

By: Representatives Miles, Hughes

To: Education

HOUSE BILL NO. 24

1 AN ACT TO CREATE NEW SECTION 37-16-2, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO CONTRACT WITH A
3 SINGLE ENTITY FOR THE DEVELOPMENT AND ADMINISTRATION OF THE ACT
4 ASPIRE ASSESSMENT COMPONENTS AS THE COMPREHENSIVE STATEWIDE
5 ASSESSMENT PROGRAM FOR PUBLIC SCHOOL STUDENTS IN GRADES 3 THROUGH
6 10 AS WELL AS ALGEBRA I AND ENGLISH II, WHICH IS ALIGNED TO THE
7 MISSISSIPPI COLLEGE AND CAREER-READY STANDARDS; TO REQUIRE THE
8 STATE DEPARTMENT OF EDUCATION TO PROVIDE A JOB SKILLS ASSESSMENT
9 SYSTEM THAT ALLOWS STUDENTS TO EARN A NATIONALLY RECOGNIZED CAREER
10 READINESS CERTIFICATE CREDENTIALING WORKPLACE EMPLOYABILITY
11 SKILLS; TO REQUIRE THE ACT ASPIRE AS THE STATEWIDE ASSESSMENT
12 PROGRAM TO BE FULLY IMPLEMENTED IN ALL PUBLIC SCHOOLS IN THE
13 2018-2019 SCHOOL YEAR; TO AMEND SECTIONS 37-16-1, 37-16-3,
14 37-16-4, 37-16-5, 37-16-7, 37-16-9 AND 37-16-17, MISSISSIPPI CODE
15 OF 1972, WHICH RELATE TO THE STATEWIDE TESTING PROGRAM, AND
16 SECTIONS 37-3-49, 37-15-38, 37-17-6, 37-18-1, 37-18-3, 37-20-5,
17 37-20-7 AND 37-28-45, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
18 THE PRECEDING PROVISIONS OF THIS ACT; TO PROHIBIT THE STATE BOARD
19 OF EDUCATION FROM CONTRACTING WITH ANY ENTITY FOR THE DEVELOPMENT
20 OF A STATEWIDE ASSESSMENT WHOSE ALIGNMENT OF CURRICULUM AND
21 TESTING STANDARDS ARE IN COMPLIANCE WITH THE PARTNERSHIP FOR
22 ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS (PARCC) WITHOUT
23 EXPRESS LEGISLATIVE AUTHORITY; TO AMEND SECTION 37-16-11,
24 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ISSUANCE OF A
25 STANDARD DIPLOMA TO CERTAIN EXCEPTIONAL CHILDREN WITH INTELLECTUAL
26 IMPAIRMENTS WHO HAVE IEP'S UPON MEETING THE EDUCATIONAL
27 REQUIREMENTS OF THEIR IEP AND THOSE ESTABLISHED BY THE STATE BOARD
28 OF EDUCATION; AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** The following shall be codified as Section
31 37-16-2, Mississippi Code of 1972:



32 37-16-2. (1) The State Board of Education shall contract
33 with a single entity for the development and administration of a
34 statewide assessment program designed to measure individual
35 student progress over time utilizing standards-based assessments,
36 which is commensurate with the ACT Aspire summative assessments.
37 The entity selected by the board must satisfy the following
38 criteria:

39 (a) The entity must be an independent organization that
40 provides assessment, research, information and program management
41 services aimed at helping persons in the areas of education and
42 workforce development;

43 (b) The entity must have no less than fifty (50) years
44 experience in the administration of a nationally recognized
45 college entrance readiness examination that, as of the effective
46 date of House Bill No. 24, 2018 Regular Session, is required to be
47 taken by all public school students in eleventh grade in certain
48 states, including Mississippi;

49 (c) The entity must provide a comprehensive summative
50 assessment system for students in Grades 3 through 10, as well as
51 Algebra I and English II, which are aligned to the Mississippi
52 College and Career-Ready Standards.

53 (2) The statewide assessment system implemented pursuant to
54 this section shall be comprised of the following three (3)
55 components:



56 (a) For students in Grades 3 through 10, a vertically
57 articulated, standards-based summative assessment system that
58 annually assesses individual student progress in the content areas
59 of writing, reading, English and mathematics and which connect
60 student performance in the context of college and career readiness
61 benchmarks and aligned with the Mississippi College and
62 Career-Ready Standards.

63 (b) For students enrolled in Algebra I and English II,
64 a standards-based end-of-course (EOC) assessment aligned with
65 college readiness standards will be administered to assess mastery
66 in each content area.

67 (c) For high school students, a job skills assessment
68 that enables students to determine the skill levels required for
69 various jobs and which leads to the earning of a nationally
70 recognized career readiness certificate upon successful completion
71 of certain assessments.

72 (3) As soon as practicable following the effective date of
73 House Bill No. 24, 2018 Regular Session, the State Board of
74 Education shall enter into an agreement with an entity meeting the
75 criteria set forth in subsection (1) to begin the process of
76 establishing the statewide assessment system required under this
77 section. The State Department of Education shall collaborate with
78 the entity in its development of the statewide assessment system
79 to be administered in Mississippi, which must be fully implemented



80 in all public schools throughout the state in the 2018-2019 school
81 year.

82 (4) Unless otherwise specifically authorized by law,
83 beginning in the 2018-2019 school year, examinations administered
84 under the statewide assessment program implemented pursuant to
85 this section shall be the only statewide assessments given in all
86 public schools during a school year, except for the administration
87 of the Kindergarten Readiness Assessment, the Third Grade
88 Summative Assessment and the ACT for students in Grade 11.

89 (5) The State Department of Education shall seek a waiver or
90 amendment to any existing waiver for federal approval of the
91 assessment system required under this section. The department
92 shall notify the United States Department of Education about this
93 section and shall take such steps as may be necessary to assure
94 the United States Department of Education that the State of
95 Mississippi is on track to develop and implement a summative
96 assessment system as required under federal law.

97 (6) The State Board of Education shall not contract with any
98 entity for the development and administration of a statewide
99 assessment program with whom the state had previously entered into
100 contract under the initial adoption and implementation of the
101 Common Core State Standards, which such assessment was to begin
102 administration during the 2014-2015 school year in compliance with
103 the Partnership for Assessment of Readiness for College and
104 Careers (PARCC). The board shall not contract with any entity



105 providing original or subsequent assessments under the Smarter
106 Balance Assessment or the PARCC consortium, except specific
107 legislation be enacted by the Mississippi Legislature authorizing
108 the board to take such action to provide a statewide assessment
109 that aligns with the Mississippi College and Career-Ready
110 Standards.

111 **SECTION 2.** Section 37-16-1, Mississippi Code of 1972, is
112 amended as follows:

113 37-16-1. The primary purposes of the statewide * * *
114 assessment program * * * are to measure individual student
115 progress and to provide information needed for state-level
116 decisions. The program shall be designed to:

117 (a) Assist in the identification of educational needs
118 at the state, district and school levels.

119 (b) Assess how well districts * * *, schools and
120 individual students are meeting state goals and minimum
121 performance standards.

122 (c) Provide information to aid in the development of
123 policy issues and concerns.

124 (d) Provide a basis for comparisons among districts,
125 between charter schools throughout the state and nonpublic charter
126 schools in those school districts in which charter schools are
127 located, and between districts, the state and the nation, where
128 appropriate.



129 (e) Produce data which can be used to aid in the
130 identification of exceptional educational programs or processes.

131 **SECTION 3.** Section 37-16-3, Mississippi Code of 1972, is
132 amended as follows:

133 37-16-3. (1) * * * As part of the statewide assessment
134 program, the State Department of Education shall:

135 (a) Establish, with the approval of the State Board of
136 Education, minimum performance standards related to the goals for
137 education contained in the state's plan including, but not limited
138 to, basic skills in reading, writing and mathematics. The minimum
139 performance standards shall be approved by April 1 in each year
140 they are established.

141 (b) Conduct * * * the statewide * * * assessment
142 program * * * in the public schools, including charter schools, in
143 accordance with the terms and conditions set forth in the contract
144 for the administration of the statewide assessment program
145 required under Section 37-16-2. The program may test skill areas,
146 basic skills and high school course content.

147 (c) Monitor the results of the assessment program and,
148 at any time the composite student performance of a school or basic
149 program is found to be below the established minimum standards,
150 notify the district superintendent or the governing board of the
151 charter school, as the case may be, the school principal and the
152 school advisory committee or other existing parent group of the
153 situation within thirty (30) days of its determination. The



154 department shall further provide technical assistance to a school
155 district in the identification of the causes of this deficiency
156 and shall recommend courses of action for its correction.

157 (d) Provide technical assistance to the school
158 districts, when requested, in the development of student
159 performance standards in addition to the established minimum
160 statewide standards.

161 (e) Issue security procedure regulations providing for
162 the security and integrity of the tests that are administered
163 under the * * * statewide assessment program.

164 (f) In case of an allegation of a testing irregularity
165 that prompts a need for an investigation by the Department of
166 Education, the department may, in its discretion, take complete
167 control of the statewide * * * assessment administration in a
168 school district or any part thereof, including, but not limited
169 to, obtaining control of the test booklets and answer documents.
170 In the case of any verified testing irregularity that jeopardized
171 the security and integrity of the test(s), validity or the
172 accuracy of the * * * assessment results, the cost of the
173 investigation and any other actual and necessary costs related to
174 the investigation paid by the Department of Education shall be
175 reimbursed by the local school district from funds other than
176 federal funds, Mississippi Adequate Education Program funds, or
177 any other state funds within six (6) months from the date of



178 notice by the department to the school district to make
179 reimbursement to the department.

180 (2) * * * Annual examinations administered under the
181 statewide assessment program implemented pursuant to Section
182 37-16-2 shall be completed by each student in the appropriate
183 grade. These tests shall be administered in such a manner as to
184 preserve the integrity and validity of the assessment. In the
185 event of excused or unexcused student absences, make-up tests
186 shall be given. The school superintendent of every school
187 district in the state and the principal of each charter school
188 shall annually certify to the State Department of Education that
189 each student enrolled in the appropriate grade has completed the
190 required * * * statewide assessment * * * for his or her grade in
191 a valid test administration.

192 (3) Within five (5) days of completing the administration of
193 a statewide * * * assessment, the principal of the school where
194 the * * * assessment was administered shall certify under oath to
195 the State Department of Education that the statewide * * *
196 assessment was administered in strict accordance with the
197 Requirements of the Mississippi Statewide Assessment System as
198 adopted by the State Board of Education. The principal's sworn
199 certification shall be set forth on a form developed and approved
200 by the Department of Education. If, following the administration
201 of a statewide * * * assessment, the principal has reason to
202 believe that the * * * assessment was not administered in strict



203 accordance with the Requirements of the Mississippi Statewide
204 Assessment System as adopted by the State Board of Education, the
205 principal shall submit a sworn certification to the Department of
206 Education setting forth all information known or believed by the
207 principal about all potential violations of the Requirements of
208 the Mississippi Statewide Assessment System as adopted by the
209 State Board of Education. The submission of false information or
210 false certification to the Department of Education by any licensed
211 educator may result in licensure disciplinary action pursuant to
212 Section 37-3-2 and criminal prosecution pursuant to Section
213 37-16-4.

214 **SECTION 4.** Section 37-16-4, Mississippi Code of 1972, is
215 amended as follows:

216 37-16-4. (1) It is unlawful for anyone knowingly and
217 willfully to do any of the following acts regarding mandatory
218 uniform tests administered to students as required by the State
219 Department of Education:

220 (a) Give examinees access to * * * assessment questions
221 prior to testing;

222 (b) Copy or reproduce all or any portion of any secure
223 test booklet;

224 (c) Coach examinees during testing or alter or
225 interfere with examinees' responses in any way;

226 (d) Make answer keys available to examinees;



227 (e) Fail to account for all secure test materials
228 before, during and after testing;

229 (f) Participate in, direct, aid, counsel, assist in,
230 encourage or fail to report any of the acts prohibited in this
231 section.

232 (2) Any person violating any provisions of subsection (1) of
233 this section is guilty of a misdemeanor and upon conviction shall
234 be fined not more than One Thousand Dollars (\$1,000.00), or be
235 imprisoned for not more than ninety (90) days, or both. Upon
236 conviction, the State Board of Education may suspend or revoke the
237 administrative or teaching credentials, or both, of the person
238 convicted.

239 (3) Any person submitting a false certification to the State
240 Department of Education that each statewide * * * assessment in a
241 school was administered in strict accordance with the Requirements
242 of the Mississippi Statewide Assessment System as adopted by the
243 State Board of Education, and with willful intent, is guilty of a
244 felony and upon conviction thereof shall be fined not more than
245 Fifteen Thousand Dollars (\$15,000.00), or be imprisoned for not
246 more than three (3) years, or both. Upon conviction, the State
247 Board of Education may suspend or revoke the administrative or
248 teaching credentials, or both, of the person convicted.

249 (4) The district attorney shall investigate allegations of
250 violations of this section, either on its own initiative following



251 a receipt of allegations, or at the request of a school district
252 or the State Department of Education.

253 (5) The district attorney shall furnish to the State
254 Superintendent of Public Education a report of the findings of any
255 investigation conducted pursuant to this section.

256 (6) The State Board of Education shall establish statistical
257 guidelines to examine the results of state mandated * * *
258 assessments to determine where there is evidence of testing
259 irregularities resulting in false or misleading results in the
260 aggregate or composite test scores of the class, grade, age group
261 or school district. When said irregularities are identified, the
262 State Superintendent of Public Education may order that any group
263 of students identified as being required to retake the * * *
264 assessment at state expense under state supervision. The school
265 district shall be given at least thirty (30) days' notice before
266 the next * * * assessment administration and shall comply with the
267 order of the State Superintendent of Public Education. The
268 results from the second administration of the * * * assessment
269 shall be final for all uses of that data.

270 * * *

271 **SECTION 5.** Section 37-16-5, Mississippi Code of 1972, is
272 amended as follows:

273 37-16-5. The school board of * * * each local school
274 district * * * may periodically assess student performance and
275 achievement in each school. Such assessment programs shall be



276 based upon local goals and objectives which are compatible with
277 the state's plan for education and which supplement the minimum
278 performance standards approved by the State Board of Education.
279 Data from district assessment programs shall be provided to the
280 State Department of Education when such data is required in order
281 to evaluate specific instructional programs or processes or when
282 the data is needed for other research or evaluation projects.
283 Each district may provide acceptable, compatible district
284 assessment data to substitute for any assessment data needed at
285 the state level when the State Department of Education certifies
286 that such data is acceptable for the purposes of Section 37-16-3.

287 **SECTION 6.** Section 37-16-7, Mississippi Code of 1972, is
288 amended as follows:

289 37-16-7. (1) Each district school board shall establish
290 standards for graduation from its schools which shall include as a
291 minimum:

292 (a) Mastery of minimum academic skills as measured by
293 assessments * * * administered * * * under the statewide
294 assessment program implemented pursuant to Section 37-16-2.

295 (b) Completion of a minimum number of academic credits,
296 and all other applicable requirements prescribed by the district
297 school board.

298 (c) By school, information on high school graduation
299 rates. High schools with graduation rates lower than eighty
300 percent (80%) must submit a detailed plan to the * * * State



301 Department of Education to restructure the high school experience
302 to improve graduation rates.

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

306 (3) The State Board of Education may establish student
307 proficiency standards for promotion to grade levels leading to
308 graduation.

309 **SECTION 7.** Section 37-16-9, Mississippi Code of 1972, is
310 amended as follows:

311 37-16-9. (1) The state board shall, after a public hearing
312 and consideration, make provision for appropriate accommodations
313 for testing instruments and procedures for students with
314 identified handicaps or disabilities in order to ensure that the
315 results of the testing represent the student's achievement, rather
316 than reflecting the student's impaired sensory, manual, speaking
317 or psychological process skills, except when such skills are the
318 factors the test purports to measure.

319 (2) The public hearing and consideration required hereunder
320 shall not be construed to amend or nullify the requirements of
321 security relating to the contents of examinations or assessment
322 instruments and related materials or data.

323 (3) Children with disabilities shall be included in general
324 statewide assessment program implemented pursuant to Section
325 37-16-2 and in any district-wide assessments * * * administered in



326 a particular school district, with appropriate accommodations,
327 where necessary. As appropriate, the State
328 Department of Education and the local educational agency shall:

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

333 (b) Develop and * * * conduct those alternate
334 assessments.

335 (4) The State Department of Education shall make available
336 to the public, and report to the public with the same frequency
337 and in the same detail as it reports on the assessment of
338 nondisabled children, the following:

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

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

343 (c) The performance of those children on regular
344 assessments * * * and on alternate assessments, * * * if doing so
345 would be statistically sound and would not result in the
346 disclosure of performance results identifiable to individual
347 children; and

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



351 **SECTION 8.** Section 37-16-11, Mississippi Code of 1972, is
352 amended as follows:

353 37-16-11. (1) A student who has been properly classified,
354 in accordance with rules established by the State Board of
355 Education shall, upon meeting all applicable requirements
356 prescribed by the district school board, be awarded a standard
357 diploma in a form prescribed by the State Board of Education if
358 the student has an Individualized Education Plan before entering
359 the ninth grade and complies with one (1) of the following:

360 (a) Meets all requirements of Section 37-16-7 with the
361 exception of achieving a passing score on any tests mandated by
362 the state for graduation; or

363 (b) Meets all terms of the student's Individualized
364 Education Plan for graduation, including the satisfactory
365 completion of minimum requirements prescribed by the State Board
366 of Education.

367 (2) A student classified as an exceptional child as
368 prescribed under subsection (1) of this section shall not be
369 required to meet all the requirements of Section 37-16-7, and
370 shall, upon meeting all applicable requirements prescribed by the
371 district school board, be awarded a special diploma in a form
372 prescribed by the State Board of Education; however, such special
373 graduation requirements prescribed by the district school board
374 shall include minimum graduation requirements as prescribed by the
375 state board. Any such student who meets all special requirements



376 of the district school board for his exceptionality, but is unable
377 to meet the appropriate special state minimum requirements, shall
378 be awarded a special certificate of completion in a form
379 prescribed by the state board. Nothing provided in this section,
380 however, shall be construed to limit or restrict the right of an
381 exceptional student solely to a special diploma. Any such student
382 shall, upon proper request, be afforded the opportunity to fully
383 meet all requirements of Section 37-16-7 through the standard
384 procedures established therein and thereby qualify for a standard
385 diploma upon graduation.

386 (* * *3) The State Board of Education shall develop and
387 issue criteria for a Mississippi Occupational Diploma for students
388 having a disability as defined by the federal Individuals with
389 Disabilities Education Act. Beginning with the 2002-2003 school
390 year, any such student, upon proper request, shall be afforded the
391 opportunity to fully meet such requirements and qualify for an
392 occupational diploma upon graduation.

393 (* * *4) The special Mississippi Occupational Diploma for
394 students with disabilities shall not be available to any student
395 entering the Ninth Grade in the 2017-2018 school year or
396 thereafter, pending State Board of Education approval of new
397 graduation options.

398 **SECTION 9.** Section 37-16-17, Mississippi Code of 1972, is
399 amended as follows:



400 37-16-17. (1) Purpose. (a) The purpose of this section is
401 to create a quality option in Mississippi's high schools for
402 students not wishing to pursue a baccalaureate degree, which shall
403 consist of challenging academic courses and modern
404 career-technical studies. The goal for students pursuing the
405 career track is to graduate from high school with a standard
406 diploma and credit toward a community college certification in a
407 career-technical field. These students also shall be encouraged
408 to participate in twelfth grade post-testing under the job skills
409 assessment component of the statewide assessment program which,
410 upon successful completion, will lead to a nationally recognized
411 career readiness certificate and further, encouraged to take the
412 national assessment in the career-technical field in which they
413 become certified.

414 (b) The State Board of Education shall develop and
415 adopt course and curriculum requirements for career track programs
416 offered by local public school boards in accordance with this
417 section. The Mississippi Community College Board and the State
418 Board of Education jointly shall determine course and curriculum
419 requirements for the career track program.

420 (2) Alternative career track; description; curriculum. (a)
421 A career track shall provide a student with greater technical
422 skill and a strong academic core and shall be offered to each high
423 school student enrolled in a public school district. The career
424 track program shall be linked to postsecondary options and shall



425 prepare students to pursue either a degree or certification from a
426 postsecondary institution, an industry-based training or
427 certification, an apprenticeship, the military, or immediate
428 entrance into a career field. The career track shall be designed
429 primarily for those students who are not college bound and shall
430 provide them with alternatives to entrance into a four-year
431 university or college after high school graduation.

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

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

438 (d) Students in a career track program shall complete
439 an academic core of courses and a career and technical sequence of
440 courses.

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

443 (i) At least four (4) English credits, including
444 English I and English II.

445 (ii) At least three (3) mathematics credits,
446 including Algebra I.

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



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

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

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

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

459 (viii) At least two and one-half (2-1/2) credits
460 in additional electives or career and technical education courses
461 required by the local school board, as approved by the State Board
462 of Education. Academic courses within the career track of the
463 standard diploma shall provide the knowledge and skill necessary
464 for proficiency on the state subject area tests.

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

471 (4) The career track program for students not pursuing a
472 Baccalaureate Degree shall not be available to any student



473 entering the Ninth Grade in the 2017-2018 school year or
474 thereafter.

475 **SECTION 10.** Section 37-3-49, Mississippi Code of 1972, is
476 amended as follows:

477 37-3-49. (1) The State Department of Education shall
478 provide an instructional program and establish guidelines and
479 procedures for managing such program in the public schools within
480 the school districts throughout the state as part of the State
481 Program of Educational Accountability and Assessment of
482 Performance as prescribed in Section 37-3-46. Public school
483 districts may (a) elect to adopt the instructional program and
484 management system provided by the State Department of Education,
485 or (b) elect to adopt an instructional program and management
486 system which meets or exceeds criteria established by the State
487 Department of Education for such. This provision shall begin with
488 the courses taught in Grades K-8 which contain skills tested
489 through the * * * statewide assessment program and shall proceed
490 through all secondary school courses mandated for
491 graduation * * *. Other state core objectives must be included in
492 the district's instructional program as they are provided by the
493 State Department of Education along with instructional practices,
494 resources, evaluation items and management procedures. Districts
495 are encouraged to adapt this program and accompanying procedures
496 to all other instructional areas. The department shall provide
497 that such program and guidelines, or a program and guidelines



498 developed by a local school district which incorporates the core
499 objectives from the curriculum structure are enforced through the
500 performance-based accreditation system. It is the intent of the
501 Legislature that every effort be made to protect the instructional
502 time in the classroom and reduce the amount of paperwork which
503 must be completed by teachers. The State Department of Education
504 shall take steps to insure that school districts properly use
505 staff development time to work on the districts' instructional
506 management plans.

507 (2) The State Department of Education shall provide such
508 instructional program and management guidelines which shall
509 require for every public school district that:

510 (a) All courses taught in Grades K-8 which contain
511 skills which are tested through the * * * statewide assessment
512 program * * * and all secondary school courses mandated for
513 graduation, * * * shall include the State Department of
514 Education's written list of learning objectives.

515 (b) The local school board must adopt the objectives
516 that will form the core curriculum which will be systematically
517 delivered throughout the district.

518 (c) The set of objectives provided by the State
519 Department of Education must be accompanied by suggested
520 instructional practices and resources that would help teachers
521 organize instruction so as to promote student learning of the
522 objectives. Objectives added by the school district must also be



523 accompanied by suggested instructional practices and resources
524 that would help teachers organize instruction. The instructional
525 practices and resources that are identified are to be used as
526 suggestions and not as requirements that teachers must follow.
527 The goal of the program is to have students to achieve the desired
528 objective and not to limit teachers in the way they teach.

529 (d) Standards for student performance must be
530 established for each core objective in the local program and those
531 standards establish the district's definition of mastery for each
532 objective.

533 (e) There shall be an annual review of student
534 performance in the instructional program against locally
535 established standards. When weaknesses exist in the local
536 instructional program, the district shall take action to improve
537 student performance.

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

542 (4) This section shall not be construed to limit teachers
543 from using their own professional skills to help students master
544 instructional objectives, nor shall it be construed as a call for
545 more detailed or complex lesson plans or any increase in testing
546 at the local school district level.



547 (5) Districts meeting the highest levels of accreditation
548 standards, as defined by the State Board of Education, shall be
549 exempted from the provisions of subsection (2) of this section.

550 **SECTION 11.** Section 37-15-38, Mississippi Code of 1972, is
551 amended as follows:

552 37-15-38. (1) The following phrases have the meanings
553 ascribed in this section unless the context clearly requires
554 otherwise:

555 (a) A dual enrolled student is a student who is
556 enrolled in a community or junior college or state institution of
557 higher learning while enrolled in high school.

558 (b) A dual credit student is a student who is enrolled
559 in a community or junior college or state institution of higher
560 learning while enrolled in high school and who is receiving high
561 school and college credit for postsecondary coursework.

562 (2) A local school board, the Board of Trustees of State
563 Institutions of Higher Learning and the Mississippi Community
564 College Board shall establish a dual enrollment system under which
565 students in the school district who meet the prescribed criteria
566 of this section may be enrolled in a postsecondary institution in
567 Mississippi while they are still in school.

568 (3) **Dual credit eligibility.** Before credits earned by a
569 qualified high school student from a community or junior college
570 or state institution of higher learning may be transferred to the



571 student's home school district, the student must be properly
572 enrolled in a dual enrollment program.

573 (4) **Admission criteria for dual enrollment in community and**
574 **junior college or university programs.** The Mississippi Community
575 College Board and the Board of Trustees of State Institutions of
576 Higher Learning may recommend to the State Board of Education
577 admission criteria for dual enrollment programs under which high
578 school students may enroll at a community or junior college or
579 university while they are still attending high school and enrolled
580 in high school courses. Students may be admitted to enroll in
581 community or junior college courses under the dual enrollment
582 programs if they meet that individual institution's stated dual
583 enrollment admission requirements.

584 (5) **Tuition and cost responsibility.** Tuition and costs for
585 university-level courses and community and junior college courses
586 offered under a dual enrollment program may be paid for by the
587 postsecondary institution, the local school district, the parents
588 or legal guardians of the student, or by grants, foundations or
589 other private or public sources. Payment for tuition and any
590 other costs must be made directly to the credit-granting
591 institution.

592 (6) **Transportation responsibility.** Any transportation
593 required by a student to participate in the dual enrollment
594 program is the responsibility of the parent, custodian or legal
595 guardian of the student. Transportation costs may be paid from



596 any available public or private sources, including the local
597 school district.

598 (7) **School district average daily attendance credit.** When
599 dually enrolled, the student may be counted, for adequate
600 education program funding purposes, in the average daily
601 attendance of the public school district in which the student
602 attends high school.

603 (8) **High school student transcript transfer requirements.**
604 Grades and college credits earned by a student admitted to a dual
605 credit program must be recorded on the high school student record
606 and on the college transcript at the university or community or
607 junior college where the student attends classes. The transcript
608 of the university or community or junior college coursework may be
609 released to another institution or applied toward college
610 graduation requirements.

611 (9) **Determining factor of prerequisites for dual enrollment**
612 **courses.** Each university and community or junior college
613 participating in a dual enrollment program shall determine course
614 prerequisites. Course prerequisites shall be the same for dual
615 enrolled students as for regularly enrolled students at that
616 university or community or junior college.

617 (10) **Process for determining articulation of curriculum**
618 **between high school, university, and community and junior college**
619 **courses.** All dual credit courses must meet the standards
620 established at the postsecondary level. Postsecondary level



621 developmental courses may not be considered as meeting the
622 requirements of the dual credit program. Dual credit memorandum
623 of understandings must be established between each postsecondary
624 institution and the school district implementing a dual credit
625 program.

626 (11) [Deleted]

627 (12) **Eligible courses for dual credit programs.** Courses
628 eligible for dual credit include, but are not necessarily limited
629 to, foreign languages, advanced math courses, advanced science
630 courses, performing arts, advanced business and technology, and
631 career and technical courses. Distance Learning Collaborative
632 Program courses approved under Section 37-67-1 shall be fully
633 eligible for dual credit. All courses being considered for dual
634 credit must receive unconditional approval from the superintendent
635 of the local school district and the chief instructional officer
636 at the participating community or junior college or university in
637 order for college credit to be awarded. A university or community
638 or junior college shall make the final decision on what courses
639 are eligible for semester hour credits.

640 (13) **High school Carnegie unit equivalency.** One (1)
641 three-hour university or community or junior college course is
642 equal to one (1) high school Carnegie unit.

643 (14) **Course alignment.** The universities, community and
644 junior colleges and the State Department of Education shall
645 periodically review their respective policies and assess the place



646 of dual credit courses within the context of their traditional
647 offerings.

648 (15) **Maximum dual credits allowed.** It is the intent of the
649 dual enrollment program to make it possible for every eligible
650 student who desires to earn a semester's worth of college credit
651 in high school to do so. A qualified dually enrolled high school
652 student must be allowed to earn an unlimited number of college or
653 university credits for dual credit.

654 (16) **Dual credit program allowances.** A student may be
655 granted credit delivered through the following means:

656 (a) Examination preparation taught at a high school by
657 a qualified teacher. A student may receive credit at the
658 secondary level after completion of an approved course and passing
659 the standard examination, such as an Advanced Placement or
660 International Baccalaureate course through which a high school
661 student is allowed CLEP credit by making a three (3) or higher on
662 the end-of-course examination.

663 (b) College or university courses taught at a high
664 school or designated postsecondary site by a qualified teacher who
665 is an employee of the school district and approved as an
666 instructor by the collaborating college or university.

667 (c) College or university courses taught at a college,
668 university or high school by an instructor employed by the college
669 or university and approved by the collaborating school district.



670 (d) Online courses of any public university, community
671 or junior college in Mississippi.

672 (17) **Qualifications of dual credit instructors.** A dual
673 credit academic instructor must meet the requirements set forth by
674 the regional accrediting association (Southern Association of
675 College and Schools). University and community and junior college
676 personnel have the sole authority in the selection of dual credit
677 instructors.

678 A dual credit career and technical education instructor must
679 meet the requirements set forth by the Mississippi Community
680 College Board in the qualifications manual for postsecondary
681 career and technical personnel.

682 (18) **Guidance on local agreements.** The Chief Academic
683 Officer of the State Board of Trustees of State Institutions of
684 Higher Learning and the Chief Instructional Officers of the
685 Mississippi Community College Board and the State Department of
686 Education, working collaboratively, shall develop a template to be
687 used by the individual community and junior colleges and
688 institutions of higher learning for consistent implementation of
689 the dual enrollment program throughout the State of Mississippi.

690 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
691 A local school board and the local community * * * college board
692 shall establish a Mississippi Works Dual Enrollment-Dual Credit
693 Option Program under which potential or recent student dropouts
694 may dually enroll in their home school and a local community



695 college in a dual credit program consisting of high school
696 completion coursework and a community college credential,
697 certificate or degree program. Students completing the dual
698 enrollment-credit option may obtain their high school diploma
699 while obtaining a community college credential, certificate or
700 degree. The Mississippi Department of Employment Security shall
701 assist students who have successfully completed the Mississippi
702 Works Dual Enrollment-Dual Credit Option in securing a job upon
703 the application of the student or the participating school or
704 community college. The Mississippi Works Dual Enrollment-Dual
705 Credit Option Program will be implemented statewide in the
706 2012-2013 school year and thereafter. The State Board of
707 Education, local school board and the local community college
708 board shall establish criteria for the Dual Enrollment-Dual Credit
709 Program. Students enrolled in the program will not be eligible to
710 participate in interscholastic sports or other extracurricular
711 activities at the home school district. Tuition and costs for
712 community college courses offered under the Dual Enrollment-Dual
713 Credit Program shall not be charged to the student, parents or
714 legal guardians. When dually enrolled, the student shall be
715 counted for adequate education program funding purposes, in the
716 average daily attendance of the public school district in which
717 the student attends high school, as provided in Section
718 37-151-7(1)(a). Any transportation required by the student to
719 participate in the Dual Enrollment-Dual Credit Program is the



720 responsibility of the parent or legal guardian of the student, and
721 transportation costs may be paid from any available public or
722 private sources, including the local school district. Grades and
723 college credits earned by a student admitted to this Dual
724 Enrollment-Dual Credit Program shall be recorded on the high
725 school student record and on the college transcript at the
726 community college and high school where the student attends
727 classes. The transcript of the community college coursework may
728 be released to another institution or applied toward college
729 graduation requirements. Any course that is * * * a requirement
730 for graduation from a public school in Mississippi is eligible for
731 dual credit, and courses eligible for dual credit shall also
732 include career, technical and degree program courses. All courses
733 eligible for dual credit shall be approved by the superintendent
734 of the local school district and the chief instructional officer
735 at the participating community college in order for college credit
736 to be awarded. A community college shall make the final decision
737 on what courses are eligible for semester hour credits and the
738 local school superintendent, subject to approval by the
739 Mississippi Department of Education, shall make the final decision
740 on the transfer of college courses credited to the student's high
741 school transcript.

742 **SECTION 12.** Section 37-17-6, Mississippi Code of 1972, is
743 amended as follows:



744 37-17-6. (1) The State Board of Education, acting through
745 the Commission on School Accreditation, shall establish and
746 implement a permanent performance-based accreditation system, and
747 all noncharter public elementary and secondary schools shall be
748 accredited under this system.

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

753 (3) (a) * * * The State Board of Education, acting through
754 the Commission on School Accreditation, shall require that school
755 districts employ certified school librarians according to the
756 following formula:

757	Number of Students	Number of Certified
758	Per School Library	School Librarians
759	0 - 499 Students	1/2 Full-time Equivalent
760		Certified Librarian
761	500 or More Students	1 Full-time Certified
762		Librarian

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

765 (c) The assignment of certified school librarians to
766 the particular schools shall be at the discretion of the local
767 school district. No individual shall be employed as a certified



768 school librarian without appropriate training and certification as
769 a school librarian by the State Department of Education.

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

774 (e) Nothing in this subsection shall prohibit any
775 school district from employing more certified school librarians
776 than are provided for in this section.

777 (f) Any additional millage levied to fund school
778 librarians required for accreditation under this subsection shall
779 be included in the tax increase limitation set forth in Sections
780 37-57-105 and 37-57-107 and shall not be deemed a new program for
781 purposes of the limitation.

782 (4) * * * The State Board of Education shall implement the
783 performance-based accreditation system for school districts and
784 for individual noncharter public schools which shall include the
785 following:

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

788 (b) Strong accountability for results with appropriate
789 local flexibility for local implementation;

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



792 (d) Individual schools shall be held accountable for
793 student growth and performance;

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

797 (f) A determination of which schools exceed their
798 standards and a plan for providing recognition and rewards to
799 those schools;

800 (g) A determination of which schools are failing to
801 meet their standards and a determination of the appropriate role
802 of the State Board of Education and the State Department of
803 Education in providing assistance and initiating possible
804 intervention. A failing district is a district that fails to meet
805 both the absolute student achievement standards and the rate of
806 annual growth expectation standards as set by the State Board of
807 Education for two (2) consecutive years. The State Board of
808 Education shall establish the level of benchmarks by which
809 absolute student achievement and growth expectations shall be
810 assessed. In setting the benchmarks for school districts, the
811 State Board of Education may also take into account such factors
812 as graduation rates, dropout rates, completion rates, the extent
813 to which the school or district employs qualified teachers in
814 every classroom, and any other factors deemed appropriate by the
815 State Board of Education. The State Board of Education, acting
816 through the State Department of Education, shall apply a simple



817 "A," "B," "C," "D" and "F" designation to the current school and
818 school district statewide accountability performance
819 classification labels beginning with the State Accountability
820 Results for the 2011-2012 school year and following, and in the
821 school, district and state report cards required under state and
822 federal law. Under the new designations, a school or school
823 district that has earned a "Star" rating shall be designated an
824 "A" school or school district; a school or school district that
825 has earned a "High-Performing" rating shall be designated a "B"
826 school or school district; a school or school district that has
827 earned a "Successful" rating shall be designated a "C" school or
828 school district; a school or school district that has earned an
829 "Academic Watch" rating shall be designated a "D" school or school
830 district; a school or school district that has earned a
831 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
832 be designated an "F" school or school district. Effective with
833 the implementation of any new curriculum and assessment standards,
834 the State Board of Education, acting through the State Department
835 of Education, is further authorized and directed to change the
836 school and school district accreditation rating system to a simple
837 "A," "B," "C," "D," and "F" designation based on a combination of
838 student achievement scores and student growth as measured by the
839 statewide * * * assessment program required under Chapter 16,
840 Title 37, Mississippi Code of 1972. In any statute or regulation



841 containing the former accreditation designations, the new
842 designations shall be applicable;

843 (h) * * * Administration of a comprehensive student
844 assessment system to implement these requirements; and

845 (i) The State Board of Education may, based on a
846 written request that contains specific reasons for requesting a
847 waiver from the school districts affected by Hurricane Katrina of
848 2005, hold harmless school districts from assignment of district
849 and school level accountability ratings for the 2005-2006 school
850 year. The State Board of Education upon finding an extreme
851 hardship in the school district may grant the request. It is the
852 intent of the Legislature that all school districts maintain the
853 highest possible academic standards and instructional programs in
854 all schools as required by law and the State Board of Education.

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

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

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



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

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

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

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

877 (ii) Individual student growth: the percent of
878 students making one (1) year's progress in one (1) year's time on
879 the state assessment, with an emphasis on the progress of the
880 lowest twenty-five percent (25%) of students in the school or
881 district;

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

885 (iv) Categories shall identify schools as Reward
886 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
887 at least five percent (5%) of schools in the state are not graded
888 as "F" schools, the lowest five percent (5%) of school grade point
889 designees will be identified as Priority schools. If at least ten



890 percent (10%) of schools in the state are not graded as "D"
891 schools, the lowest ten percent (10%) of school grade point
892 designees will be identified as Focus schools;

893 (v) The State Department of Education shall
894 discontinue the use of Star School, High-Performing, Successful,
895 Academic Watch, Low-Performing, At-Risk of Failing and Failing
896 school accountability designations;

897 (vi) The system shall include the federally
898 compliant four-year graduation rate in school and school district
899 accountability system calculations. Graduation rate will apply to
900 high school and school district accountability ratings as a
901 compensatory component. The system shall discontinue the use of
902 the High School Completer Index (HSCI);

903 (vii) The school and school district
904 accountability system shall incorporate a standards-based growth
905 model, in order to support improvement of individual student
906 learning;

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

909 (ix) The State Department of Education shall
910 determine feeder patterns of schools that do not earn a school
911 grade because the grades and subjects taught at the school do not
912 have statewide standardized assessments needed to calculate a
913 school grade. Upon determination of the feeder pattern, the
914 department shall notify schools and school districts prior to the



915 release of the school grades beginning in 2013. Feeder schools
916 will be assigned the accountability designation of the school to
917 which they provide students;

918 (x) Standards for student, school and school
919 district performance will be increased when student proficiency is
920 at a seventy-five percent (75%) and/or when sixty-five percent
921 (65%) of the schools and/or school districts are earning a grade
922 of "B" or higher, in order to raise the standard on performance
923 after targets are met.

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

927 (7) The State Board of Education shall create an
928 accreditation audit unit under the Commission on School
929 Accreditation to determine whether schools are complying with
930 accreditation standards.

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

936 (9) [Deleted]

937 (10) The State Board of Education shall establish, for those
938 school districts failing to meet accreditation standards, a
939 program of development to be complied with in order to receive



940 state funds, except as otherwise provided in subsection (15) of
941 this section when the Governor has declared a state of emergency
942 in a school district or as otherwise provided in Section 206,
943 Mississippi Constitution of 1890. The state board, in
944 establishing these standards, shall provide for notice to schools
945 and sufficient time and aid to enable schools to attempt to meet
946 these standards, unless procedures under subsection (15) of this
947 section have been invoked.

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

951 (a) Develop an impairment report for each district
952 failing to meet accreditation standards in conjunction with school
953 district officials;

954 (b) Notify any applicable school district failing to
955 meet accreditation standards that it is on probation until
956 corrective actions are taken or until the deficiencies have been
957 removed. The local school district shall develop a corrective
958 action plan to improve its deficiencies. For district academic
959 deficiencies, the corrective action plan for each such school
960 district shall be based upon a complete analysis of the following:
961 student test data, student grades, student attendance reports,
962 student dropout data, existence and other relevant data. The
963 corrective action plan shall describe the specific measures to be
964 taken by the particular school district and school to improve:



965 (i) instruction; (ii) curriculum; (iii) professional development;
966 (iv) personnel and classroom organization; (v) student incentives
967 for performance; (vi) process deficiencies; and (vii) reporting to
968 the local school board, parents and the community. The corrective
969 action plan shall describe the specific individuals responsible
970 for implementing each component of the recommendation and how each
971 will be evaluated. All corrective action plans shall be provided
972 to the State Board of Education as may be required. The decision
973 of the State Board of Education establishing the probationary
974 period of time shall be final;

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

977 * * * Subject to the availability of funds, the State Department
978 of Education shall provide technical and/or financial assistance
979 to all such school districts in order to implement each measure
980 identified in that district's corrective action plan through
981 professional development and on-site assistance. Each such school
982 district shall apply for and utilize all available federal funding
983 in order to support its corrective action plan in addition to
984 state funds made available under this paragraph;

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



990 (e) Provide for publication of public notice at least
991 one time during the probationary period, in a newspaper published
992 within the jurisdiction of the school district failing to meet
993 accreditation standards, or if no newspaper is published therein,
994 then in a newspaper having a general circulation therein. The
995 publication shall include the following: declaration of school
996 system's status as being on probation; all details relating to the
997 impairment report; and other information as the State Board of
998 Education deems appropriate. Public notices issued under this
999 section shall be subject to Section 13-3-31 and not contrary to
1000 other laws regarding newspaper publication.

1001 (12) (a) If the recommendations for corrective action are
1002 not taken by the local school district or if the deficiencies are
1003 not removed by the end of the probationary period, the Commission
1004 on School Accreditation shall conduct a hearing to allow the
1005 affected school district to present evidence or other reasons why
1006 its accreditation should not be withdrawn. Additionally, if the
1007 local school district violates accreditation standards that have
1008 been determined by the policies and procedures of the State Board
1009 of Education to be a basis for withdrawal of school district's
1010 accreditation without a probationary period, the Commission on
1011 School Accreditation shall conduct a hearing to allow the affected
1012 school district to present evidence or other reasons why its
1013 accreditation should not be withdrawn. After its consideration of
1014 the results of the hearing, the Commission on School Accreditation



1015 shall be authorized, with the approval of the State Board of
1016 Education, to withdraw the accreditation of a public school
1017 district, and issue a request to the Governor that a state of
1018 emergency be declared in that district.

1019 (b) If the State Board of Education and the Commission
1020 on School Accreditation determine that an extreme emergency
1021 situation exists in a school district that jeopardizes the safety,
1022 security or educational interests of the children enrolled in the
1023 schools in that district and that emergency situation is believed
1024 to be related to a serious violation or violations of
1025 accreditation standards or state or federal law, or when a school
1026 district meets the State Board of Education's definition of a
1027 failing school district for two (2) consecutive full school years,
1028 or if more than fifty percent (50%) of the schools within the
1029 school district are designated as Schools At-Risk in any one (1)
1030 year, the State Board of Education may request the Governor to
1031 declare a state of emergency in that school district. For
1032 purposes of this paragraph, the declarations of a state of
1033 emergency shall not be limited to those instances when a school
1034 district's impairments are related to a lack of financial
1035 resources, but also shall include serious failure to meet minimum
1036 academic standards, as evidenced by a continued pattern of poor
1037 student performance.

1038 (c) Whenever the Governor declares a state of emergency
1039 in a school district in response to a request made under paragraph



1040 (a) or (b) of this subsection, the State Board of Education may
1041 take one or more of the following actions:

1042 (i) Declare a state of emergency, under which some
1043 or all of state funds can be escrowed except as otherwise provided
1044 in Section 206, Constitution of 1890, until the board determines
1045 corrective actions are being taken or the deficiencies have been
1046 removed, or that the needs of students warrant the release of
1047 funds. The funds may be released from escrow for any program
1048 which the board determines to have been restored to standard even
1049 though the state of emergency may not as yet be terminated for the
1050 district as a whole;

1051 (ii) Override any decision of the local school
1052 board or superintendent of education, or both, concerning the
1053 management and operation of the school district, or initiate and
1054 make decisions concerning the management and operation of the
1055 school district;

1056 (iii) Assign an interim superintendent, or in its
1057 discretion, contract with a private entity with experience in the
1058 academic, finance and other operational functions of schools and
1059 school districts, who will have those powers and duties prescribed
1060 in subsection (15) of this section;

1061 (iv) Grant transfers to students who attend this
1062 school district so that they may attend other accredited schools
1063 or districts in a manner that is not in violation of state or
1064 federal law;



1065 (v) For states of emergency declared under
1066 paragraph (a) only, if the accreditation deficiencies are related
1067 to the fact that the school district is too small, with too few
1068 resources, to meet the required standards and if another school
1069 district is willing to accept those students, abolish that
1070 district and assign that territory to another school district or
1071 districts. If the school district has proposed a voluntary
1072 consolidation with another school district or districts, then if
1073 the State Board of Education finds that it is in the best interest
1074 of the pupils of the district for the consolidation to proceed,
1075 the voluntary consolidation shall have priority over any such
1076 assignment of territory by the State Board of Education;

1077 (vi) For states of emergency declared under
1078 paragraph (b) only, reduce local supplements paid to school
1079 district employees, including, but not limited to, instructional
1080 personnel, assistant teachers and extracurricular activities
1081 personnel, if the district's impairment is related to a lack of
1082 financial resources, but only to an extent that will result in the
1083 salaries being comparable to districts similarly situated, as
1084 determined by the State Board of Education;

1085 (vii) For states of emergency declared under
1086 paragraph (b) only, the State Board of Education may take any
1087 action as prescribed in Section 37-17-13.

1088 (d) At the time that satisfactory corrective action has
1089 been taken in a school district in which a state of emergency has



1090 been declared, the State Board of Education may request the
1091 Governor to declare that the state of emergency no longer exists
1092 in the district.

1093 (e) The parent or legal guardian of a school-age child
1094 who is enrolled in a school district whose accreditation has been
1095 withdrawn by the Commission on School Accreditation and without
1096 approval of that school district may file a petition in writing to
1097 a school district accredited by the Commission on School
1098 Accreditation for a legal transfer. The school district
1099 accredited by the Commission on School Accreditation may grant the
1100 transfer according to the procedures of Section 37-15-31(1)(b).
1101 In the event the accreditation of the student's home district is
1102 restored after a transfer has been approved, the student may
1103 continue to attend the transferee school district. The per-pupil
1104 amount of the adequate education program allotment, including the
1105 collective "add-on program" costs for the student's home school
1106 district shall be transferred monthly to the school district
1107 accredited by the Commission on School Accreditation that has
1108 granted the transfer of the school-age child.

1109 (f) Upon the declaration of a state of emergency for
1110 any school district in which the Governor has previously declared
1111 a state of emergency, the State Board of Education may either:

1112 (i) Place the school district into district
1113 transformation, in which the school district shall remain until it
1114 has fulfilled all conditions related to district transformation.



1115 If the district was assigned an accreditation rating of "D" or "F"
1116 when placed into district transformation, the district shall be
1117 eligible to return to local control when the school district has
1118 attained a "C" rating or higher for five (5) consecutive years,
1119 unless the State Board of Education determines that the district
1120 is eligible to return to local control in less than the five-year
1121 period;

1122 (ii) Abolish the school district and
1123 administratively consolidate the school district with one or more
1124 existing school districts;

1125 (iii) Reduce the size of the district and
1126 administratively consolidate parts of the district, as determined
1127 by the State Board of Education. However, no school district
1128 which is not in district transformation shall be required to
1129 accept additional territory over the objection of the district; or

1130 (iv) Require the school district to develop and
1131 implement a district improvement plan with prescriptive guidance
1132 and support from the State Department of Education, with the goal
1133 of helping the district improve student achievement. Failure of
1134 the school board, superintendent and school district staff to
1135 implement the plan with fidelity and participate in the activities
1136 provided as support by the department shall result in the school
1137 district retaining its eligibility for district transformation.

1138 (g) There is established a Mississippi Recovery School
1139 District within the State Department of Education under the



1140 supervision of a deputy superintendent appointed by the State
1141 Superintendent of Public Education, who is subject to the approval
1142 by the State Board of Education. The Mississippi Recovery School
1143 District shall provide leadership and oversight of all school
1144 districts that are subject to district transformation status, as
1145 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1146 and shall have all the authority granted under these two (2)
1147 chapters. The Mississippi Department of Education, with the
1148 approval of the State Board of Education, shall develop policies
1149 for the operation and management of the Mississippi Recovery
1150 School District. The deputy state superintendent is responsible
1151 for the Mississippi Recovery School District and shall be
1152 authorized to oversee the administration of the Mississippi
1153 Recovery School District, oversee the interim superintendent
1154 assigned by the State Board of Education to a local school
1155 district, hear appeals that would normally be filed by students,
1156 parents or employees and heard by a local school board, which
1157 hearings on appeal shall be conducted in a prompt and timely
1158 manner in the school district from which the appeal originated in
1159 order to ensure the ability of appellants, other parties and
1160 witnesses to appeal without undue burden of travel costs or loss
1161 of time from work, and perform other related duties as assigned by
1162 the State Superintendent of Public Education. The deputy state
1163 superintendent is responsible for the Mississippi Recovery School
1164 District and shall determine, based on rigorous professional



1165 qualifications set by the State Board of Education, the
1166 appropriate individuals to be engaged to be interim
1167 superintendents and financial advisors, if applicable, of all
1168 school districts subject to district transformation status. After
1169 State Board of Education approval, these individuals shall be
1170 deemed independent contractors.

1171 (13) Upon the declaration of a state of emergency in a
1172 school district under subsection (12) of this section, the
1173 Commission on School Accreditation shall be responsible for public
1174 notice at least once a week for at least three (3) consecutive
1175 weeks in a newspaper published within the jurisdiction of the
1176 school district failing to meet accreditation standards, or if no
1177 newspaper is published therein, then in a newspaper having a
1178 general circulation therein. The size of the notice shall be no
1179 smaller than one-fourth (1/4) of a standard newspaper page and
1180 shall be printed in bold print. If an interim superintendent has
1181 been appointed for the school district, the notice shall begin as
1182 follows: "By authority of Section 37-17-6, Mississippi Code of
1183 1972, as amended, adopted by the Mississippi Legislature during
1184 the 1991 Regular Session, this school district (name of school
1185 district) is hereby placed under the jurisdiction of the State
1186 Department of Education acting through its appointed interim
1187 superintendent (name of interim superintendent)."

1188 The notice also shall include, in the discretion of the State
1189 Board of Education, any or all details relating to the school



1190 district's emergency status, including the declaration of a state
1191 of emergency in the school district and a description of the
1192 district's impairment deficiencies, conditions of any district
1193 transformation status and corrective actions recommended and being
1194 taken. Public notices issued under this section shall be subject
1195 to Section 13-3-31 and not contrary to other laws regarding
1196 newspaper publication.

1197 Upon termination of the state of emergency in a school
1198 district, the Commission on School Accreditation shall cause
1199 notice to be published in the school district in the same manner
1200 provided in this section, to include any or all details relating
1201 to the corrective action taken in the school district that
1202 resulted in the termination of the state of emergency.

1203 (14) The State Board of Education or the Commission on
1204 School Accreditation shall have the authority to require school
1205 districts to produce the necessary reports, correspondence,
1206 financial statements, and any other documents and information
1207 necessary to fulfill the requirements of this section.

1208 Nothing in this section shall be construed to grant any
1209 individual, corporation, board or interim superintendent the
1210 authority to levy taxes except in accordance with presently
1211 existing statutory provisions.

1212 (15) (a) Whenever the Governor declares a state of
1213 emergency in a school district in response to a request made under
1214 subsection (12) of this section, the State Board of Education, in



1215 its discretion, may assign an interim superintendent to the school
1216 district, or in its discretion, may contract with an appropriate
1217 private entity with experience in the academic, finance and other
1218 operational functions of schools and school districts, who will be
1219 responsible for the administration, management and operation of
1220 the school district, including, but not limited to, the following
1221 activities:

1222 (i) Approving or disapproving all financial
1223 obligations of the district, including, but not limited to, the
1224 employment, termination, nonrenewal and reassignment of all
1225 licensed and nonlicensed personnel, contractual agreements and
1226 purchase orders, and approving or disapproving all claim dockets
1227 and the issuance of checks; in approving or disapproving
1228 employment contracts of superintendents, assistant superintendents
1229 or principals, the interim superintendent shall not be required to
1230 comply with the time limitations prescribed in Sections 37-9-15
1231 and 37-9-105;

1232 (ii) Supervising the day-to-day activities of the
1233 district's staff, including reassigning the duties and
1234 responsibilities of personnel in a manner which, in the
1235 determination of the interim superintendent, will best suit the
1236 needs of the district;

1237 (iii) Reviewing the district's total financial
1238 obligations and operations and making recommendations to the



1239 district for cost savings, including, but not limited to,
1240 reassigning the duties and responsibilities of staff;

1241 (iv) Attending all meetings of the district's
1242 school board and administrative staff;

1243 (v) Approving or disapproving all athletic, band
1244 and other extracurricular activities and any matters related to
1245 those activities;

1246 (vi) Maintaining a detailed account of
1247 recommendations made to the district and actions taken in response
1248 to those recommendations;

1249 (vii) Reporting periodically to the State Board of
1250 Education on the progress or lack of progress being made in the
1251 district to improve the district's impairments during the state of
1252 emergency; and

1253 (viii) Appointing a parent advisory committee,
1254 comprised of parents of students in the school district that may
1255 make recommendations to the interim superintendent concerning the
1256 administration, management and operation of the school district.

1257 The cost of the salary of the interim superintendent and any
1258 other actual and necessary costs related to district
1259 transformation status paid by the State Department of Education
1260 shall be reimbursed by the local school district from funds other
1261 than adequate education program funds. The department shall
1262 submit an itemized statement to the superintendent of the local
1263 school district for reimbursement purposes, and any unpaid balance



1264 may be withheld from the district's adequate education program
1265 funds.

1266 At the time that the Governor, in accordance with the request
1267 of the State Board of Education, declares that the state of
1268 emergency no longer exists in a school district, the powers and
1269 responsibilities of the interim superintendent assigned to the
1270 district shall cease.

1271 (b) In order to provide loans to school districts under
1272 a state of emergency or in district transformation status that
1273 have impairments related to a lack of financial resources, the
1274 School District Emergency Assistance Fund is created as a special
1275 fund in the State Treasury into which monies may be transferred or
1276 appropriated by the Legislature from any available public
1277 education funds. Funds in the School District Emergency
1278 Assistance Fund up to a maximum balance of Three Million Dollars
1279 (\$3,000,000.00) annually shall not lapse but shall be available
1280 for expenditure in subsequent years subject to approval of the
1281 State Board of Education. Any amount in the fund in excess of
1282 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1283 year shall lapse into the State General Fund or the Education
1284 Enhancement Fund, depending on the source of the fund.

1285 The State Board of Education may loan monies from the School
1286 District Emergency Assistance Fund to a school district that is
1287 under a state of emergency or in district transformation status,
1288 in those amounts, as determined by the board, that are necessary



1289 to correct the district's impairments related to a lack of
1290 financial resources. The loans shall be evidenced by an agreement
1291 between the school district and the State Board of Education and
1292 shall be repayable in principal, without necessity of interest, to
1293 the School District Emergency Assistance Fund by the school
1294 district from any allowable funds that are available. The total
1295 amount loaned to the district shall be due and payable within five
1296 (5) years after the impairments related to a lack of financial
1297 resources are corrected. If a school district fails to make
1298 payments on the loan in accordance with the terms of the agreement
1299 between the district and the State Board of Education, the State
1300 Department of Education, in accordance with rules and regulations
1301 established by the State Board of Education, may withhold that
1302 district's adequate education program funds in an amount and
1303 manner that will effectuate repayment consistent with the terms of
1304 the agreement; the funds withheld by the department shall be
1305 deposited into the School District Emergency Assistance Fund.

1306 The State Board of Education shall develop a protocol that
1307 will outline the performance standards and requisite timeline
1308 deemed necessary for extreme emergency measures. If the State
1309 Board of Education determines that an extreme emergency exists,
1310 simultaneous with the powers exercised in this subsection, it
1311 shall take immediate action against all parties responsible for
1312 the affected school districts having been determined to be in an
1313 extreme emergency. The action shall include, but not be limited



1314 to, initiating civil actions to recover funds and criminal actions
1315 to account for criminal activity. Any funds recovered by the
1316 State Auditor or the State Board of Education from the surety
1317 bonds of school officials or from any civil action brought under
1318 this subsection shall be applied toward the repayment of any loan
1319 made to a school district hereunder.

1320 (16) If a majority of the membership of the school board of
1321 any school district resigns from office, the State Board of
1322 Education shall be authorized to assign an interim superintendent,
1323 who shall be responsible for the administration, management and
1324 operation of the school district until the time as new board
1325 members are selected or the Governor declares a state of emergency
1326 in that school district under subsection (12), whichever occurs
1327 first. In that case, the State Board of Education, acting through
1328 the interim superintendent, shall have all powers which were held
1329 by the previously existing school board, and may take any action
1330 as prescribed in Section 37-17-13 and/or one or more of the
1331 actions authorized in this section.

1332 (17) (a) If the Governor declares a state of emergency in a
1333 school district, the State Board of Education may take all such
1334 action pertaining to that school district as is authorized under
1335 subsection (12) or (15) of this section, including the appointment
1336 of an interim superintendent. The State Board of Education shall
1337 also have the authority to issue a written request with
1338 documentation to the Governor asking that the office of the



1339 superintendent of the school district be subject to recall. If
1340 the Governor declares that the office of the superintendent of the
1341 school district is subject to recall, the local school board or
1342 the county election commission, as the case may be, shall take the
1343 following action:

1344 (i) If the office of superintendent is an elected
1345 office, in those years in which there is no general election, the
1346 name shall be submitted by the State Board of Education to the
1347 county election commission, and the county election commission
1348 shall submit the question at a special election to the voters
1349 eligible to vote for the office of superintendent within the
1350 county, and the special election shall be held within sixty (60)
1351 days from notification by the State Board of Education. The
1352 ballot shall read substantially as follows:

1353 "Shall County Superintendent of Education _____ (here the
1354 name of the superintendent shall be inserted) of the _____
1355 (here the title of the school district shall be inserted) be
1356 retained in office? Yes _____ No _____"

1357 If a majority of those voting on the question votes against
1358 retaining the superintendent in office, a vacancy shall exist
1359 which shall be filled in the manner provided by law; otherwise,
1360 the superintendent shall remain in office for the term of that
1361 office, and at the expiration of the term shall be eligible for
1362 qualification and election to another term or terms.



1363 (ii) If the office of superintendent is an
1364 appointive office, the name of the superintendent shall be
1365 submitted by the president of the local school board at the next
1366 regular meeting of the school board for retention in office or
1367 dismissal from office. If a majority of the school board voting
1368 on the question vote against retaining the superintendent in
1369 office, a vacancy shall exist which shall be filled as provided by
1370 law, otherwise the superintendent shall remain in office for the
1371 duration of his employment contract.

1372 (b) The State Board of Education may issue a written
1373 request with documentation to the Governor asking that the
1374 membership of the school board of the school district shall be
1375 subject to recall. Whenever the Governor declares that the
1376 membership of the school board is subject to recall, the county
1377 election commission or the local governing authorities, as the
1378 case may be, shall take the following action:

1379 (i) If the members of the local school board are
1380 elected to office, in those years in which the specific member's
1381 office is not up for election, the name of the school board member
1382 shall be submitted by the State Board of Education to the county
1383 election commission, and the county election commission at a
1384 special election shall submit the question to the voters eligible
1385 to vote for the particular member's office within the county or
1386 school district, as the case may be, and the special election
1387 shall be held within sixty (60) days from notification by the



1388 State Board of Education. The ballot shall read substantially as
1389 follows:

1390 "Members of the _____ (here the title of the school
1391 district shall be inserted) School Board who are not up for
1392 election this year are subject to recall because of the school
1393 district's failure to meet critical accountability standards as
1394 defined in the letter of notification to the Governor from the
1395 State Board of Education. Shall the member of the school board
1396 representing this area, _____ (here the name of the school
1397 board member holding the office shall be inserted), be retained in
1398 office? Yes _____ No _____"

1399 If a majority of those voting on the question vote against
1400 retaining the member of the school board in office, a vacancy in
1401 that board member's office shall exist, which shall be filled in
1402 the manner provided by law; otherwise, the school board member
1403 shall remain in office for the term of that office, and at the
1404 expiration of the term of office, the member shall be eligible for
1405 qualification and election to another term or terms of office.
1406 However, if a majority of the school board members are recalled in
1407 the special election, the Governor shall authorize the board of
1408 supervisors of the county in which the school district is situated
1409 to appoint members to fill the offices of the members recalled.
1410 The board of supervisors shall make those appointments in the
1411 manner provided by law for filling vacancies on the school board,



1412 and the appointed members shall serve until the office is filled
1413 at the next regular special election or general election.

1414 (ii) If the local school board is an appointed
1415 school board, the name of all school board members shall be
1416 submitted as a collective board by the president of the municipal
1417 or county governing authority, as the case may be, at the next
1418 regular meeting of the governing authority for retention in office
1419 or dismissal from office. If a majority of the governing
1420 authority voting on the question vote against retaining the board
1421 in office, a vacancy shall exist in each school board member's
1422 office, which shall be filled as provided by law; otherwise, the
1423 members of the appointed school board shall remain in office for
1424 the duration of their term of appointment, and those members may
1425 be reappointed.

1426 (iii) If the local school board is comprised of
1427 both elected and appointed members, the elected members shall be
1428 subject to recall in the manner provided in subparagraph (i) of
1429 this paragraph (b), and the appointed members shall be subject to
1430 recall in the manner provided in subparagraph (ii).

1431 (18) * * * The State Board of Education, acting through the
1432 Commission on School Accreditation, shall require each school
1433 district to comply with standards established by the State
1434 Department of Audit for the verification of fixed assets and the
1435 auditing of fixed assets records as a minimum requirement for
1436 accreditation.



1437 (19) * * * The State Board of Education shall recommend a
1438 program to the Education Committees of the House of
1439 Representatives and the Senate for identifying and rewarding
1440 public schools that improve or are high performing. The program
1441 shall be described by the board in a written report, which shall
1442 include criteria and a process through which improving schools and
1443 high-performing schools will be identified and rewarded.

1444 The State Superintendent of Public Education and the State
1445 Board of Education also shall develop a comprehensive
1446 accountability plan to ensure that local school boards,
1447 superintendents, principals and teachers are held accountable for
1448 student achievement. * * *

1449 (20) * * * The State Board of Education shall evaluate and
1450 submit a recommendation to the Education Committees of the House
1451 of Representatives and the Senate on inclusion of graduation rate
1452 and dropout rate in the school level accountability system.

1453 (21) If a local school district is determined as failing and
1454 placed into district transformation status for reasons authorized
1455 by the provisions of this section, the interim superintendent
1456 appointed to the district shall, within forty-five (45) days after
1457 being appointed, present a detailed and structured corrective
1458 action plan to move the local school district out of district
1459 transformation status to the deputy superintendent. A copy of the
1460 interim superintendent's corrective action plan shall also be
1461 filed with the State Board of Education.



1462 **SECTION 13.** Section 37-18-1, Mississippi Code of 1972, is
1463 amended as follows:

1464 37-18-1. (1) The State Board of Education shall establish,
1465 design and implement a Superior-Performing Schools Program and an
1466 Exemplary Schools Program for identifying and rewarding public
1467 schools, including charter schools, that improve. The State Board
1468 of Education shall develop rules and regulations for the program,
1469 establish criteria and establish a process through which
1470 Superior-Performing and Exemplary Schools will be identified and
1471 rewarded. * * * Based upon the results of assessments
1472 administered under the statewide * * * assessment program,
1473 Superior-Performing, Exemplary or School At-Risk designation shall
1474 be made by the State Board of Education in accordance with the
1475 following:

1476 (a) A growth expectation will be established by testing
1477 students annually under the statewide assessment program and,
1478 using a psychometrically approved formula, by tracking their
1479 progress. This growth expectation will result in a composite
1480 score each year for each school.

1481 (b) A determination will be made as to the percentage
1482 of students proficient in each school. This measurement will
1483 define what a student must know in order to be deemed proficient
1484 at each grade level and will clearly show how well a student is
1485 performing. The definition of proficiency shall be developed for
1486 each grade, based on a demonstrated range of performance in



1487 relation to content as reflected in the Mississippi Curriculum
1488 Frameworks. This range of performance must be established through
1489 a formal procedure including educators, parents, community leaders
1490 and other stakeholders.

1491 (c) A school has the following two (2) methods for
1492 designation as either a Superior-Performing or an Exemplary
1493 School, to be determined on an annual basis:

1494 (i) A school exceeds its growth expectation by a
1495 percentage established by the State Board of Education; or

1496 (ii) A school achieves the grade level proficiency
1497 standard established by the State Board of Education.

1498 Any school designated as a School At-Risk which exceeds its
1499 growth expectation by a percentage established by the State Board
1500 of Education shall no longer be considered a School At-Risk and
1501 shall be eligible for monetary awards under this section.

1502 (2) Superior-Performing and Exemplary Schools may apply to
1503 the State Board of Education for monetary incentives to be used
1504 for selected school needs, as identified by a vote of all licensed
1505 and instructional personnel employed at the school. These
1506 incentive funds may be used for specific school needs, including,
1507 but not limited to:

1508 (a) Funding for professional development activities.
1509 Staff participating in such activities will report to the school
1510 and school district or, in the case of a charter school, the



1511 governing board of the school about the benefits and lessons
1512 learned from such training;

1513 (b) Technology needs;

1514 (c) Sabbaticals for teachers or administrators, or
1515 both, to pursue additional professional development or educational
1516 enrichment;

1517 (d) Paid professional leave;

1518 (e) Training for parents, including, but not limited
1519 to, the following:

1520 (i) Curriculum;

1521 (ii) Chapter 1;

1522 (iii) Special need students;

1523 (iv) Student rights and responsibility;

1524 (v) School and community relations;

1525 (vi) Effective parenting.

1526 All funds awarded under this subsection shall be subject to
1527 specific appropriation therefor by the Legislature.

1528 (3) The State Board of Education shall provide special
1529 recognition to all schools receiving Superior-Performing or
1530 Exemplary designation and, in the case of noncharter public
1531 schools, their school districts. Examples of such recognition
1532 include, but are not limited to: public announcements and events;
1533 special recognition of student progress and effort; certificates
1534 of recognition and plaques for teachers, principals,
1535 superintendents, support and classified personnel and parents; and



1536 media announcements utilizing the services of Mississippi
1537 Educational Television.

1538 (4) The State Department of Education may benefit from the
1539 use of growth expectation measurements under this section in
1540 making evaluations under Section 37-19-9.

1541 **SECTION 14.** Section 37-18-3, Mississippi Code of 1972, is
1542 amended as follows:

1543 37-18-3. (1) * * * The State Board of Education shall
1544 establish for those individual schools failing to meet
1545 accreditation standards established under this chapter for Schools
1546 At-Risk, a program of development to be complied with in order to
1547 receive state funds. The Legislature shall, subject to the
1548 availability of funds, annually appropriate adequate funds to
1549 implement the provisions of this chapter. The State Board of
1550 Education may, in its discretion, assess local school districts
1551 for the costs of implementing the provisions of this chapter.

1552 (2) Following a thorough analysis of school data each year,
1553 the State Department of Education shall identify those schools
1554 that are deficient in educating students and are in need of
1555 improvement. This analysis shall measure the individual school
1556 performance by determining if a school met its assigned yearly
1557 growth expectation and by determining what percentage of the
1558 students in the school are proficient. A school shall be
1559 identified as a School At-Risk and in need of assistance if the
1560 school:



1561 (a) Does not meet its growth expectation and has a
1562 percentage of students functioning below grade level, as
1563 designated by the State Board of Education;

1564 (b) Is designated as a * * * "F" school, or other
1565 future comparable performance designation by the State Board of
1566 Education; or

1567 (c) Is designated as a * * * "D" school, or other
1568 future comparable performance designation by the State Board of
1569 Education, for two (2) consecutive years.

1570 (3) Within fifteen (15) days after a School At-Risk has been
1571 identified, written notice shall be sent by the State Board of
1572 Education by certified mail to both the school principal and the
1573 local board of education. Within fifteen (15) days after
1574 notification the State Board of Education shall assign an
1575 evaluation team to the school, subject to the availability of
1576 funding. The evaluation team shall be independent of the school
1577 being evaluated and may include employees of the State Department
1578 of Education. The team may include retired educators who have met
1579 certain standards and have completed all necessary training.

1580 (4) An approved evaluation team shall have the following
1581 powers and duties:

1582 (a) The evaluation team may request any financial
1583 documentation that it deems necessary, and the School At-Risk,
1584 with the assistance and cooperation of the school district central



1585 office, shall submit such requested financial information to the
1586 evaluation team.

1587 (b) The evaluation team shall analyze the School
1588 At-Risk data to determine probable areas of weakness before
1589 conducting an on-site audit. The evaluation team shall proceed to
1590 conduct an on-site audit and shall prepare an evaluation report.
1591 If necessary, the evaluation team may request additional
1592 individuals in specialty areas to participate as team members in
1593 preparing the evaluation. After completing the evaluation of the
1594 School At-Risk, the team shall prepare and adopt its school
1595 evaluation report, which shall be submitted to the State
1596 Superintendent of Public Education for approval within ninety (90)
1597 calendar days. The school evaluation report shall identify any
1598 personnel who were found by the evaluation team to be in need of
1599 improvement and need to participate in a professional development
1600 plan. Evaluation instruments used to evaluate teachers,
1601 principals, superintendents or any other certified or classified
1602 personnel will be instruments which have been validated for such
1603 purposes.

1604 (5) Following the approval of the evaluation report by the
1605 State Superintendent of Public Education, a representative of the
1606 State Superintendent of Public Education and the evaluation team
1607 leader shall present the evaluation report to the principal of the
1608 School At-Risk and to the superintendent and school board members
1609 of the local school district. Following this presentation, the



1610 evaluation report shall be presented to the community served by
1611 the School At-Risk at an advertised public meeting.

1612 **SECTION 15.** Section 37-20-5, Mississippi Code of 1972, is
1613 amended as follows:

1614 37-20-5. The funds which may be appropriated annually for
1615 this chapter shall be based on a formula developed by the State
1616 Department of Education and allocated to each school district on
1617 the basis of (a) the number of students whose scores on the * * *
1618 statewide assessment program tests are at the twenty-fifth
1619 percentile or below, and (b) the number of students identified as
1620 failing any section of the Functional Literacy Exam (FLE).

1621 **SECTION 16.** Section 37-20-7, Mississippi Code of 1972, is
1622 amended as follows:

1623 37-20-7. (1) To be eligible to receive funds under this
1624 chapter a school district shall describe in writing its remedial
1625 education program. The description shall include all special
1626 remedial and compensatory instruction to be provided by the
1627 district from all fund sources. The district description shall
1628 include a description of the program to be conducted at each
1629 separate school or location in the district and shall include the
1630 estimated number of students to participate in the program; the
1631 estimated number of teachers, volunteers and others to be utilized
1632 in the program; and the estimated budget for each such program.

1633 (2) The programs provided by funds received under this
1634 chapter shall meet the following criteria:



1635 (a) Each participating student must be determined by
1636 the school district, on the basis of the * * * statewide
1637 assessment program tests, to need special educational assistance
1638 in order that the student's level of educational attainment in
1639 basic skills may be raised to that appropriate for children of the
1640 student's age.

1641 (b) The program must be based on performance objectives
1642 related to educational achievement in the basic skills and provide
1643 supplementary services designed to meet the special educational
1644 needs of each participating student.

1645 (c) The program must be evaluated in a manner
1646 consistent with the performance objectives and include a pretest
1647 and a post-test for each participating student. The evaluation
1648 may use local measures designed to measure the local instructional
1649 management plan.

1650 (d) The state and local funds expended in the program
1651 must be accounted for separately from all other funds expended by
1652 the district.

1653 (e) The program must establish a teacher support team
1654 in each building wherein the program is implemented to play a key
1655 role in determining the instructional services required by a
1656 child.

1657 **SECTION 17.** Section 37-28-45, Mississippi Code of 1972, is
1658 amended as follows:



1659 37-28-45. (1) Charter schools are subject to the same civil
1660 rights, health and safety requirements applicable to noncharter
1661 public schools in the state, except as otherwise specifically
1662 provided in this chapter.

1663 (2) Charter schools are subject to the student assessment
1664 and accountability requirements applicable to noncharter public
1665 schools in the state; however, this requirement does not preclude
1666 a charter school from establishing additional student assessment
1667 measures that go beyond state requirements if the authorizer
1668 approves those measures.

1669 (3) Although a charter school is geographically located
1670 within the boundaries of a particular school district and enrolls
1671 students who reside within the school district, the charter school
1672 may not be considered a school within that district under the
1673 purview of the school district's school board. The rules,
1674 regulations, policies and procedures established by the school
1675 board for the noncharter public schools that are in the school
1676 district in which the charter school is geographically located do
1677 not apply to the charter school unless otherwise required under
1678 the charter contract or any contract entered into between the
1679 charter school governing board and the local school board.

1680 (4) Whenever the provisions of Title 37, Mississippi Code of
1681 1972, relating to the elementary and secondary education of public
1682 school students establish a requirement for or grant authority to
1683 local school districts, their school boards and the schools within



1684 the respective school districts, the language "school districts,"
1685 "school boards," "boards of trustees," "the schools within a
1686 school district," or any other similar phraseology does not
1687 include a charter school and the governing board of a charter
1688 school unless the statute specifically is made applicable to
1689 charter schools as well as noncharter public schools.

1690 (5) A charter school is not subject to any rule, regulation,
1691 policy or procedure adopted by the State Board of Education or the
1692 State Department of Education unless otherwise required by the
1693 authorizer or in the charter contract.

1694 (6) Charter schools are not exempt from the following
1695 statutes:

1696 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1697 which relate to open meetings of public bodies.

1698 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1699 which relate to public access to public records.

1700 (c) Section 37-3-51, which requires notice by the
1701 district attorney of licensed school employees who are convicted
1702 of certain sex offenses.

1703 (d) Section 37-3-53, which requires publication of the
1704 Mississippi Report Card by the State Board of Education.

1705 (e) Section 37-11-18, which requires the automatic
1706 expulsion of a student possessing a weapon or controlled substance
1707 on educational property.



1708 (f) Section 37-11-18.1, which requires expulsion of
1709 certain habitually disruptive students.

1710 (g) Section 37-11-19, which requires suspension or
1711 expulsion of a student who damages school property.

1712 (h) Section 37-11-20, which prohibits acts of
1713 intimidation intended to keep a student from attending school.

1714 (i) Section 37-11-21, which prohibits parental abuse of
1715 school staff.

1716 (j) Section 37-11-23, which prohibits the willful
1717 disruption of school and school meetings.

1718 (k) Sections 37-11-29 and 37-11-31, which relate to
1719 reporting requirements regarding unlawful or violent acts on
1720 school property.

1721 (l) Section 37-11-67, which prohibits bullying or
1722 harassing behavior in public schools.

1723 (m) Section 37-13-3, which prohibits doctrinal,
1724 sectarian or denominational teaching in public schools.

1725 (n) Sections 37-13-5 and 37-13-6, which require the
1726 flags of the United States and the State of Mississippi to be
1727 displayed near the school building.

1728 (o) Section 37-13-63(1), which prescribes the minimum
1729 number of days which public schools must be kept in session during
1730 a scholastic year.

1731 (p) Section 37-13-91, which is the Mississippi
1732 Compulsory School Attendance Law.



1733 (q) Section 37-13-171(2) and (4), which requires any
1734 course containing sex-related education to include instruction in
1735 abstinence-only or abstinence-plus education.

1736 (r) Section 37-13-173, which requires notice to parents
1737 before instruction on human sexuality is provided in public
1738 classrooms.

1739 (s) Section 37-13-193, which relates to civil rights
1740 and human rights education in the public schools.

1741 (t) Sections 37-15-1 and 37-15-3, which relate to the
1742 maintenance and transfer of permanent student records in public
1743 schools.

1744 (u) Section 37-15-6, which requires the State
1745 Department of Education to maintain a record of expulsions from
1746 the public schools.

1747 (v) Section 37-15-9, which establishes minimum age
1748 requirements for kindergarten and first grade enrollment in public
1749 schools.

1750 (w) Section 37-15-11, which requires a parent, legal
1751 guardian or custodian to accompany a child seeking enrollment in a
1752 public school.

1753 (x) Sections 37-16-1, 37-16-2, 37-16-3, 37-16-4 and
1754 37-16-9, which relate to the statewide assessment testing program.

1755 (y) Section 37-18-1, which establishes the
1756 Superior-Performing Schools Program and Exemplary Schools Program
1757 to recognize public schools that improve.



1758 **SECTION 18.** This act shall take effect and be in force from
1759 and after July 1, 2018.

