failing district is a district that fails to meet
224 both the absolute student achievement standards and the rate of
225 annual growth expectation standards as set by the State Board of



226 Education for two (2) consecutive years. The State Board of
227 Education shall establish the level of benchmarks by which
228 absolute student achievement and growth expectations shall be
229 assessed. In setting the benchmarks for school districts, the
230 State Board of Education may also take into account such factors
231 as graduation rates, dropout rates, completion rates, the extent
232 to which the school or district employs qualified teachers in
233 every classroom, and any other factors deemed appropriate by the
234 State Board of Education. The State Board of Education, acting
235 through the State Department of Education, shall apply a simple
236 "A," "B," "C," "D" and "F" designation to the current school and
237 school district statewide accountability performance
238 classification labels beginning with the State Accountability
239 Results for the 2011-2012 school year and following, and in the
240 school, district and state report cards required under state and
241 federal law. Under the new designations, a school or school
242 district that has earned a "Star" rating shall be designated an
243 "A" school or school district; a school or school district that
244 has earned a "High-Performing" rating shall be designated a "B"
245 school or school district; a school or school district that has
246 earned a "Successful" rating shall be designated a "C" school or
247 school district; a school or school district that has earned an
248 "Academic Watch" rating shall be designated a "D" school or school
249 district; a school or school district that has earned a
250 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



251 be designated an "F" school or school district. Effective with
252 the implementation of any new curriculum and assessment standards,
253 the State Board of Education, acting through the State Department
254 of Education, is further authorized and directed to change the
255 school and school district accreditation rating system to a simple
256 "A," "B," "C," "D," and "F" designation based on a combination of
257 student achievement scores and student growth as measured by the
258 statewide testing programs developed by the State Board of
259 Education pursuant to Chapter 16, Title 37, Mississippi Code of
260 1972. In any statute or regulation containing the former
261 accreditation designations, the new designations shall be
262 applicable;

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

265 (i) The State Board of Education may, based on a
266 written request that contains specific reasons for requesting a
267 waiver from the school districts affected by Hurricane Katrina of
268 2005, hold harmless school districts from assignment of district
269 and school level accountability ratings for the 2005-2006 school
270 year. The State Board of Education upon finding an extreme
271 hardship in the school district may grant the request. It is the
272 intent of the Legislature that all school districts maintain the
273 highest possible academic standards and instructional programs in
274 all schools as required by law and the State Board of Education.



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

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

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

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

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

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

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

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



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

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

305 (iv) Categories shall identify schools as Reward
306 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
307 at least five percent (5%) of schools in the state are not graded
308 as "F" schools, the lowest five percent (5%) of school grade point
309 designees will be identified as Priority schools. If at least ten
310 percent (10%) of schools in the state are not graded as "D"
311 schools, the lowest ten percent (10%) of school grade point
312 designees will be identified as Focus schools;

313 (v) The State Department of Education shall
314 discontinue the use of Star School, High-Performing, Successful,
315 Academic Watch, Low-Performing, At-Risk of Failing and Failing
316 school accountability designations;

317 (vi) The system shall include the federally
318 compliant four-year graduation rate in school and school district
319 accountability system calculations. Graduation rate will apply to
320 high school and school district accountability ratings as a
321 compensatory component. The system shall discontinue the use of
322 the High School Completer Index (HSCI);

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



325 model, in order to support improvement of individual student
326 learning;

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

329 (ix) The State Department of Education shall
330 determine feeder patterns of schools that do not earn a school
331 grade because the grades and subjects taught at the school do not
332 have statewide standardized assessments needed to calculate a
333 school grade. Upon determination of the feeder pattern, the
334 department shall notify schools and school districts prior to the
335 release of the school grades beginning in 2013. Feeder schools
336 will be assigned the accountability designation of the school to
337 which they provide students;

338 (x) Standards for student, school and school
339 district performance will be increased when student proficiency is
340 at a seventy-five percent (75%) and/or when sixty-five percent
341 (65%) of the schools and/or school districts are earning a grade
342 of "B" or higher, in order to raise the standard on performance
343 after targets are met.

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

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



349 Accreditation to determine whether schools are complying with
350 accreditation standards.

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

356 (9) [Deleted]

357 (10) The State Board of Education shall establish, for those
358 school districts failing to meet accreditation standards, a
359 program of development to be complied with in order to receive
360 state funds, except as otherwise provided in subsection (15) of
361 this section when the Governor has declared a state of emergency
362 in a school district or as otherwise provided in Section 206,
363 Mississippi Constitution of 1890. The state board, in
364 establishing these standards, shall provide for notice to schools
365 and sufficient time and aid to enable schools to attempt to meet
366 these standards, unless procedures under subsection (15) of this
367 section have been invoked.

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

371 (a) Develop an impairment report for each district
372 failing to meet accreditation standards in conjunction with school
373 district officials;



374 (b) Notify any applicable school district failing to
375 meet accreditation standards that it is on probation until
376 corrective actions are taken or until the deficiencies have been
377 removed. The local school district shall develop a corrective
378 action plan to improve its deficiencies. For district academic
379 deficiencies, the corrective action plan for each such school
380 district shall be based upon a complete analysis of the following:
381 student test data, student grades, student attendance reports,
382 student dropout data, existence and other relevant data. The
383 corrective action plan shall describe the specific measures to be
384 taken by the particular school district and school to improve:
385 (i) instruction; (ii) curriculum; (iii) professional development;
386 (iv) personnel and classroom organization; (v) student incentives
387 for performance; (vi) process deficiencies; and (vii) reporting to
388 the local school board, parents and the community. The corrective
389 action plan shall describe the specific individuals responsible
390 for implementing each component of the recommendation and how each
391 will be evaluated. All corrective action plans shall be provided
392 to the State Board of Education as may be required. The decision
393 of the State Board of Education establishing the probationary
394 period of time shall be final;

395 (c) Offer, during the probationary period, technical
396 assistance to the school district in making corrective actions.
397 Beginning July 1, 1998, subject to the availability of funds, the
398 State Department of Education shall provide technical and/or



399 financial assistance to all such school districts in order to
400 implement each measure identified in that district's corrective
401 action plan through professional development and on-site
402 assistance. Each such school district shall apply for and utilize
403 all available federal funding in order to support its corrective
404 action plan in addition to state funds made available under this
405 paragraph;

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

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

422 (12) (a) If the recommendations for corrective action are
423 not taken by the local school district or if the deficiencies are



424 not removed by the end of the probationary period, the Commission
425 on School Accreditation shall conduct a hearing to allow the
426 affected school district to present evidence or other reasons why
427 its accreditation should not be withdrawn. Additionally, if the
428 local school district violates accreditation standards that have
429 been determined by the policies and procedures of the State Board
430 of Education to be a basis for withdrawal of school district's
431 accreditation without a probationary period, the Commission on
432 School Accreditation shall conduct a hearing to allow the affected
433 school district to present evidence or other reasons why its
434 accreditation should not be withdrawn. After its consideration of
435 the results of the hearing, the Commission on School Accreditation
436 shall be authorized, with the approval of the State Board of
437 Education, to withdraw the accreditation of a public school
438 district, and issue a request to the Governor that a state of
439 emergency be declared in that district.

440 (b) If the State Board of Education and the Commission
441 on School Accreditation determine that an extreme emergency
442 situation exists in a school district that jeopardizes the safety,
443 security or educational interests of the children enrolled in the
444 schools in that district and that emergency situation is believed
445 to be related to a serious violation or violations of
446 accreditation standards or state or federal law, or when a school
447 district meets the State Board of Education's definition of a
448 failing school district for two (2) consecutive full school years,



449 or if more than fifty percent (50%) of the schools within the
450 school district are designated as Schools At-Risk in any one (1)
451 year, the State Board of Education may request the Governor to
452 declare a state of emergency in that school district. For
453 purposes of this paragraph, the declarations of a state of
454 emergency shall not be limited to those instances when a school
455 district's impairments are related to a lack of financial
456 resources, but also shall include serious failure to meet minimum
457 academic standards, as evidenced by a continued pattern of poor
458 student performance.

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

463 (i) Declare a state of emergency, under which some
464 or all of state funds can be escrowed except as otherwise provided
465 in Section 206, Constitution of 1890, until the board determines
466 corrective actions are being taken or the deficiencies have been
467 removed, or that the needs of students warrant the release of
468 funds. The funds may be released from escrow for any program
469 which the board determines to have been restored to standard even
470 though the state of emergency may not as yet be terminated for the
471 district as a whole;

472 (ii) Override any decision of the local school
473 board or superintendent of education, or both, concerning the



474 management and operation of the school district, or initiate and
475 make decisions concerning the management and operation of the
476 school district;

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

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

486 (v) For states of emergency declared under
487 paragraph (a) only, if the accreditation deficiencies are related
488 to the fact that the school district is too small, with too few
489 resources, to meet the required standards and if another school
490 district is willing to accept those students, abolish that
491 district and assign that territory to another school district or
492 districts. If the school district has proposed a voluntary
493 consolidation with another school district or districts, then if
494 the State Board of Education finds that it is in the best interest
495 of the pupils of the district for the consolidation to proceed,
496 the voluntary consolidation shall have priority over any such
497 assignment of territory by the State Board of Education;



498 (vi) For states of emergency declared under
499 paragraph (b) only, reduce local supplements paid to school
500 district employees, including, but not limited to, instructional
501 personnel, assistant teachers and extracurricular activities
502 personnel, if the district's impairment is related to a lack of
503 financial resources, but only to an extent that will result in the
504 salaries being comparable to districts similarly situated, as
505 determined by the State Board of Education;

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

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

514 (e) The parent or legal guardian of a school-age child
515 who is enrolled in a school district whose accreditation has been
516 withdrawn by the Commission on School Accreditation and without
517 approval of that school district may file a petition in writing to
518 a school district accredited by the Commission on School
519 Accreditation for a legal transfer. The school district
520 accredited by the Commission on School Accreditation may grant the
521 transfer according to the procedures of Section 37-15-31(1)(b).
522 In the event the accreditation of the student's home district is



523 restored after a transfer has been approved, the student may
524 continue to attend the transferee school district. The per-pupil
525 amount of the adequate education program allotment, including the
526 collective "add-on program" costs for the student's home school
527 district shall be transferred monthly to the school district
528 accredited by the Commission on School Accreditation that has
529 granted the transfer of the school-age child.

530 (f) Upon the declaration of a state of emergency for
531 any school district in which the Governor has previously declared
532 a state of emergency, the State Board of Education may either (i)
533 establish a conservatorship or (ii) abolish the school district
534 and administratively consolidate the school district with one or
535 more existing school districts or (iii) reduce the size of the
536 district and administratively consolidate parts of the district,
537 as determined by the State Board of Education; provided, however,
538 that no school district which is not under conservatorship shall
539 be required to accept additional territory over the objection of
540 the district.

541 (g) There is established a Mississippi Recovery School
542 District within the State Department of Education under the
543 supervision of a deputy superintendent appointed by the State
544 Superintendent of Public Education, who is subject to the approval
545 by the State Board of Education. The Mississippi Recovery School
546 District shall provide leadership and oversight of all school
547 districts that are subject to state conservatorship, as defined in



548 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall
549 have all the authority granted under these two (2) chapters. The
550 Mississippi Department of Education, with the approval of the
551 State Board of Education, shall develop policies for the operation
552 and management of the Mississippi Recovery School District. The
553 deputy state superintendent is responsible for the Mississippi
554 Recovery School District and shall be authorized to oversee the
555 administration of the Mississippi Recovery School District,
556 oversee conservators assigned by the State Board of Education to a
557 local school district, hear appeals from school districts under
558 conservatorship that would normally be filed by students, parents
559 or employees and heard by a local school board, which hearings on
560 appeal shall be conducted in a prompt and timely manner in the
561 school district from which the appeal originated in order to
562 ensure the ability of appellants, other parties and witnesses to
563 appeal without undue burden of travel costs or loss of time from
564 work, and perform other related duties as assigned by the State
565 Superintendent of Public Education. The deputy state
566 superintendent is responsible for the Mississippi Recovery School
567 District and shall determine, based on rigorous professional
568 qualifications set by the State Board of Education, the
569 appropriate individuals to be engaged to be conservators and
570 financial advisors, if applicable, of all school districts subject
571 to state conservatorship. After State Board of Education



572 approval, these individuals shall be deemed independent
573 contractors.

574 (13) Upon the declaration of a state of emergency in a
575 school district under subsection (12) of this section, the
576 Commission on School Accreditation shall be responsible for public
577 notice at least once a week for at least three (3) consecutive
578 weeks in a newspaper published within the jurisdiction of the
579 school district failing to meet accreditation standards, or if no
580 newspaper is published therein, then in a newspaper having a
581 general circulation therein. The size of the notice shall be no
582 smaller than one-fourth (1/4) of a standard newspaper page and
583 shall be printed in bold print. If a conservator has been
584 appointed for the school district, the notice shall begin as
585 follows: "By authority of Section 37-17-6, Mississippi Code of
586 1972, as amended, adopted by the Mississippi Legislature during
587 the 1991 Regular Session, this school district (name of school
588 district) is hereby placed under the jurisdiction of the State
589 Department of Education acting through its appointed conservator
590 (name of conservator)."

591 The notice also shall include, in the discretion of the State
592 Board of Education, any or all details relating to the school
593 district's emergency status, including the declaration of a state
594 of emergency in the school district and a description of the
595 district's impairment deficiencies, conditions of any
596 conservatorship and corrective actions recommended and being



597 taken. Public notices issued under this section shall be subject
598 to Section 13-3-31 and not contrary to other laws regarding
599 newspaper publication.

600 Upon termination of the state of emergency in a school
601 district, the Commission on School Accreditation shall cause
602 notice to be published in the school district in the same manner
603 provided in this section, to include any or all details relating
604 to the corrective action taken in the school district that
605 resulted in the termination of the state of emergency.

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

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

615 (15) (a) Whenever the Governor declares a state of
616 emergency in a school district in response to a request made under
617 subsection (12) of this section, the State Board of Education, in
618 its discretion, may assign an interim conservator to the school
619 district, or in its discretion, may contract with an appropriate
620 private entity with experience in the academic, finance and other
621 operational functions of schools and school districts, who will be



622 responsible for the administration, management and operation of
623 the school district, including, but not limited to, the following
624 activities:

625 (i) Approving or disapproving all financial
626 obligations of the district, including, but not limited to, the
627 employment, termination, nonrenewal and reassignment of all
628 licensed and nonlicensed personnel, contractual agreements and
629 purchase orders, and approving or disapproving all claim dockets
630 and the issuance of checks; in approving or disapproving
631 employment contracts of superintendents, assistant superintendents
632 or principals, the interim conservator shall not be required to
633 comply with the time limitations prescribed in Sections 37-9-15
634 and 37-9-105;

635 (ii) Supervising the day-to-day activities of the
636 district's staff, including reassigning the duties and
637 responsibilities of personnel in a manner which, in the
638 determination of the conservator, will best suit the needs of the
639 district;

640 (iii) Reviewing the district's total financial
641 obligations and operations and making recommendations to the
642 district for cost savings, including, but not limited to,
643 reassigning the duties and responsibilities of staff;

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



646 (v) Approving or disapproving all athletic, band
647 and other extracurricular activities and any matters related to
648 those activities;

649 (vi) Maintaining a detailed account of
650 recommendations made to the district and actions taken in response
651 to those recommendations;

652 (vii) Reporting periodically to the State Board of
653 Education on the progress or lack of progress being made in the
654 district to improve the district's impairments during the state of
655 emergency; and

656 (viii) Appointing a parent advisory committee,
657 comprised of parents of students in the school district that may
658 make recommendations to the conservator concerning the
659 administration, management and operation of the school district.

660 The cost of the salary of the conservator and any other
661 actual and necessary costs related to the conservatorship paid by
662 the State Department of Education shall be reimbursed by the local
663 school district from funds other than adequate education program
664 funds. The department shall submit an itemized statement to the
665 superintendent of the local school district for reimbursement
666 purposes, and any unpaid balance may be withheld from the
667 district's adequate education program funds.

668 At the time that the Governor, in accordance with the request
669 of the State Board of Education, declares that the state of
670 emergency no longer exists in a school district, the powers and



671 responsibilities of the interim conservator assigned to the
672 district shall cease.

673 (b) In order to provide loans to school districts under
674 a state of emergency or under conservatorship that have
675 impairments related to a lack of financial resources, the School
676 District Emergency Assistance Fund is created as a special fund in
677 the State Treasury into which monies may be transferred or
678 appropriated by the Legislature from any available public
679 education funds. Funds in the School District Emergency
680 Assistance Fund up to a maximum balance of Three Million Dollars
681 (\$3,000,000.00) annually shall not lapse but shall be available
682 for expenditure in subsequent years subject to approval of the
683 State Board of Education. Any amount in the fund in excess of
684 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
685 year shall lapse into the State General Fund or the Education
686 Enhancement Fund, depending on the source of the fund.

687 The State Board of Education may loan monies from the School
688 District Emergency Assistance Fund to a school district that is
689 under a state of emergency or under conservatorship, in those
690 amounts, as determined by the board, that are necessary to correct
691 the district's impairments related to a lack of financial
692 resources. The loans shall be evidenced by an agreement between
693 the school district and the State Board of Education and shall be
694 repayable in principal, without necessity of interest, to the
695 School District Emergency Assistance Fund by the school district



696 from any allowable funds that are available. The total amount
697 loaned to the district shall be due and payable within five (5)
698 years after the impairments related to a lack of financial
699 resources are corrected. If a school district fails to make
700 payments on the loan in accordance with the terms of the agreement
701 between the district and the State Board of Education, the State
702 Department of Education, in accordance with rules and regulations
703 established by the State Board of Education, may withhold that
704 district's adequate education program funds in an amount and
705 manner that will effectuate repayment consistent with the terms of
706 the agreement; the funds withheld by the department shall be
707 deposited into the School District Emergency Assistance Fund.

708 The State Board of Education shall develop a protocol that
709 will outline the performance standards and requisite time line
710 deemed necessary for extreme emergency measures. If the State
711 Board of Education determines that an extreme emergency exists,
712 simultaneous with the powers exercised in this subsection, it
713 shall take immediate action against all parties responsible for
714 the affected school districts having been determined to be in an
715 extreme emergency. The action shall include, but not be limited
716 to, initiating civil actions to recover funds and criminal actions
717 to account for criminal activity. Any funds recovered by the
718 State Auditor or the State Board of Education from the surety
719 bonds of school officials or from any civil action brought under



720 this subsection shall be applied toward the repayment of any loan
721 made to a school district hereunder.

722 (16) If a majority of the membership of the school board of
723 any school district resigns from office, the State Board of
724 Education shall be authorized to assign an interim conservator,
725 who shall be responsible for the administration, management and
726 operation of the school district until the time as new board
727 members are selected or the Governor declares a state of emergency
728 in that school district under subsection (12), whichever occurs
729 first. In that case, the State Board of Education, acting through
730 the interim conservator, shall have all powers which were held by
731 the previously existing school board, and may take any action as
732 prescribed in Section 37-17-13 and/or one or more of the actions
733 authorized in this section.

734 (17) (a) If the Governor declares a state of emergency in a
735 school district, the State Board of Education may take all such
736 action pertaining to that school district as is authorized under
737 subsection (12) or (15) of this section, including the appointment
738 of an interim conservator. The State Board of Education shall
739 also have the authority to issue a written request with
740 documentation to the Governor asking that the office of the
741 superintendent of the school district be subject to recall. If
742 the Governor declares that the office of the superintendent of the
743 school district is subject to recall, the local school board or



744 the county election commission, as the case may be, shall take the
745 following action:

746 (i) If the office of superintendent is an elected
747 office, in those years in which there is no general election, the
748 name shall be submitted by the State Board of Education to the
749 county election commission, and the county election commission
750 shall submit the question at a special election to the voters
751 eligible to vote for the office of superintendent within the
752 county, and the special election shall be held within sixty (60)
753 days from notification by the State Board of Education. The
754 ballot shall read substantially as follows:

755 "Shall County Superintendent of Education _____ (here the
756 name of the superintendent shall be inserted) of the _____
757 (here the title of the school district shall be inserted) be
758 retained in office? Yes _____ No _____"

759 If a majority of those voting on the question votes against
760 retaining the superintendent in office, a vacancy shall exist
761 which shall be filled in the manner provided by law; otherwise,
762 the superintendent shall remain in office for the term of that
763 office, and at the expiration of the term shall be eligible for
764 qualification and election to another term or terms.

765 (ii) If the office of superintendent is an
766 appointive office, the name of the superintendent shall be
767 submitted by the president of the local school board at the next
768 regular meeting of the school board for retention in office or



769 dismissal from office. If a majority of the school board voting
770 on the question vote against retaining the superintendent in
771 office, a vacancy shall exist which shall be filled as provided by
772 law, otherwise the superintendent shall remain in office for the
773 duration of his employment contract.

774 (b) The State Board of Education may issue a written
775 request with documentation to the Governor asking that the
776 membership of the school board of the school district shall be
777 subject to recall. Whenever the Governor declares that the
778 membership of the school board is subject to recall, the county
779 election commission or the local governing authorities, as the
780 case may be, shall take the following action:

781 (i) If the members of the local school board are
782 elected to office, in those years in which the specific member's
783 office is not up for election, the name of the school board member
784 shall be submitted by the State Board of Education to the county
785 election commission, and the county election commission at a
786 special election shall submit the question to the voters eligible
787 to vote for the particular member's office within the county or
788 school district, as the case may be, and the special election
789 shall be held within sixty (60) days from notification by the
790 State Board of Education. The ballot shall read substantially as
791 follows:

792 "Members of the _____ (here the title of the school
793 district shall be inserted) School Board who are not up for



794 election this year are subject to recall because of the school
795 district's failure to meet critical accountability standards as
796 defined in the letter of notification to the Governor from the
797 State Board of Education. Shall the member of the school board
798 representing this area, _____ (here the name of the school
799 board member holding the office shall be inserted), be retained in
800 office? Yes _____ No _____"

801 If a majority of those voting on the question vote against
802 retaining the member of the school board in office, a vacancy in
803 that board member's office shall exist, which shall be filled in
804 the manner provided by law; otherwise, the school board member
805 shall remain in office for the term of that office, and at the
806 expiration of the term of office, the member shall be eligible for
807 qualification and election to another term or terms of office.
808 However, if a majority of the school board members are recalled in
809 the special election, the Governor shall authorize the board of
810 supervisors of the county in which the school district is situated
811 to appoint members to fill the offices of the members recalled.
812 The board of supervisors shall make those appointments in the
813 manner provided by law for filling vacancies on the school board,
814 and the appointed members shall serve until the office is filled
815 at the next regular special election or general election.

816 (ii) If the local school board is an appointed
817 school board, the name of all school board members shall be
818 submitted as a collective board by the president of the municipal



819 or county governing authority, as the case may be, at the next
820 regular meeting of the governing authority for retention in office
821 or dismissal from office. If a majority of the governing
822 authority voting on the question vote against retaining the board
823 in office, a vacancy shall exist in each school board member's
824 office, which shall be filled as provided by law; otherwise, the
825 members of the appointed school board shall remain in office for
826 the duration of their term of appointment, and those members may
827 be reappointed.

828 (iii) If the local school board is comprised of
829 both elected and appointed members, the elected members shall be
830 subject to recall in the manner provided in subparagraph (i) of
831 this paragraph (b), and the appointed members shall be subject to
832 recall in the manner provided in subparagraph (ii).

833 (18) * * * The State Board of Education, acting through the
834 Commission on School Accreditation, shall require each school
835 district to comply with standards established by the State
836 Department of Audit for the verification of fixed assets and the
837 auditing of fixed assets records as a minimum requirement for
838 accreditation.

839 (19) * * * The State Board of Education shall recommend a
840 program to the Education Committees of the House of
841 Representatives and the Senate for identifying and rewarding
842 public schools that improve or are high performing. The program
843 shall be described by the board in a written report, which shall



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

846 The State Superintendent of Public Education and the State
847 Board of Education also shall develop a comprehensive
848 accountability plan to ensure that local school boards,
849 superintendents, principals and teachers are held accountable for
850 student achievement. * * *

851 (20) * * * The State Board of Education shall evaluate and
852 submit a recommendation to the Education Committees of the House
853 of Representatives and the Senate on inclusion of graduation rate
854 and dropout rate in the school level accountability system.

855 (21) If a local school district is determined as failing and
856 placed into conservatorship for reasons authorized by the
857 provisions of this section, the conservator appointed to the
858 district shall, within forty-five (45) days after being appointed,
859 present a detailed and structured corrective action plan to move
860 the local school district out of conservatorship status to the
861 local school board and local superintendent of education if they
862 have not been removed by the conservator, or if the board and
863 superintendent have been removed, to the local governing authority
864 of the municipality or county in which the school district under
865 conservatorship is located. A copy of the conservator's
866 corrective action plan shall also be filed with the State Board of
867 Education.



868 **SECTION 5.** Section 37-177-5, Mississippi Code of 1972, is
869 brought forward as follows:

870 37-177-5. The State Department of Education shall establish
871 a Mississippi Reading Panel to collaborate with the State
872 Department of Education in recommending appropriate equitable
873 alternative standardized assessments and cut scores to be used to
874 determine promotion to the Fourth Grade of those Third-Grade
875 students who did not score at the required achievement level on
876 the state annual accountability assessment, as outlined in Section
877 37-177-9, or who, for unforeseen circumstances, were unable to
878 take the assessment. The panel should have knowledge and input in
879 the adoption or development of a universal screener for required
880 use only in select schools most in need for the reading
881 intervention program to identify reading deficiencies and
882 determine progress. A suggestive list of no less than four (4)
883 screening assessments should be available to schools not selected
884 for the critical reading intervention program taking into
885 consideration those screening assessments already being used
886 satisfactorily in Mississippi elementary schools. An approved
887 alternative standardized reading assessment may be used in years
888 when the state is transitioning to a new state annual
889 accountability assessment. The panel shall consist of six (6)
890 members as follows: the State Superintendent of Education, or
891 his/her designee, who will chair the committee; the Chair of the
892 House Education Committee, or his designee; the Chairman of the



893 Senate Education Committee, or his designee; one (1) member
894 appointed by the Governor; and two (2) additional members
895 appointed by the State Superintendent of Education.

896 **SECTION 6.** This act shall take effect and be in force from
897 and after July 1, 2017.

