

By: Representative Miles

To: Education

HOUSE BILL NO. 428

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE THE STATE DEPARTMENT OF EDUCATION, THROUGH THE COMMISSION
 3 ON SCHOOL ACCREDITATION, AND WITH THE APPROVAL OF THE STATE BOARD
 4 OF EDUCATION, TO GRANT A WAIVER OF ACCOUNTABILITY AND STATE
 5 ASSESSMENT REQUIREMENTS TO THOSE SCHOOL DISTRICTS WHOSE TOTAL
 6 STUDENT ENROLLMENT IS COMPRISED OF 25% OR MORE OF ENGLISH LANGUAGE
 7 LEARNERS, AS DEFINED BY FEDERAL LAW; TO REQUIRE THE COMMISSION TO
 8 WAIVE ACCOUNTABILITY REQUIREMENTS FOR ENGLISH LANGUAGE LEARNERS
 9 ENROLLED IN GRADES 9-12 ONLY WHEN DETERMINING THE DISTRICT'S
 10 ACCREDITATION LEVEL ON THE PERFORMANCE AND ACCOUNTABILITY RATING
 11 MODEL; TO AMEND SECTION 37-13-80, MISSISSIPPI CODE OF 1972, TO
 12 PROVIDE THAT SUCH SCHOOL DISTRICTS SHALL BE HELD HARMLESS WHEN
 13 CALCULATING GRADUATION RATES, DROPOUT RATES AND COMPLETION RATES
 14 FOR COHORT CLASSES IN GRADES 9-12 BEGINNING WITH THE 2018-2019
 15 SCHOLASTIC YEAR BY DISCOUNTING THE NUMBER OF ENGLISH LANGUAGE
 16 LEARNERS ENROLLED THEREIN FOR FOUR YEARS; TO AMEND SECTIONS
 17 37-3-46, 37-3-49, 37-3-53, 37-16-3, 37-16-5, 37-16-7, 37-18-7,
 18 37-20-5, 37-28-15, 37-28-29, 37-28-45, 37-177-11, 37-177-17 AND
 19 37-179-3, WHICH INCLUDE PROVISIONS RELATING TO ACCREDITATION,
 20 ACCOUNTABILITY AND PERFORMANCE ASSESSMENTS, GUIDELINES AND
 21 REQUIREMENTS, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
 22 RELATED PURPOSES.

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

24 **SECTION 1.** Section 37-17-6, Mississippi Code of 1972, is
 25 amended as follows:

26 37-17-6. (1) The State Board of Education, acting through
 27 the Commission on School Accreditation, shall establish and
 28 implement a permanent performance-based accreditation system, and



29 all noncharter public elementary and secondary schools shall be
30 accredited under this system.

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

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

40	Number of Students	Number of Certified
41	Per School Library	School Librarians
42	0 - 499 Students	1/2 Full-time Equivalent
43		Certified Librarian
44	500 or More Students	1 Full-time Certified
45		Librarian

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

48 (c) The assignment of certified school librarians to
49 the particular schools shall be at the discretion of the local
50 school district. No individual shall be employed as a certified
51 school librarian without appropriate training and certification as
52 a school librarian by the State Department of Education.



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

57 (e) Nothing in this subsection shall prohibit any
58 school district from employing more certified school librarians
59 than are provided for in this section.

60 (f) Any additional millage levied to fund school
61 librarians required for accreditation under this subsection shall
62 be included in the tax increase limitation set forth in Sections
63 37-57-105 and 37-57-107 and shall not be deemed a new program for
64 purposes of the limitation.

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

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

71 (b) Strong accountability for results with appropriate
72 local flexibility for local implementation;

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

75 (d) Individual schools shall be held accountable for
76 student growth and performance;



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

80 (f) A determination of which schools exceed their
81 standards and a plan for providing recognition and rewards to
82 those schools;

83 (g) A determination of which schools are failing to
84 meet their standards and a determination of the appropriate role
85 of the State Board of Education and the State Department of
86 Education in providing assistance and initiating possible
87 intervention. A failing district is a district that fails to meet
88 both the absolute student achievement standards and the rate of
89 annual growth expectation standards as set by the State Board of
90 Education for two (2) consecutive years. The State Board of
91 Education shall establish the level of benchmarks by which
92 absolute student achievement and growth expectations shall be
93 assessed. In setting the benchmarks for school districts, the
94 State Board of Education may also take into account such factors
95 as graduation rates, dropout rates, completion rates, the extent
96 to which the school or district employs qualified teachers in
97 every classroom, and any other factors deemed appropriate by the
98 State Board of Education. The State Board of Education, acting
99 through the State Department of Education, shall apply a simple
100 "A," "B," "C," "D" and "F" designation to the current school and
101 school district statewide accountability performance



102 classification labels beginning with the State Accountability
103 Results for the 2011-2012 school year and following, and in the
104 school, district and state report cards required under state and
105 federal law. Under the new designations, a school or school
106 district that has earned a "Star" rating shall be designated an
107 "A" school or school district; a school or school district that
108 has earned a "High-Performing" rating shall be designated a "B"
109 school or school district; a school or school district that has
110 earned a "Successful" rating shall be designated a "C" school or
111 school district; a school or school district that has earned an
112 "Academic Watch" rating shall be designated a "D" school or school
113 district; a school or school district that has earned a
114 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
115 be designated an "F" school or school district. Effective with
116 the implementation of any new curriculum and assessment standards,
117 the State Board of Education, acting through the State Department
118 of Education, is further authorized and directed to change the
119 school and school district accreditation rating system to a simple
120 "A," "B," "C," "D," and "F" designation based on a combination of
121 student achievement scores and student growth as measured by the
122 statewide testing programs developed by the State Board of
123 Education pursuant to Chapter 16, Title 37, Mississippi Code of
124 1972. In any statute or regulation containing the former
125 accreditation designations, the new designations shall be
126 applicable;



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

129 (i) The State Board of Education may, based on a
130 written request that contains specific reasons for requesting a
131 waiver from the school districts affected by Hurricane Katrina of
132 2005, hold harmless school districts from assignment of district
133 and school level accountability ratings for the 2005-2006 school
134 year. The State Board of Education upon finding an extreme
135 hardship in the school district may grant the request. It is the
136 intent of the Legislature that all school districts maintain the
137 highest possible academic standards and instructional programs in
138 all schools as required by law and the State Board of Education.

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

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

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

149 (iii) To have sixty percent (60%) of students
150 scoring proficient and advanced on the assessments of the Common



151 Core State Standards by 2016 with incremental increases of three
152 percent (3%) each year thereafter.

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

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

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

161 (ii) Individual student growth: the percent of
162 students making one (1) year's progress in one (1) year's time on
163 the state assessment, with an emphasis on the progress of the
164 lowest twenty-five percent (25%) of students in the school or
165 district;

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

169 (iv) Categories shall identify schools as Reward
170 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
171 at least five percent (5%) of schools in the state are not graded
172 as "F" schools, the lowest five percent (5%) of school grade point
173 designees will be identified as Priority schools. If at least ten
174 percent (10%) of schools in the state are not graded as "D"



175 schools, the lowest ten percent (10%) of school grade point
176 designees will be identified as Focus schools;

177 (v) The State Department of Education shall
178 discontinue the use of Star School, High-Performing, Successful,
179 Academic Watch, Low-Performing, At-Risk of Failing and Failing
180 school accountability designations;

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

187 (vii) The school and school district
188 accountability system shall incorporate a standards-based growth
189 model, in order to support improvement of individual student
190 learning;

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

193 (ix) The State Department of Education shall
194 determine feeder patterns of schools that do not earn a school
195 grade because the grades and subjects taught at the school do not
196 have statewide standardized assessments needed to calculate a
197 school grade. Upon determination of the feeder pattern, the
198 department shall notify schools and school districts prior to the
199 release of the school grades beginning in 2013. Feeder schools



200 will be assigned the accountability designation of the school to
201 which they provide students;

202 (x) Standards for student, school and school
203 district performance will be increased when student proficiency is
204 at a seventy-five percent (75%) and/or when sixty-five percent
205 (65%) of the schools and/or school districts are earning a grade
206 of "B" or higher, in order to raise the standard on performance
207 after targets are met.

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

211 (7) The State Board of Education shall create an
212 accreditation audit unit under the Commission on School
213 Accreditation to determine whether schools are complying with
214 accreditation standards.

215 (8) The State Board of Education shall be specifically
216 authorized and empowered to withhold adequate education program
217 fund allocations, whichever is applicable, to any public school
218 district for failure to timely report student, school personnel
219 and fiscal data necessary to meet state and/or federal
220 requirements.

221 (9) [Deleted]

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



225 state funds, except as otherwise provided in subsection (15) of
226 this section when the Governor has declared a state of emergency
227 in a school district or as otherwise provided in Section 206,
228 Mississippi Constitution of 1890. The state board, in
229 establishing these standards, shall provide for notice to schools
230 and sufficient time and aid to enable schools to attempt to meet
231 these standards, unless procedures under subsection (15) of this
232 section have been invoked.

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

236 (a) Develop an impairment report for each district
237 failing to meet accreditation standards in conjunction with school
238 district officials;

239 (b) Notify any applicable school district failing to
240 meet accreditation standards that it is on probation until
241 corrective actions are taken or until the deficiencies have been
242 removed. The local school district shall develop a corrective
243 action plan to improve its deficiencies. For district academic
244 deficiencies, the corrective action plan for each such school
245 district shall be based upon a complete analysis of the following:
246 student test data, student grades, student attendance reports,
247 student dropout data, existence and other relevant data. The
248 corrective action plan shall describe the specific measures to be
249 taken by the particular school district and school to improve:



250 (i) instruction; (ii) curriculum; (iii) professional development;
251 (iv) personnel and classroom organization; (v) student incentives
252 for performance; (vi) process deficiencies; and (vii) reporting to
253 the local school board, parents and the community. The corrective
254 action plan shall describe the specific individuals responsible
255 for implementing each component of the recommendation and how each
256 will be evaluated. All corrective action plans shall be provided
257 to the State Board of Education as may be required. The decision
258 of the State Board of Education establishing the probationary
259 period of time shall be final;

260 (c) Offer, during the probationary period, technical
261 assistance to the school district in making corrective actions.
262 Beginning July 1, 1998, subject to the availability of funds, the
263 State Department of Education shall provide technical and/or
264 financial assistance to all such school districts in order to
265 implement each measure identified in that district's corrective
266 action plan through professional development and on-site
267 assistance. Each such school district shall apply for and utilize
268 all available federal funding in order to support its corrective
269 action plan in addition to state funds made available under this
270 paragraph;

271 (d) Assign department personnel or contract, in its
272 discretion, with the institutions of higher learning or other
273 appropriate private entities with experience in the academic,



274 finance and other operational functions of schools to assist
275 school districts;

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

287 (12) (a) If the recommendations for corrective action are
288 not taken by the local school district or if the deficiencies are
289 not removed by the end of the probationary period, the Commission
290 on School Accreditation shall conduct a hearing to allow the
291 affected school district to present evidence or other reasons why
292 its accreditation should not be withdrawn. Additionally, if the
293 local school district violates accreditation standards that have
294 been determined by the policies and procedures of the State Board
295 of Education to be a basis for withdrawal of school district's
296 accreditation without a probationary period, the Commission on
297 School Accreditation shall conduct a hearing to allow the affected
298 school district to present evidence or other reasons why its



299 accreditation should not be withdrawn. After its consideration of
300 the results of the hearing, the Commission on School Accreditation
301 shall be authorized, with the approval of the State Board of
302 Education, to withdraw the accreditation of a public school
303 district, and issue a request to the Governor that a state of
304 emergency be declared in that district.

305 (b) If the State Board of Education and the Commission
306 on School Accreditation determine that an extreme emergency
307 situation exists in a school district that jeopardizes the safety,
308 security or educational interests of the children enrolled in the
309 schools in that district and that emergency situation is believed
310 to be related to a serious violation or violations of
311 accreditation standards or state or federal law, or when a school
312 district meets the State Board of Education's definition of a
313 failing school district for two (2) consecutive full school years,
314 or if more than fifty percent (50%) of the schools within the
315 school district are designated as Schools At-Risk in any one (1)
316 year, the State Board of Education may request the Governor to
317 declare a state of emergency in that school district. For
318 purposes of this paragraph, the declarations of a state of
319 emergency shall not be limited to those instances when a school
320 district's impairments are related to a lack of financial
321 resources, but also shall include serious failure to meet minimum
322 academic standards, as evidenced by a continued pattern of poor
323 student performance.



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

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

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

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

347 (iv) Grant transfers to students who attend this
348 school district so that they may attend other accredited schools



349 or districts in a manner that is not in violation of state or
350 federal law;

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

363 (vi) For states of emergency declared under
364 paragraph (b) only, reduce local supplements paid to school
365 district employees, including, but not limited to, instructional
366 personnel, assistant teachers and extracurricular activities
367 personnel, if the district's impairment is related to a lack of
368 financial resources, but only to an extent that will result in the
369 salaries being comparable to districts similarly situated, as
370 determined by the State Board of Education;

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



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

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

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



398 (i) Place the school district into district
399 transformation, in which the school district shall remain until it
400 has fulfilled all conditions related to district transformation.
401 If the district was assigned an accreditation rating of "D" or "F"
402 when placed into district transformation, the district shall be
403 eligible to return to local control when the school district has
404 attained a "C" rating or higher for five (5) consecutive years,
405 unless the State Board of Education determines that the district
406 is eligible to return to local control in less than the five-year
407 period;

408 (ii) Abolish the school district and
409 administratively consolidate the school district with one or more
410 existing school districts;

411 (iii) Reduce the size of the district and
412 administratively consolidate parts of the district, as determined
413 by the State Board of Education. However, no school district
414 which is not in district transformation shall be required to
415 accept additional territory over the objection of the district; or

416 (iv) Require the school district to develop and
417 implement a district improvement plan with prescriptive guidance
418 and support from the State Department of Education, with the goal
419 of helping the district improve student achievement. Failure of
420 the school board, superintendent and school district staff to
421 implement the plan with fidelity and participate in the activities



422 provided as support by the department shall result in the school
423 district retaining its eligibility for district transformation.

424 (g) There is established a Mississippi Recovery School
425 District within the State Department of Education under the
426 supervision of a deputy superintendent appointed by the State
427 Superintendent of Public Education, who is subject to the approval
428 by the State Board of Education. The Mississippi Recovery School
429 District shall provide leadership and oversight of all school
430 districts that are subject to district transformation status, as
431 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
432 and shall have all the authority granted under these two (2)
433 chapters. The Mississippi Department of Education, with the
434 approval of the State Board of Education, shall develop policies
435 for the operation and management of the Mississippi Recovery
436 School District. The deputy state superintendent is responsible
437 for the Mississippi Recovery School District and shall be
438 authorized to oversee the administration of the Mississippi
439 Recovery School District, oversee the interim superintendent
440 assigned by the State Board of Education to a local school
441 district, hear appeals that would normally be filed by students,
442 parents or employees and heard by a local school board, which
443 hearings on appeal shall be conducted in a prompt and timely
444 manner in the school district from which the appeal originated in
445 order to ensure the ability of appellants, other parties and
446 witnesses to appeal without undue burden of travel costs or loss



447 of time from work, and perform other related duties as assigned by
448 the State Superintendent of Public Education. The deputy state
449 superintendent is responsible for the Mississippi Recovery School
450 District and shall determine, based on rigorous professional
451 qualifications set by the State Board of Education, the
452 appropriate individuals to be engaged to be interim
453 superintendents and financial advisors, if applicable, of all
454 school districts subject to district transformation status. After
455 State Board of Education approval, these individuals shall be
456 deemed independent contractors.

457 (13) Upon the declaration of a state of emergency in a
458 school district under subsection (12) of this section, the
459 Commission on School Accreditation shall be responsible for public
460 notice at least once a week for at least three (3) consecutive
461 weeks in a newspaper published within the jurisdiction of the
462 school district failing to meet accreditation standards, or if no
463 newspaper is published therein, then in a newspaper having a
464 general circulation therein. The size of the notice shall be no
465 smaller than one-fourth (1/4) of a standard newspaper page and
466 shall be printed in bold print. If an interim superintendent has
467 been appointed for the school district, the notice shall begin as
468 follows: "By authority of Section 37-17-6, Mississippi Code of
469 1972, as amended, adopted by the Mississippi Legislature during
470 the 1991 Regular Session, this school district (name of school
471 district) is hereby placed under the jurisdiction of the State



472 Department of Education acting through its appointed interim
473 superintendent (name of interim superintendent)."

474 The notice also shall include, in the discretion of the State
475 Board of Education, any or all details relating to the school
476 district's emergency status, including the declaration of a state
477 of emergency in the school district and a description of the
478 district's impairment deficiencies, conditions of any district
479 transformation status and corrective actions recommended and being
480 taken. Public notices issued under this section shall be subject
481 to Section 13-3-31 and not contrary to other laws regarding
482 newspaper publication.

483 Upon termination of the state of emergency in a school
484 district, the Commission on School Accreditation shall cause
485 notice to be published in the school district in the same manner
486 provided in this section, to include any or all details relating
487 to the corrective action taken in the school district that
488 resulted in the termination of the state of emergency.

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

494 Nothing in this section shall be construed to grant any
495 individual, corporation, board or interim superintendent the



496 authority to levy taxes except in accordance with presently
497 existing statutory provisions.

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

508 (i) Approving or disapproving all financial
509 obligations of the district, including, but not limited to, the
510 employment, termination, nonrenewal and reassignment of all
511 licensed and nonlicensed personnel, contractual agreements and
512 purchase orders, and approving or disapproving all claim dockets
513 and the issuance of checks; in approving or disapproving
514 employment contracts of superintendents, assistant superintendents
515 or principals, the interim superintendent shall not be required to
516 comply with the time limitations prescribed in Sections 37-9-15
517 and 37-9-105;

518 (ii) Supervising the day-to-day activities of the
519 district's staff, including reassigning the duties and
520 responsibilities of personnel in a manner which, in the



521 determination of the interim superintendent, will best suit the
522 needs of the district;

523 (iii) Reviewing the district's total financial
524 obligations and operations and making recommendations to the
525 district for cost savings, including, but not limited to,
526 reassigning the duties and responsibilities of staff;

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

529 (v) Approving or disapproving all athletic, band
530 and other extracurricular activities and any matters related to
531 those activities;

532 (vi) Maintaining a detailed account of
533 recommendations made to the district and actions taken in response
534 to those recommendations;

535 (vii) Reporting periodically to the State Board of
536 Education on the progress or lack of progress being made in the
537 district to improve the district's impairments during the state of
538 emergency; and

539 (viii) Appointing a parent advisory committee,
540 comprised of parents of students in the school district that may
541 make recommendations to the interim superintendent concerning the
542 administration, management and operation of the school district.

543 The cost of the salary of the interim superintendent and any
544 other actual and necessary costs related to district
545 transformation status paid by the State Department of Education



546 shall be reimbursed by the local school district from funds other
547 than adequate education program funds. The department shall
548 submit an itemized statement to the superintendent of the local
549 school district for reimbursement purposes, and any unpaid balance
550 may be withheld from the district's adequate education program
551 funds.

552 At the time that the Governor, in accordance with the request
553 of the State Board of Education, declares that the state of
554 emergency no longer exists in a school district, the powers and
555 responsibilities of the interim superintendent assigned to the
556 district shall cease.

557 (b) In order to provide loans to school districts under
558 a state of emergency or in district transformation status that
559 have impairments related to a lack of financial resources, the
560 School District Emergency Assistance Fund is created as a special
561 fund in the State Treasury into which monies may be transferred or
562 appropriated by the Legislature from any available public
563 education funds. Funds in the School District Emergency
564 Assistance Fund up to a maximum balance of Three Million Dollars
565 (\$3,000,000.00) annually shall not lapse but shall be available
566 for expenditure in subsequent years subject to approval of the
567 State Board of Education. Any amount in the fund in excess of
568 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
569 year shall lapse into the State General Fund or the Education
570 Enhancement Fund, depending on the source of the fund.



571 The State Board of Education may loan monies from the School
572 District Emergency Assistance Fund to a school district that is
573 under a state of emergency or in district transformation status,
574 in those amounts, as determined by the board, that are necessary
575 to correct the district's impairments related to a lack of
576 financial resources. The loans shall be evidenced by an agreement
577 between the school district and the State Board of Education and
578 shall be repayable in principal, without necessity of interest, to
579 the School District Emergency Assistance Fund by the school
580 district from any allowable funds that are available. The total
581 amount loaned to the district shall be due and payable within five
582 (5) years after the impairments related to a lack of financial
583 resources are corrected. If a school district fails to make
584 payments on the loan in accordance with the terms of the agreement
585 between the district and the State Board of Education, the State
586 Department of Education, in accordance with rules and regulations
587 established by the State Board of Education, may withhold that
588 district's adequate education program funds in an amount and
589 manner that will effectuate repayment consistent with the terms of
590 the agreement; the funds withheld by the department shall be
591 deposited into the School District Emergency Assistance Fund.

592 The State Board of Education shall develop a protocol that
593 will outline the performance standards and requisite timeline
594 deemed necessary for extreme emergency measures. If the State
595 Board of Education determines that an extreme emergency exists,



596 simultaneous with the powers exercised in this subsection, it
597 shall take immediate action against all parties responsible for
598 the affected school districts having been determined to be in an
599 extreme emergency. The action shall include, but not be limited
600 to, initiating civil actions to recover funds and criminal actions
601 to account for criminal activity. Any funds recovered by the
602 State Auditor or the State Board of Education from the surety
603 bonds of school officials or from any civil action brought under
604 this subsection shall be applied toward the repayment of any loan
605 made to a school district hereunder.

606 (16) If a majority of the membership of the school board of
607 any school district resigns from office, the State Board of
608 Education shall be authorized to assign an interim superintendent,
609 who shall be responsible for the administration, management and
610 operation of the school district until the time as new board
611 members are selected or the Governor declares a state of emergency
612 in that school district under subsection (12), whichever occurs
613 first. In that case, the State Board of Education, acting through
614 the interim superintendent, shall have all powers which were held
615 by the previously existing school board, and may take any action
616 as prescribed in Section 37-17-13 and/or one or more of the
617 actions authorized in this section.

618 (17) (a) If the Governor declares a state of emergency in a
619 school district, the State Board of Education may take all such
620 action pertaining to that school district as is authorized under



621 subsection (12) or (15) of this section, including the appointment
622 of an interim superintendent. The State Board of Education shall
623 also have the authority to issue a written request with
624 documentation to the Governor asking that the office of the
625 superintendent of the school district be subject to recall. If
626 the Governor declares that the office of the superintendent of the
627 school district is subject to recall, the local school board or
628 the county election commission, as the case may be, shall take the
629 following action:

630 (i) If the office of superintendent is an elected
631 office, in those years in which there is no general election, the
632 name shall be submitted by the State Board of Education to the
633 county election commission, and the county election commission
634 shall submit the question at a special election to the voters
635 eligible to vote for the office of superintendent within the
636 county, and the special election shall be held within sixty (60)
637 days from notification by the State Board of Education. The
638 ballot shall read substantially as follows:

639 "Shall County Superintendent of Education _____ (here the
640 name of the superintendent shall be inserted) of the _____
641 (here the title of the school district shall be inserted) be
642 retained in office? Yes _____ No _____"

643 If a majority of those voting on the question votes against
644 retaining the superintendent in office, a vacancy shall exist
645 which shall be filled in the manner provided by law; otherwise,



646 the superintendent shall remain in office for the term of that
647 office, and at the expiration of the term shall be eligible for
648 qualification and election to another term or terms.

649 (ii) If the office of superintendent is an
650 appointive office, the name of the superintendent shall be
651 submitted by the president of the local school board at the next
652 regular meeting of the school board for retention in office or
653 dismissal from office. If a majority of the school board voting
654 on the question vote against retaining the superintendent in
655 office, a vacancy shall exist which shall be filled as provided by
656 law, otherwise the superintendent shall remain in office for the
657 duration of his employment contract.

658 (b) The State Board of Education may issue a written
659 request with documentation to the Governor asking that the
660 membership of the school board of the school district shall be
661 subject to recall. Whenever the Governor declares that the
662 membership of the school board is subject to recall, the county
663 election commission or the local governing authorities, as the
664 case may be, shall take the following action:

665 (i) If the members of the local school board are
666 elected to office, in those years in which the specific member's
667 office is not up for election, the name of the school board member
668 shall be submitted by the State Board of Education to the county
669 election commission, and the county election commission at a
670 special election shall submit the question to the voters eligible



671 to vote for the particular member's office within the county or
672 school district, as the case may be, and the special election
673 shall be held within sixty (60) days from notification by the
674 State Board of Education. The ballot shall read substantially as
675 follows:

676 "Members of the _____ (here the title of the school
677 district shall be inserted) School Board who are not up for
678 election this year are subject to recall because of the school
679 district's failure to meet critical accountability standards as
680 defined in the letter of notification to the Governor from the
681 State Board of Education. Shall the member of the school board
682 representing this area, _____ (here the name of the school
683 board member holding the office shall be inserted), be retained in
684 office? Yes _____ No _____"

685 If a majority of those voting on the question vote against
686 retaining the member of the school board in office, a vacancy in
687 that board member's office shall exist, which shall be filled in
688 the manner provided by law; otherwise, the school board member
689 shall remain in office for the term of that office, and at the
690 expiration of the term of office, the member shall be eligible for
691 qualification and election to another term or terms of office.
692 However, if a majority of the school board members are recalled in
693 the special election, the Governor shall authorize the board of
694 supervisors of the county in which the school district is situated
695 to appoint members to fill the offices of the members recalled.



696 The board of supervisors shall make those appointments in the
697 manner provided by law for filling vacancies on the school board,
698 and the appointed members shall serve until the office is filled
699 at the next regular special election or general election.

700 (ii) If the local school board is an appointed
701 school board, the name of all school board members shall be
702 submitted as a collective board by the president of the municipal
703 or county governing authority, as the case may be, at the next
704 regular meeting of the governing authority for retention in office
705 or dismissal from office. If a majority of the governing
706 authority voting on the question vote against retaining the board
707 in office, a vacancy shall exist in each school board member's
708 office, which shall be filled as provided by law; otherwise, the
709 members of the appointed school board shall remain in office for
710 the duration of their term of appointment, and those members may
711 be reappointed.

712 (iii) If the local school board is comprised of
713 both elected and appointed members, the elected members shall be
714 subject to recall in the manner provided in subparagraph (i) of
715 this paragraph (b), and the appointed members shall be subject to
716 recall in the manner provided in subparagraph (ii).

717 (18) Beginning with the school district audits conducted for
718 the 1997-1998 fiscal year, the State Board of Education, acting
719 through the Commission on School Accreditation, shall require each
720 school district to comply with standards established by the State



721 Department of Audit for the verification of fixed assets and the
722 auditing of fixed assets records as a minimum requirement for
723 accreditation.

724 (19) Before December 1, 1999, the State Board of Education
725 shall recommend a program to the Education Committees of the House
726 of Representatives and the Senate for identifying and rewarding
727 public schools that improve or are high performing. The program
728 shall be described by the board in a written report, which shall
729 include criteria and a process through which improving schools and
730 high-performing schools will be identified and rewarded.

731 The State Superintendent of Public Education and the State
732 Board of Education also shall develop a comprehensive
733 accountability plan to ensure that local school boards,
734 superintendents, principals and teachers are held accountable for
735 student achievement. A written report on the accountability plan
736 shall be submitted to the Education Committees of both houses of
737 the Legislature before December 1, 1999, with any necessary
738 legislative recommendations.

739 (20) Before January 1, 2008, the State Board of Education
740 shall evaluate and submit a recommendation to the Education
741 Committees of the House of Representatives and the Senate on
742 inclusion of graduation rate and dropout rate in the school level
743 accountability system.

744 (21) If a local school district is determined as failing and
745 placed into district transformation status for reasons authorized



746 by the provisions of this section, the interim superintendent
747 appointed to the district shall, within forty-five (45) days after
748 being appointed, present a detailed and structured corrective
749 action plan to move the local school district out of district
750 transformation status to the deputy superintendent. A copy of the
751 interim superintendent's corrective action plan shall also be
752 filed with the State Board of Education.

753 (22) For purposes of assigning accountability performance
754 classifications to school districts as prescribed using the
755 criteria specified in subsection (4)(g) of this section, the State
756 Department of Education, through the Commission on School
757 Accreditation, and with approval of the State Board of Education,
758 shall grant a waiver of accountability and state assessment
759 requirements to those school districts whose total student
760 enrollment is comprised of twenty-five percent (25%) or more of
761 English language learners, as defined by federal law. When
762 determining the district's accreditation level on the performance
763 and accountability rating model, the commission shall waive
764 accountability and state assessment requirements used to determine
765 student achievement and growth, graduation rates, dropout rates
766 and completion rates for English language learners enrolled in
767 Grades 9 through 12 only.

768 **SECTION 2.** Section 37-13-80, Mississippi Code of 1972, is
769 amended as follows:



770 37-13-80. (1) There is created the Office of Dropout
771 Prevention within the State Department of Education. The office
772 shall be responsible for the administration of a statewide dropout
773 prevention program.

774 (2) The State Superintendent of Public Education shall
775 appoint a director for the Office of Dropout Prevention, who shall
776 meet all qualifications established by the State Superintendent of
777 Public Education and the State Personnel Board. The director
778 shall be responsible for the proper administration of the Office
779 of Dropout Prevention and any other regulations or policies that
780 may be adopted by the State Board of Education. However, if for
781 any reason within the two-year period beginning July 1, 2014, a
782 new director for the Office of Dropout Prevention is employed by
783 the department, the employment of such individual shall not be
784 subject to the rules and regulations of the State Personnel Board,
785 except as otherwise provided in Section 25-9-127(4).

786 (3) Each school district shall implement a dropout
787 prevention program approved by the Office of Dropout Prevention of
788 the State Department of Education by the 2012-2013, and annually
789 thereafter, school year.

790 (4) Each local school district will be held responsible for
791 reducing and/or eliminating dropouts in the district. The local
792 school district will be responsible for the implementation of
793 dropout plans focusing on issues such as, but not limited to:



794 (a) Dropout Prevention initiatives that focus on the
795 needs of individual local education agencies;

796 (b) Establishing policies and procedures that meet the
797 needs of the districts;

798 (c) Focusing on the student-centered goals and
799 objectives that are measureable;

800 (d) Strong emphasis on reducing the retention rates in
801 grades kindergarten, first and second;

802 (e) Targeting subgroups that need additional assistance
803 to meet graduation requirements; and

804 (f) Dropout recovery initiatives that focus on students
805 age seventeen (17) through twenty-one (21), who dropped out of
806 school.

807 (5) The Office of Dropout Prevention may provide technical
808 assistance upon written request by the local school district. The
809 Office of Dropout Prevention will collaborate with program offices
810 within the Mississippi Department of Education to develop and
811 implement policies and initiatives to reduce the state's dropout
812 rate.

813 (6) Each school district's dropout prevention plan shall
814 address how students will transition to the home school district
815 from the juvenile detention centers.

816 (7) It is the intent of the Legislature that, through the
817 statewide dropout prevention program and the dropout prevention
818 programs implemented by each school district, the graduation rate



819 for cohort classes will be increased to not less than eighty-five
820 percent (85%) by the 2018-2019 school year. The Office of Dropout
821 Prevention shall establish graduation rate benchmarks for each
822 two-year period from the 2008-2009 school year through the
823 2018-2019 school year, which shall serve as guidelines for
824 increasing the graduation rate for cohort classes on a systematic
825 basis to eighty-five percent (85%) by the 2018-2019 school year.

826 (8) School districts with a total student enrollment
827 comprised of twenty-five percent (25%) or more of English language
828 learners, as defined by federal law, shall be held harmless when
829 calculating graduation rates, dropout rates and completion rates
830 for cohort classes in Grades 9 through 12 beginning with the
831 2018-2019 scholastic year by discounting the number of English
832 language learners enrolled therein for four (4) years.

833 **SECTION 3.** Section 37-3-46, Mississippi Code of 1972, is
834 amended as follows:

835 37-3-46. (1) The State Department of Education, in regard
836 to any school within a school district or any school district not
837 meeting adequate performance of accreditation standards, as
838 defined by the State Board of Education, with the exception of
839 school districts subject to Sections 37-17-6(22) and/or
840 37-13-80(8), shall, subject to appropriation:

841 (a) Provide to local school districts, or specific
842 schools within those districts, financial, training and other



843 assistance to implement and maintain a state program of
844 educational accountability and assessment of performance.

845 (b) Provide to local school districts, or specific
846 schools within those districts, technical assistance and training
847 in the development, implementation and administration of a
848 personnel appraisal and compensation system for all school
849 employees.

850 (c) Provide to local school districts, or specific
851 schools within those districts, technical assistance in the
852 development, implementation and administration of programs
853 designed to keep children in school voluntarily and to prevent
854 dropouts.

855 (2) Schools or school districts receiving assistance from
856 the State Department of Education as outlined in subsection (1) of
857 this section shall be required to implement any training,
858 programs, and any other requirements as specified by the State
859 Superintendent of Public Education.

860 **SECTION 4.** Section 37-3-49, Mississippi Code of 1972, is
861 amended as follows:

862 37-3-49. (1) The State Department of Education shall
863 provide an instructional program and establish guidelines and
864 procedures for managing such program in the public schools within
865 the school districts throughout the state as part of the State
866 Program of Educational Accountability and Assessment of
867 Performance as prescribed in Section 37-3-46. Public school



868 districts may (a) elect to adopt the instructional program and
869 management system provided by the State Department of Education,
870 or (b) elect to adopt an instructional program and management
871 system which meets or exceeds criteria established by the State
872 Department of Education for such. This provision shall begin with
873 the courses taught in Grades K-8 which contain skills tested
874 through the Mississippi Basic Skills Assessment Program and shall
875 proceed through all secondary school courses mandated for
876 graduation and all secondary school courses in the Mississippi
877 end-of-course testing program. Other state core objectives must
878 be included in the district's instructional program as they are
879 provided by the State Department of Education along with
880 instructional practices, resources, evaluation items and
881 management procedures. Districts are encouraged to adapt this
882 program and accompanying procedures to all other instructional
883 areas. The department shall provide that such program and
884 guidelines, or a program and guidelines developed by a local
885 school district which incorporates the core objectives from the
886 curriculum structure are enforced through the performance-based
887 accreditation system. It is the intent of the Legislature that
888 every effort be made to protect the instructional time in the
889 classroom and reduce the amount of paperwork which must be
890 completed by teachers. The State Department of Education shall
891 take steps to insure that school districts properly use staff



892 development time to work on the districts' instructional
893 management plans.

894 (2) The State Department of Education shall provide such
895 instructional program and management guidelines which shall
896 require for every public school district, with the exception of
897 school districts subject to Sections 37-17-6(22) and/or
898 37-13-80(8), that:

899 (a) All courses taught in Grades K-8 which contain
900 skills which are tested through the Mississippi Basic Skills
901 Assessment Program, all secondary school courses mandated for
902 graduation, and all courses in the end-of-course testing program
903 shall include the State Department of Education's written list of
904 learning objectives.

905 (b) The local school board must adopt the objectives
906 that will form the core curriculum which will be systematically
907 delivered throughout the district.

908 (c) The set of objectives provided by the State
909 Department of Education must be accompanied by suggested
910 instructional practices and resources that would help teachers
911 organize instruction so as to promote student learning of the
912 objectives. Objectives added by the school district must also be
913 accompanied by suggested instructional practices and resources
914 that would help teachers organize instruction. The instructional
915 practices and resources that are identified are to be used as
916 suggestions and not as requirements that teachers must follow.



917 The goal of the program is to have students to achieve the desired
918 objective and not to limit teachers in the way they teach.

919 (d) Standards for student performance must be
920 established for each core objective in the local program and those
921 standards establish the district's definition of mastery for each
922 objective.

923 (e) There shall be an annual review of student
924 performance in the instructional program against locally
925 established standards. When weaknesses exist in the local
926 instructional program, the district shall take action to improve
927 student performance.

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

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

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

940 **SECTION 5.** Section 37-3-53, Mississippi Code of 1972, is
941 amended as follows:



942 37-3-53. (1) (a) Each school year, the State Board of
943 Education, acting through the Office of Educational
944 Accountability, shall develop a public school reporting system, or
945 "Mississippi Report Card," on the performance of students and
946 public schools, including charter schools, at the local, district
947 and state level, with the exception of school districts subject to
948 Sections 37-17-6(22) and/or 37-13-80(8). In developing the report
949 card, the Office of Educational Accountability shall collect
950 school, district and state level student achievement data in the
951 appropriate grades as designated by the State Board of Education
952 in all core subjects, and compare the data with national standards
953 to identify students' strengths and weaknesses. The Mississippi
954 Report Card shall provide more than reports to parents on the
955 level at which their children are performing; the report shall
956 provide clear and comparable public information on the level at
957 which schools, school districts and the state public education
958 system are performing. The Office of Educational Accountability
959 shall encourage local school districts and the general public to
960 use Mississippi Report Card information along with local
961 individual student data to assess the quality of instructional
962 programs and the performance of schools and to plan and implement
963 programs of instructional improvement.

964 (b) Beginning with the 1998-1999 school year, the
965 Mississippi Report Card shall include information, as compiled by
966 the Office of Compulsory School Attendance Enforcement, which



967 demonstrates clearly the absenteeism and dropout rates in each
968 school district, charter school and the state as a whole and
969 whether those rates reflect a positive or negative change from the
970 same information as reported in the previous year's Mississippi
971 Report Card.

972 (c) Each local school district shall be required to
973 develop and publish an annual report as prescribed by the State
974 Board of Education. By November 1 of each year, as prescribed by
975 the State Board of Education, the report shall be published in a
976 newspaper having general circulation in the county and posted on
977 the school district's website in a printable format. The public
978 notice shall include information on the report's availability on
979 the district's website, with the website address, and the
980 location(s) in the school district where a copy of the report can
981 be obtained.

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

985 **SECTION 6.** Section 37-16-3, Mississippi Code of 1972, is
986 amended as follows:

987 37-16-3. (1) With the exception of school districts subject
988 to Sections 37-17-6(22) and/or 37-13-80(8), the State Department
989 of Education is directed to implement a program of statewide
990 assessment testing which shall provide for the improvement of the
991 operation and management of the public schools. The statewide



992 program shall be timed, as far as possible, so as not to conflict
993 with ongoing district assessment programs. As part of the
994 program, the department shall:

995 (a) Establish, with the approval of the State Board of
996 Education, minimum performance standards related to the goals for
997 education contained in the state's plan including, but not limited
998 to, basic skills in reading, writing and mathematics. The minimum
999 performance standards shall be approved by April 1 in each year
1000 they are established.

1001 (b) Conduct a uniform statewide testing program in
1002 grades deemed appropriate in the public schools, including charter
1003 schools. The program may test skill areas, basic skills and high
1004 school course content.

1005 (c) Monitor the results of the assessment program and,
1006 at any time the composite student performance of a school or basic
1007 program is found to be below the established minimum standards,
1008 notify the district superintendent or the governing board of the
1009 charter school, as the case may be, the school principal and the
1010 school advisory committee or other existing parent group of the
1011 situation within thirty (30) days of its determination. The
1012 department shall further provide technical assistance to a school
1013 district in the identification of the causes of this deficiency
1014 and shall recommend courses of action for its correction.

1015 (d) Provide technical assistance to the school
1016 districts, when requested, in the development of student



1017 performance standards in addition to the established minimum
1018 statewide standards.

1019 (e) Issue security procedure regulations providing for
1020 the security and integrity of the tests that are administered
1021 under the basic skills assessment program.

1022 (f) In case of an allegation of a testing irregularity
1023 that prompts a need for an investigation by the Department of
1024 Education, the department may, in its discretion, take complete
1025 control of the statewide test administration in a school district
1026 or any part thereof, including, but not limited to, obtaining
1027 control of the test booklets and answer documents. In the case of
1028 any verified testing irregularity that jeopardized the security
1029 and integrity of the test(s), validity or the accuracy of the test
1030 results, the cost of the investigation and any other actual and
1031 necessary costs related to the investigation paid by the
1032 Department of Education shall be reimbursed by the local school
1033 district from funds other than federal funds, Mississippi Adequate
1034 Education Program funds, or any other state funds within six (6)
1035 months from the date of notice by the department to the school
1036 district to make reimbursement to the department.

1037 (2) Uniform basic skills tests shall be completed by each
1038 student in the appropriate grade. These tests shall be
1039 administered in such a manner as to preserve the integrity and
1040 validity of the assessment. In the event of excused or unexcused
1041 student absences, make-up tests shall be given. The school



1042 superintendent of every school district in the state and the
1043 principal of each charter school shall annually certify to the
1044 State Department of Education that each student enrolled in the
1045 appropriate grade has completed the required basic skills
1046 assessment test for his or her grade in a valid test
1047 administration.

1048 (3) Within five (5) days of completing the administration of
1049 a statewide test, the principal of the school where the test was
1050 administered shall certify under oath to the State Department of
1051 Education that the statewide test was administered in strict
1052 accordance with the Requirements of the Mississippi Statewide
1053 Assessment System as adopted by the State Board of Education. The
1054 principal's sworn certification shall be set forth on a form
1055 developed and approved by the Department of Education. If,
1056 following the administration of a statewide test, the principal
1057 has reason to believe that the test was not administered in strict
1058 accordance with the Requirements of the Mississippi Statewide
1059 Assessment System as adopted by the State Board of Education, the
1060 principal shall submit a sworn certification to the Department of
1061 Education setting forth all information known or believed by the
1062 principal about all potential violations of the Requirements of
1063 the Mississippi Statewide Assessment System as adopted by the
1064 State Board of Education. The submission of false information or
1065 false certification to the Department of Education by any licensed
1066 educator may result in licensure disciplinary action pursuant to



1067 Section 37-3-2 and criminal prosecution pursuant to Section
1068 37-16-4.

1069 **SECTION 7.** Section 37-16-5, Mississippi Code of 1972, is
1070 amended as follows:

1071 37-16-5. The school board of every district in this state
1072 shall periodically assess student performance and achievement in
1073 each school, with the exception of school districts subject to
1074 Sections 37-17-6(22) and/or 37-13-80(8). Such assessment programs
1075 shall be based upon local goals and objectives which are
1076 compatible with the state's plan for education and which
1077 supplement the minimum performance standards approved by the State
1078 Board of Education. Data from district assessment programs shall
1079 be provided to the State Department of Education when such data is
1080 required in order to evaluate specific instructional programs or
1081 processes or when the data is needed for other research or
1082 evaluation projects. Each district may provide acceptable,
1083 compatible district assessment data to substitute for any
1084 assessment data needed at the state level when the State
1085 Department of Education certifies that such data is acceptable for
1086 the purposes of Section 37-16-3.

1087 **SECTION 8.** Section 37-16-7, Mississippi Code of 1972, is
1088 amended as follows:

1089 37-16-7. (1) With the exception of school districts subject
1090 to Sections 37-17-6(22) and/or 37-13-80(8), each district school



1091 board shall establish standards for graduation from its schools
1092 which shall include as a minimum:

1093 (a) Mastery of minimum academic skills as measured by
1094 assessments developed and administered by the State Board of
1095 Education.

1096 (b) Completion of a minimum number of academic credits,
1097 and all other applicable requirements prescribed by the district
1098 school board.

1099 (c) By school, information on high school graduation
1100 rates. High schools with graduation rates lower than eighty
1101 percent (80%) must submit a detailed plan to the Mississippi
1102 Department of Education to restructure the high school experience
1103 to improve graduation rates.

1104 (2) A student who meets all requirements prescribed in
1105 subsection (1) of this section shall be awarded a standard diploma
1106 in a form prescribed by the State Board of Education.

1107 (3) The State Board of Education may establish student
1108 proficiency standards for promotion to grade levels leading to
1109 graduation.

1110 **SECTION 9.** Section 37-18-7, Mississippi Code of 1972, is
1111 amended as follows:

1112 37-18-7. (1) As part of the school improvement plan for a
1113 School At-Risk, a professional development plan shall be prepared
1114 for those school administrators, teachers or other employees who
1115 are identified by the evaluation team as needing improvement. The



1116 State Department of Education shall assist the School At-Risk in
1117 identifying funds necessary to fully implement the school
1118 improvement plan.

1119 (2) In the event a school continues to be designated a
1120 School At-Risk after three (3) years of implementing a school
1121 improvement plan, or in the event that more than fifty percent
1122 (50%) of the schools within the school district are designated as
1123 Schools At-Risk in any one (1) year, the State Board of Education
1124 may request that the Governor declare a state of emergency in that
1125 school district. Upon the declaration of the state of emergency
1126 by the Governor, the State Board of Education may take all such
1127 action for dealing with school districts as is authorized under
1128 subsection (11) or (14) of Section 37-17-6, including the
1129 appointment of an interim superintendent, with the exception of
1130 school districts subject to Sections 37-17-6(22) and/or
1131 37-13-80(8).

1132 **SECTION 10.** Section 37-20-5, Mississippi Code of 1972, is
1133 amended as follows:

1134 37-20-5. The funds which may be appropriated annually for
1135 this chapter shall be based on a formula developed by the State
1136 Department of Education and allocated to each school district on
1137 the basis of (a) the number of students whose scores on the Basic
1138 Skills Assessment Program (BSAP) tests are at the twenty-fifth
1139 percentile or below, and (b) the number of students identified as
1140 failing any section of the Functional Literacy Exam (FLE), with



1141 the exception of school districts subject to Sections 37-17-6(22)
1142 and/or 37-13-80(8).

1143 **SECTION 11.** Section 37-28-15, Mississippi Code of 1972, is
1144 amended as follows:

1145 37-28-15. (1) To solicit, encourage and guide the
1146 development of quality charter school applications, the authorizer
1147 shall issue and publicize a request for proposals before September
1148 1 of each year; however, during 2013, the authorizer shall issue
1149 and publicize a request for proposals before December 1. The
1150 content and dissemination of the request for proposals must be
1151 consistent with the purposes and requirements of this chapter.

1152 (2) The authorizer annually shall establish and disseminate
1153 a statewide timeline for charter approval or denial decisions.

1154 (3) The authorizer's request for proposals must include the
1155 following:

1156 (a) A clear statement of any preferences the authorizer
1157 wishes to grant to applications intended to help underserved
1158 students;

1159 (b) A description of the performance framework that the
1160 authorizer has developed for charter school oversight and
1161 evaluation in accordance with Section 37-28-29;

1162 (c) The criteria that will guide the authorizer's
1163 decision to approve or deny a charter application; and

1164 (d) A clear statement of appropriately detailed
1165 questions, as well as guidelines, concerning the format and



1166 content essential for applicants to demonstrate the capacities
1167 necessary to establish and operate a successful charter school.

1168 (4) In addition to all other requirements, the request for
1169 proposals must require charter applications to provide or describe
1170 thoroughly all of the following mandatory elements of the proposed
1171 school plan:

1172 (a) An executive summary;

1173 (b) The mission and vision of the proposed charter
1174 school, including identification of the targeted student
1175 population and the community the school hopes to serve;

1176 (c) The location or geographic area proposed for the
1177 school;

1178 (d) The grades to be served each year for the full term
1179 of the charter contract;

1180 (e) Minimum, planned and maximum enrollment per grade
1181 per year for the term of the charter contract;

1182 (f) Evidence of need and community support for the
1183 proposed charter school;

1184 (g) Background information, including proof of United
1185 States citizenship, on the applicants, the proposed founding
1186 governing board members and, if identified, members of the
1187 proposed school leadership and management team. The background
1188 information must include annual student achievement data,
1189 disaggregated by subgroup, for every school under the current or
1190 prior management of each board member and leadership team member;



1191 (h) The school's proposed calendar, including the
1192 proposed opening and closing dates for the school term, and a
1193 sample daily schedule. The school must be kept in session no less
1194 than the minimum number of school days established for all public
1195 schools in Section 37-13-63;

1196 (i) A description of the school's academic program,
1197 aligned with state standards;

1198 (j) A description of the school's instructional design,
1199 including the type of learning environment (such as
1200 classroom-based or independent study), class size and structure,
1201 curriculum overview and teaching methods;

1202 (k) The school's plan for using internal and external
1203 assessments to measure and report student progress on the
1204 performance framework developed by the authorizer in accordance
1205 with Section 37-28-29;

1206 (l) The school's plan for identifying and successfully
1207 serving students with disabilities (including all of the school's
1208 proposed policies pursuant to the Individuals with Disabilities
1209 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
1210 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
1211 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
1212 Section 12101 et seq., and the school's procedures for securing
1213 and providing evaluations and related services pursuant to federal
1214 law), students who are English language learners as defined by
1215 federal law, students who are academically behind, and gifted



1216 students, including, but not limited to, compliance with any
1217 applicable laws and regulations;

1218 (m) A description of cocurricular or extracurricular
1219 programs and how those programs will be funded and delivered;

1220 (n) Plans and timelines for student recruitment and
1221 enrollment, including lottery policies and procedures that ensure
1222 that every student has an equal opportunity to be considered in
1223 the lottery and that the lottery is equitable, randomized,
1224 transparent and impartial so that students are accepted in a
1225 charter school without regard to disability, income level, race,
1226 religion or national origin;

1227 (o) The school's student discipline policies, including
1228 those for special education students;

1229 (p) An organizational chart that clearly presents the
1230 school's organizational structure, including lines of authority
1231 and reporting between the governing board, education service
1232 provider, staff, related bodies (such as advisory bodies or parent
1233 and teacher councils), and all other external organizations that
1234 will play a role in managing the school;

1235 (q) A clear description of the roles and
1236 responsibilities of the governing board, education service
1237 provider, school leadership team, management team and all other
1238 entities shown in the organizational chart;

1239 (r) A staffing chart for the school's first year, and a
1240 staffing plan for the term of the charter;



1241 (s) Plans for recruiting and developing school
1242 leadership and staff, which may not include utilization of
1243 nonimmigrant foreign worker visa programs;

1244 (t) The school's leadership and teacher employment
1245 policies, including performance evaluation plans;

1246 (u) Proposed governing bylaws;

1247 (v) Explanations of any partnerships or contractual
1248 relationships central to the school's operations or mission;

1249 (w) The school's plans for providing transportation,
1250 food service and all other significant operational or ancillary
1251 services;

1252 (x) Opportunities and expectations for parent
1253 involvement;

1254 (y) A detailed school start-up plan, identifying tasks,
1255 timelines and responsible individuals;

1256 (z) A description of the school's financial plans and
1257 policies, including financial controls and audit requirements;

1258 (aa) A description of the insurance coverage the school
1259 will obtain;

1260 (bb) Start-up and five-year budgets with clearly stated
1261 assumptions;

1262 (cc) Start-up and first-year cash flow projections with
1263 clearly stated assumptions;

1264 (dd) A disclosure of all sources of private funding and
1265 all funds from foreign sources, including gifts from foreign



1266 governments, foreign legal entities and domestic entities
1267 affiliated with either foreign governments or foreign legal
1268 entities. For the purposes of this paragraph, the term "foreign"
1269 means a country or jurisdiction outside of any state or territory
1270 of the United States;

1271 (ee) Evidence of anticipated fundraising contributions,
1272 if claimed in the application; and

1273 (ff) A sound facilities plan, including backup or
1274 contingency plans if appropriate.

1275 (5) In the case of an application to establish a charter
1276 school by converting an existing noncharter public school to
1277 charter school status, the request for proposals additionally
1278 shall require the applicant to demonstrate support for the
1279 proposed charter school conversion by a petition signed by a
1280 majority of teachers or a majority of parents of students in the
1281 existing noncharter public school, or by a majority vote of the
1282 local school board or, in the case of schools in districts under
1283 state conservatorship, by the State Board of Education.

1284 (6) In the case of a proposed charter school that intends to
1285 contract with an education service provider for substantial
1286 educational services, management services or both types of
1287 services, the request for proposals additionally shall require the
1288 applicant to:

1289 (a) Provide evidence of the education service
1290 provider's success in serving student populations similar to the



1291 targeted population, including demonstrated academic achievement
1292 as well as successful management of nonacademic school functions,
1293 if applicable;

1294 (b) Provide a term sheet setting forth: the proposed
1295 duration of the service contract; roles and responsibilities of
1296 the governing board, the school staff and the education service
1297 provider; the scope of services and resources to be provided by
1298 the education service provider; performance evaluation measures
1299 and timelines; the compensation structure, including clear
1300 identification of all fees to be paid to the education service
1301 provider; methods of contract oversight and enforcement;
1302 investment disclosure; and conditions for renewal and termination
1303 of the contract;

1304 (c) Disclose and explain any existing or potential
1305 conflicts of interest between the school governing board and
1306 proposed service provider or any affiliated business entities; and

1307 (d) Background information, including proof of United
1308 States citizenship, on the principal individuals affiliated with
1309 the education service provider.

1310 (7) In the case of a charter school proposal from an
1311 applicant that currently operates one or more schools in any state
1312 or nation, the request for proposals additionally shall require
1313 the applicant to provide evidence of past performance and current
1314 capacity for growth. The applicant shall be required to submit
1315 clear evidence that it has produced statistically significant



1316 gains in student achievement or consistently produced proficiency
1317 levels as measured on state achievement tests, with the exception
1318 of school districts subject to Sections 37-17-6(22) and/or
1319 37-13-80(8).

1320 **SECTION 12.** Section 37-28-29, Mississippi Code of 1972, is
1321 amended as follows:

1322 37-28-29. (1) The performance provisions within a charter
1323 contract must be based on a performance framework that clearly
1324 sets forth the academic and operational performance indicators,
1325 measures and metrics that will guide the authorizer's evaluations
1326 of the charter school, with the exception of school districts
1327 subject to Sections 37-17-6(22) and/or 37-13-80(8). The
1328 performance framework must include indicators, measures and
1329 metrics, at a minimum, for the following:

- 1330 (a) Student academic proficiency;
- 1331 (b) Student academic growth;
- 1332 (c) Achievement gaps in both proficiency and growth
1333 between major student subgroups;
- 1334 (d) Attendance;
- 1335 (e) Recurrent enrollment from year to year;
- 1336 (f) In-school and out-of-school suspension rates and
1337 expulsion rates;
- 1338 (g) For charter high schools, postsecondary readiness,
1339 including the percentage of graduates submitting applications to



1340 postsecondary institutions, high school completion, postsecondary
1341 admission and postsecondary enrollment or employment;

1342 (h) Financial performance and sustainability; and

1343 (i) Board performance and stewardship, including
1344 compliance with all applicable laws, regulations and terms of the
1345 charter contract.

1346 (2) The charter contract of each charter school serving
1347 Grades 9-12 must include a provision ensuring that graduation
1348 requirements meet or exceed those set by the Mississippi
1349 Department of Education for a regular high school diploma.
1350 Nothing in this section shall preclude competency-based
1351 satisfaction of graduation requirements.

1352 (3) Annual performance targets must be set by each charter
1353 school in conjunction with the authorizer and must be designed to
1354 help each school meet applicable federal, state and authorizer
1355 expectations.

1356 (4) The performance framework must allow the inclusion of
1357 additional rigorous, valid and reliable indicators proposed by a
1358 charter school to augment external evaluations of its performance;
1359 however, the authorizer must approve the quality and rigor of any
1360 indicators proposed by a charter school, which indicators must be
1361 consistent with the purposes of this chapter.

1362 (5) The performance framework must require the
1363 disaggregation of all student performance data by major student
1364 subgroups (gender, race, poverty status, special education status,



1365 English learner status, as defined by federal law, and gifted
1366 status).

1367 (6) The authorizer shall collect, analyze and report all
1368 data from state assessments in accordance with the performance
1369 framework for each charter school. Multiple schools overseen by a
1370 single governing board must report their performance as separate,
1371 individual schools, and each school must be held independently
1372 accountable for its performance.

1373 (7) Information needed by the authorizer from the charter
1374 school governing board for the authorizer's reports must be
1375 required and included as a material part of the charter contract.

1376 **SECTION 13.** Section 37-28-45, Mississippi Code of 1972, is
1377 amended as follows:

1378 37-28-45. (1) Charter schools are subject to the same civil
1379 rights, health and safety requirements applicable to noncharter
1380 public schools in the state, except as otherwise specifically
1381 provided in this chapter.

1382 (2) With the exception of school districts subject to
1383 Sections 37-17-6(22) and/or 37-13-80(8), charter schools are
1384 subject to the student assessment and accountability requirements
1385 applicable to noncharter public schools in the state; however,
1386 this requirement does not preclude a charter school from
1387 establishing additional student assessment measures that go beyond
1388 state requirements if the authorizer approves those measures.



1389 (3) Although a charter school is geographically located
1390 within the boundaries of a particular school district and enrolls
1391 students who reside within the school district, the charter school
1392 may not be considered a school within that district under the
1393 purview of the school district's school board. The rules,
1394 regulations, policies and procedures established by the school
1395 board for the noncharter public schools that are in the school
1396 district in which the charter school is geographically located do
1397 not apply to the charter school unless otherwise required under
1398 the charter contract or any contract entered into between the
1399 charter school governing board and the local school board.

1400 (4) Whenever the provisions of Title 37, Mississippi Code of
1401 1972, relating to the elementary and secondary education of public
1402 school students establish a requirement for or grant authority to
1403 local school districts, their school boards and the schools within
1404 the respective school districts, the language "school districts,"
1405 "school boards," "boards of trustees," "the schools within a
1406 school district," or any other similar phraseology does not
1407 include a charter school and the governing board of a charter
1408 school unless the statute specifically is made applicable to
1409 charter schools as well as noncharter public schools.

1410 (5) A charter school is not subject to any rule, regulation,
1411 policy or procedure adopted by the State Board of Education or the
1412 State Department of Education unless otherwise required by the
1413 authorizer or in the charter contract.



1414 (6) Charter schools are not exempt from the following
1415 statutes:

1416 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1417 which relate to open meetings of public bodies.

1418 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1419 which relate to public access to public records.

1420 (c) Section 37-3-51, which requires notice by the
1421 district attorney of licensed school employees who are convicted
1422 of certain sex offenses.

1423 (d) Section 37-3-53, which requires publication of the
1424 Mississippi Report Card by the State Board of Education.

1425 (e) Section 37-11-18, which requires the automatic
1426 expulsion of a student possessing a weapon or controlled substance
1427 on educational property.

1428 (f) Section 37-11-18.1, which requires expulsion of
1429 certain habitually disruptive students.

1430 (g) Section 37-11-19, which requires suspension or
1431 expulsion of a student who damages school property.

1432 (h) Section 37-11-20, which prohibits acts of
1433 intimidation intended to keep a student from attending school.

1434 (i) Section 37-11-21, which prohibits parental abuse of
1435 school staff.

1436 (j) Section 37-11-23, which prohibits the willful
1437 disruption of school and school meetings.



1438 (k) Sections 37-11-29 and 37-11-31, which relate to
1439 reporting requirements regarding unlawful or violent acts on
1440 school property.

1441 (l) Section 37-11-67, which prohibits bullying or
1442 harassing behavior in public schools.

1443 (m) Section 37-13-3, which prohibits doctrinal,
1444 sectarian or denominational teaching in public schools.

1445 (n) Sections 37-13-5 and 37-13-6, which require the
1446 flags of the United States and the State of Mississippi to be
1447 displayed near the school building.

1448 (o) Section 37-13-63(1), which prescribes the minimum
1449 number of days which public schools must be kept in session during
1450 a scholastic year.

1451 (p) Section 37-13-91, which is the Mississippi
1452 Compulsory School Attendance Law.

1453 (q) Section 37-13-171(2) and (4), which requires any
1454 course containing sex-related education to include instruction in
1455 abstinence-only or abstinence-plus education.

1456 (r) Section 37-13-173, which requires notice to parents
1457 before instruction on human sexuality is provided in public
1458 classrooms.

1459 (s) Section 37-13-193, which relates to civil rights
1460 and human rights education in the public schools.



1461 (t) Sections 37-15-1 and 37-15-3, which relate to the
1462 maintenance and transfer of permanent student records in public
1463 schools.

1464 (u) Section 37-15-6, which requires the State
1465 Department of Education to maintain a record of expulsions from
1466 the public schools.

1467 (v) Section 37-15-9, which establishes minimum age
1468 requirements for kindergarten and first grade enrollment in public
1469 schools.

1470 (w) Section 37-15-11, which requires a parent, legal
1471 guardian or custodian to accompany a child seeking enrollment in a
1472 public school.

1473 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1474 which relate to the statewide assessment testing program.

1475 (y) Section 37-18-1, which establishes the
1476 Superior-Performing Schools Program and Exemplary Schools Program
1477 to recognize public schools that improve.

1478 **SECTION 14.** Section 37-177-11, Mississippi Code of 1972, is
1479 amended as follows:

1480 37-177-11. (1) A Third-Grade student who does not meet the
1481 academic requirements for promotion to the Fourth Grade may be
1482 promoted by the school district only for good cause. Good cause
1483 exemptions for promotion are limited to the following students:



1484 (a) Limited English proficient students, as defined by
1485 federal law, who have had less than two (2) years of instruction
1486 in an English Language Learner program;

1487 (b) Students with disabilities whose individual
1488 education plan (IEP) indicates that participation in the statewide
1489 accountability assessment program is not appropriate, as
1490 authorized under state law;

1491 (c) Students with a disability who participate in the
1492 state annual accountability assessment and who have an IEP or a
1493 Section 504 plan that reflects that the individual student has
1494 received intensive remediation in reading for more than two (2)
1495 years but still demonstrates a deficiency in reading or previously
1496 was retained in Kindergarten or First, Second or Third Grade;

1497 (d) Students who demonstrate an acceptable level of
1498 reading proficiency on an alternative standardized assessment
1499 approved by the State Board of Education; and

1500 (e) Students who have received intensive intervention
1501 in reading for two (2) or more years but still demonstrate a
1502 deficiency in reading and who previously were retained in
1503 Kindergarten or First, Second or Third Grade for a total of two
1504 (2) years and have not met exceptional education criteria. A
1505 student who is promoted to Fourth Grade with a good cause
1506 exemption shall be provided an individual reading plan as
1507 described in Section 37-177-1(2), which outlines intensive reading
1508 instruction and intervention informed by specialized diagnostic



1509 information and delivered through specific reading strategies to
1510 meet the needs of each student so promoted. The school district
1511 shall assist schools and teachers in implementing reading
1512 strategies that research has shown to be successful in improving
1513 reading among students with persistent reading difficulties.

1514 (2) A request for good cause exemptions for a Third-Grade
1515 student from the academic requirements established for promotion
1516 to Fourth Grade must be made consistent with the following:

1517 (a) Documentation must be submitted from the student's
1518 teacher to the school principal which indicates that the promotion
1519 of the student is appropriate and is based upon the student's
1520 record. The documentation must consist of the good cause
1521 exemption being requested and must clearly prove that the student
1522 is covered by one (1) of the good cause exemptions listed in
1523 subsection (1) (a) through (e) of this section.

1524 (b) The principal shall review and discuss the
1525 recommendations with the teacher and parents and make a
1526 determination as to whether or not the student should be promoted
1527 based on requirements set forth in this chapter. If the principal
1528 determines that the student should be promoted, based on the
1529 documentation provided, the principal must make the recommendation
1530 in writing to the school district superintendent, who, in writing,
1531 may accept or reject the principal's recommendation. The parents
1532 of any student promoted may choose that the student be retained



1533 for one (1) year, even if the principal and district
1534 superintendent determines otherwise.

1535 **SECTION 15.** Section 37-177-17, Mississippi Code of 1972, is
1536 amended as follows:

1537 37-177-17. (1) With the exception of school districts
1538 subject to Sections 37-17-6(22) and/or 37-13-80(8), within thirty
1539 (30) days of final State Board of Education approval of state
1540 accountability results, the school board of each school district
1541 must publish, in a newspaper having a general circulation within
1542 the school district, and report to the State Board of Education
1543 and the Mississippi Reading Panel the following information
1544 relating to the preceding school year:

1545 (a) The provisions of this chapter relating to public
1546 school student progression and the school district's policies and
1547 procedures on student retention and promotion;

1548 (b) By grade, the number and percentage of all students
1549 performing at each level of competency on the reading and math
1550 portion of the annual state accountability system and the number
1551 and percentage of students given an approved alternative
1552 standardized reading assessment and the percentage of these
1553 students performing at each competency level on said alternative
1554 standardized assessment;

1555 (c) By grade, the number and percentage of all students
1556 retained in Kindergarten through Grade 8;



1557 (d) Information on the total number and percentage of
1558 students who were promoted for good cause, by each category of
1559 good cause described in Section 37-177-11; and

1560 (e) Any revisions to the school board's policy on
1561 student retention and promotion from the prior school year.

1562 (2) The State Department of Education shall establish a
1563 uniform format for school districts to report the information
1564 required in subsection (1) of this section. The format must be
1565 developed with input from school boards and must be provided no
1566 later than ninety (90) days before the annual due date of the
1567 information. The department shall compile annually the required
1568 district information, along with state-level summary information,
1569 and report the information to the Governor, Senate, House of
1570 Representatives and general public.

1571 **SECTION 16.** Section 37-179-3, Mississippi Code of 1972, is
1572 amended as follows:

1573 37-179-3. (1) A district which is an applicant to be
1574 designated as a district of innovation under Section 37-179-1,
1575 with the exception of school districts subject to Sections
1576 37-17-6(22) and/or 37-13-80(8), shall:

1577 (a) Establish goals and performance targets for the
1578 district of innovation proposal, which may include:

1579 (i) Reducing achievement gaps among groups of
1580 public school students by expanding learning experiences for
1581 students who are identified as academically low-achieving;



1582 (ii) Increasing pupil learning through the
1583 implementation of high, rigorous standards for pupil performance;
1584 (iii) Increasing the participation of students in
1585 various curriculum components and instructional components within
1586 selected schools to enhance at each grade level;
1587 (iv) Increasing the number of students who are
1588 college and career-ready;
1589 (v) Motivating students at different grade levels
1590 by offering more curriculum choices and student learning
1591 opportunities to parents and students within the district;
1592 (b) Identify changes needed in the district and schools
1593 to lead to better prepared students for success in life and work;
1594 (c) Have a districtwide plan of innovation that
1595 describes and justifies which schools and innovative practices
1596 will be incorporated;
1597 (d) Provide documentation of community, educator,
1598 parental, and the local board's support of the proposed
1599 innovations;
1600 (e) Provide detailed information regarding the
1601 rationale of requests for waivers from Title 37, Mississippi Code
1602 of 1972, which relate to the elementary and secondary education of
1603 public school students, and administrative regulations, and
1604 exemptions for selected schools regarding waivers of local school
1605 board policies;



1606 (f) Document the fiscal and human resources the board
1607 will provide throughout the term of the implementation of the
1608 innovations within its plan; and

1609 (g) Provide other materials as required by the
1610 department in compliance with the board's administrative
1611 regulations and application procedures.

1612 (2) The district and all schools participating in a
1613 district's innovation plan shall:

1614 (a) Ensure the same health, safety, civil rights, and
1615 disability rights requirements as are applied to all public
1616 schools;

1617 (b) Ensure students meet compulsory attendance
1618 requirements under Sections 37-13-91 and 37-13-92;

1619 (c) Ensure that high school course offerings meet or
1620 exceed the minimum required under Sections 37-16-7 and 37-3-49,
1621 for high school graduation or meet early graduation requirements
1622 that may be enacted by the Mississippi Legislature;

1623 (d) Ensure the student performance standards meet or
1624 exceed those adopted by the State Board of Education as required
1625 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
1626 with the statewide assessment system specified in Chapter 16,
1627 Title 37, Mississippi Code of 1972;

1628 (e) Adhere to the same financial audits, audit
1629 procedures, and audit requirements as are applied under Section
1630 7-7-211(e);



1631 (f) Require state and criminal background checks for
1632 staff and volunteers as required of all public school employees
1633 and volunteers within the public schools and specified in Section
1634 37-9-17;

1635 (g) Comply with open records and open meeting
1636 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

1637 (h) Comply with purchasing requirements and limitations
1638 under Chapter 39, Title 37, Mississippi Code of 1972;

1639 (i) Provide overall instructional time that is
1640 equivalent to or greater than that required under Sections 37-1-11
1641 and 37-13-67, but which may include on-site instruction, distance
1642 learning, online courses, and work-based learning on
1643 nontraditional school days or hours; and

1644 (j) Provide data to the department as deemed necessary
1645 to generate school and district reports.

1646 (3) (a) Only schools that choose to be designated as
1647 schools of innovation shall be included in a district's
1648 application;

1649 (b) As used in this paragraph, "eligible employees"
1650 means employees that are regularly employed at the school and
1651 those employees whose primary job duties will be affected by the
1652 plan; and

1653 (c) Notwithstanding the provisions of paragraph (a) of
1654 this subsection, a local school board may require a school that
1655 has been identified as a persistently low-achieving school under



1656 provisions of Section 37-17-6 to participate in the district's
1657 plan of innovation.

1658 (4) Notwithstanding any statutes to the contrary, the board
1659 may approve the requests of districts of innovation to:

1660 (a) Use capital outlay funds for operational costs;

1661 (b) Hire persons for classified positions in
1662 nontraditional school and district assignments who have bachelors
1663 and advanced degrees from postsecondary education institutions
1664 accredited by a regional accrediting association (Southern
1665 Association of Colleges and Schools) or by an organization
1666 affiliated with the National Commission on Accrediting;

1667 (c) Employ teachers on extended employment contracts or
1668 extra duty contracts and compensate them on a salary schedule
1669 other than the single salary schedule;

1670 (d) Extend the school days as is appropriate within the
1671 district with compensation for the employees as determined
1672 locally;

1673 (e) Establish alternative education programs and
1674 services that are delivered in nontraditional hours and which may
1675 be jointly provided in cooperation with another school district or
1676 consortia of districts;

1677 (f) Establish online classes within the district for
1678 delivering alternative classes in a blended environment to meet
1679 high school graduation requirements;

1680 (g) Use a flexible school calendar;



1681 (h) Convert existing schools into schools of

1682 innovation; and

1683 (i) Modify the formula under Section 37-151-7 for

1684 distributing support education funds for students in average daily

1685 attendance in nontraditional programming time, including

1686 alternative programs and virtual programs. Funds granted to a

1687 district shall not exceed those that would have otherwise been

1688 distributed based on average daily attendance during regular

1689 instructional days.

1690 **SECTION 17.** This act shall take effect and be in force from

1691 and after July 1, 2018.

