

By: Representatives Henley, Hopkins

To: Education

HOUSE BILL NO. 872

1 AN ACT TO PROHIBIT THE STATE BOARD OF EDUCATION AND THE STATE
2 DEPARTMENT OF EDUCATION FROM TAKING ANY FURTHER ACTION TO
3 IMPLEMENT THE COMMON CORE AND MISSISSIPPI COLLEGE AND CAREER
4 READINESS STANDARDS; TO REQUIRE THE STATE BOARD OF EDUCATION TO
5 ADHERE TO PRE-EXISTING PROCEDURES UNDER ITS APA TO REVIEW AND
6 REVISE OUR CURRICULUM STANDARDS AS APPLICABLE WITHIN OUR BOARD
7 POLICIES BEGINNING WITH MATHEMATICS AND ENGLISH IN 2018; TO
8 PROHIBIT THE STATE BOARD AND STATE DEPARTMENT OF EDUCATION FROM
9 EXPENDING CERTAIN FEDERAL FUNDS TO TRACK STUDENTS BEYOND THEIR
10 K-12 EDUCATION AND TO DISTRIBUTE CERTAIN STUDENT IDENTIFIABLE
11 INFORMATION; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972,
12 TO DELETE REFERENCES TO COMMON CORE AND TO DELETE THE REQUIREMENT
13 THAT THE STATE DEPARTMENT OF EDUCATION FORM A SINGLE
14 ACCOUNTABILITY SYSTEM BY COMBINING THE STATE SYSTEM WITH THE
15 FEDERAL SYSTEM; TO BRING FORWARD SECTION 37-177-5, MISSISSIPPI
16 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR
17 RELATED PURPOSES.

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

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

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



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

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

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

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

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

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



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

53 (4) Beginning in 2018, the K-12 standards for mathematics,
54 history, science and English must be reviewed pursuant to Title 7,
55 Education Administrative Code and Mississippi Board of Education
56 Policy 28.1 at least every five (5) to seven (7) years, with the
57 review for only one (1) subject being initiated in a given year.
58 Notwithstanding this paragraph, the standards for English Language
59 Arts must be reviewed this year and again after no more than five
60 (5) years, and the standards for math must be reviewed this year
61 and again after no more than five (5) years.

62 (5) The State Board of Education shall then present proposed
63 revisions to the standards at an open hearing before a joint
64 meeting composed of the House Education Committee and the Senate
65 Education Committee no later than January 31, 2019. The
66 Legislature shall approve or disapprove revisions in the
67 curriculum standards as it deems in the best interest of the state
68 and its citizens. The final decision regarding adopting revisions
69 to curriculum standards rests with the Legislature and must be
70 made before the Legislature adjourns sine die.

71 **SECTION 3.** (1) On and after July 1, 2018, neither the
72 board, the department nor any other education entity may:

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



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



201 (4) * * * The State Board of Education shall implement the
202 performance-based accreditation system for school districts and
203 for individual noncharter public schools which shall include the
204 following:

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

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

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

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

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

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

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



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



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

356 (9) [Deleted]

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

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

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



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

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

397 * * * Subject to the availability of funds, the State Department
398 of Education shall provide technical and/or financial assistance



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

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

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

421 (12) (a) If the recommendations for corrective action are
422 not taken by the local school district or if the deficiencies are
423 not removed by the end of the probationary period, the Commission



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

439 (b) If the State Board of Education and the Commission
440 on School Accreditation determine that an extreme emergency
441 situation exists in a school district that jeopardizes the safety,
442 security or educational interests of the children enrolled in the
443 schools in that district and that emergency situation is believed
444 to be related to a serious violation or violations of
445 accreditation standards or state or federal law, or when a school
446 district meets the State Board of Education's definition of a
447 failing school district for two (2) consecutive full school years,
448 or if more than fifty percent (50%) of the schools within the



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

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

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

471 (ii) Override any decision of the local school
472 board or superintendent of education, or both, concerning the
473 management and operation of the school district, or initiate and



474 make decisions concerning the management and operation of the
475 school district;

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

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

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

497 (vi) For states of emergency declared under
498 paragraph (b) only, reduce local supplements paid to school



499 district employees, including, but not limited to, instructional
500 personnel, assistant teachers and extracurricular activities
501 personnel, if the district's impairment is related to a lack of
502 financial resources, but only to an extent that will result in the
503 salaries being comparable to districts similarly situated, as
504 determined by the State Board of Education;

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

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

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



524 amount of the adequate education program allotment, including the
525 collective "add-on program" costs for the student's home school
526 district shall be transferred monthly to the school district
527 accredited by the Commission on School Accreditation that has
528 granted the transfer of the school-age child.

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

532 (i) Place the school district into district
533 transformation, in which the school district shall remain until it
534 has fulfilled all conditions related to district transformation.
535 If the district was assigned an accreditation rating of "D" or "F"
536 when placed into district transformation, the district shall be
537 eligible to return to local control when the school district has
538 attained a "C" rating or higher for five (5) consecutive years,
539 unless the State Board of Education determines that the district
540 is eligible to return to local control in less than the five-year
541 period;

542 (ii) Abolish the school district and
543 administratively consolidate the school district with one or more
544 existing school districts;

545 (iii) Reduce the size of the district and
546 administratively consolidate parts of the district, as determined
547 by the State Board of Education. However, no school district



548 which is not in district transformation shall be required to
549 accept additional territory over the objection of the district; or

550 (iv) Require the school district to develop and
551 implement a district improvement plan with prescriptive guidance
552 and support from the State Department of Education, with the goal
553 of helping the district improve student achievement. Failure of
554 the school board, superintendent and school district staff to
555 implement the plan with fidelity and participate in the activities
556 provided as support by the department shall result in the school
557 district retaining its eligibility for district transformation.

558 (g) There is established a Mississippi Recovery School
559 District within the State Department of Education under the
560 supervision of a deputy superintendent appointed by the State
561 Superintendent of Public Education, who is subject to the approval
562 by the State Board of Education. The Mississippi Recovery School
563 District shall provide leadership and oversight of all school
564 districts that are subject to district transformation status, as
565 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
566 and shall have all the authority granted under these two (2)
567 chapters. The Mississippi Department of Education, with the
568 approval of the State Board of Education, shall develop policies
569 for the operation and management of the Mississippi Recovery
570 School District. The deputy state superintendent is responsible
571 for the Mississippi Recovery School District and shall be
572 authorized to oversee the administration of the Mississippi



573 Recovery School District, oversee the interim superintendent
574 assigned by the State Board of Education to a local school
575 district, hear appeals that would normally be filed by students,
576 parents or employees and heard by a local school board, which
577 hearings on appeal shall be conducted in a prompt and timely
578 manner in the school district from which the appeal originated in
579 order to ensure the ability of appellants, other parties and
580 witnesses to appeal without undue burden of travel costs or loss
581 of time from work, and perform other related duties as assigned by
582 the State Superintendent of Public Education. The deputy state
583 superintendent is responsible for the Mississippi Recovery School
584 District and shall determine, based on rigorous professional
585 qualifications set by the State Board of Education, the
586 appropriate individuals to be engaged to be interim
587 superintendents and financial advisors, if applicable, of all
588 school districts subject to district transformation status. After
589 State Board of Education approval, these individuals shall be
590 deemed independent contractors.

591 (13) Upon the declaration of a state of emergency in a
592 school district under subsection (12) of this section, the
593 Commission on School Accreditation shall be responsible for public
594 notice at least once a week for at least three (3) consecutive
595 weeks in a newspaper published within the jurisdiction of the
596 school district failing to meet accreditation standards, or if no
597 newspaper is published therein, then in a newspaper having a



598 general circulation therein. The size of the notice shall be no
599 smaller than one-fourth (1/4) of a standard newspaper page and
600 shall be printed in bold print. If an interim superintendent has
601 been appointed for the school district, the notice shall begin as
602 follows: "By authority of Section 37-17-6, Mississippi Code of
603 1972, as amended, adopted by the Mississippi Legislature during
604 the 1991 Regular Session, this school district (name of school
605 district) is hereby placed under the jurisdiction of the State
606 Department of Education acting through its appointed interim
607 superintendent (name of interim superintendent)."

608 The notice also shall include, in the discretion of the State
609 Board of Education, any or all details relating to the school
610 district's emergency status, including the declaration of a state
611 of emergency in the school district and a description of the
612 district's impairment deficiencies, conditions of any district
613 transformation status and corrective actions recommended and being
614 taken. Public notices issued under this section shall be subject
615 to Section 13-3-31 and not contrary to other laws regarding
616 newspaper publication.

617 Upon termination of the state of emergency in a school
618 district, the Commission on School Accreditation shall cause
619 notice to be published in the school district in the same manner
620 provided in this section, to include any or all details relating
621 to the corrective action taken in the school district that
622 resulted in the termination of the state of emergency.



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

628 Nothing in this section shall be construed to grant any
629 individual, corporation, board or interim superintendent the
630 authority to levy taxes except in accordance with presently
631 existing statutory provisions.

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

642 (i) Approving or disapproving all financial
643 obligations of the district, including, but not limited to, the
644 employment, termination, nonrenewal and reassignment of all
645 licensed and nonlicensed personnel, contractual agreements and
646 purchase orders, and approving or disapproving all claim dockets
647 and the issuance of checks; in approving or disapproving



648 employment contracts of superintendents, assistant superintendents
649 or principals, the interim superintendent shall not be required to
650 comply with the time limitations prescribed in Sections 37-9-15
651 and 37-9-105;

652 (ii) Supervising the day-to-day activities of the
653 district's staff, including reassigning the duties and
654 responsibilities of personnel in a manner which, in the
655 determination of the interim superintendent, will best suit the
656 needs of the district;

657 (iii) Reviewing the district's total financial
658 obligations and operations and making recommendations to the
659 district for cost savings, including, but not limited to,
660 reassigning the duties and responsibilities of staff;

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

663 (v) Approving or disapproving all athletic, band
664 and other extracurricular activities and any matters related to
665 those activities;

666 (vi) Maintaining a detailed account of
667 recommendations made to the district and actions taken in response
668 to those recommendations;

669 (vii) Reporting periodically to the State Board of
670 Education on the progress or lack of progress being made in the
671 district to improve the district's impairments during the state of
672 emergency; and



673 (viii) Appointing a parent advisory committee,
674 comprised of parents of students in the school district that may
675 make recommendations to the interim superintendent concerning the
676 administration, management and operation of the school district.

677 The cost of the salary of the interim superintendent and any
678 other actual and necessary costs related to district
679 transformation status paid by the State Department of Education
680 shall be reimbursed by the local school district from funds other
681 than adequate education program funds. The department shall
682 submit an itemized statement to the superintendent of the local
683 school district for reimbursement purposes, and any unpaid balance
684 may be withheld from the district's adequate education program
685 funds.

686 At the time that the Governor, in accordance with the request
687 of the State Board of Education, declares that the state of
688 emergency no longer exists in a school district, the powers and
689 responsibilities of the interim superintendent assigned to the
690 district shall cease.

691 (b) In order to provide loans to school districts under
692 a state of emergency or in district transformation status that
693 have impairments related to a lack of financial resources, the
694 School District Emergency Assistance Fund is created as a special
695 fund in the State Treasury into which monies may be transferred or
696 appropriated by the Legislature from any available public
697 education funds. Funds in the School District Emergency



698 Assistance Fund up to a maximum balance of Three Million Dollars
699 (\$3,000,000.00) annually shall not lapse but shall be available
700 for expenditure in subsequent years subject to approval of the
701 State Board of Education. Any amount in the fund in excess of
702 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
703 year shall lapse into the State General Fund or the Education
704 Enhancement Fund, depending on the source of the fund.

705 The State Board of Education may loan monies from the School
706 District Emergency Assistance Fund to a school district that is
707 under a state of emergency or in district transformation status,
708 in those amounts, as determined by the board, that are necessary
709 to correct the district's impairments related to a lack of
710 financial resources. The loans shall be evidenced by an agreement
711 between the school district and the State Board of Education and
712 shall be repayable in principal, without necessity of interest, to
713 the School District Emergency Assistance Fund by the school
714 district from any allowable funds that are available. The total
715 amount loaned to the district shall be due and payable within five
716 (5) years after the impairments related to a lack of financial
717 resources are corrected. If a school district fails to make
718 payments on the loan in accordance with the terms of the agreement
719 between the district and the State Board of Education, the State
720 Department of Education, in accordance with rules and regulations
721 established by the State Board of Education, may withhold that
722 district's adequate education program funds in an amount and



723 manner that will effectuate repayment consistent with the terms of
724 the agreement; the funds withheld by the department shall be
725 deposited into the School District Emergency Assistance Fund.

726 The State Board of Education shall develop a protocol that
727 will outline the performance standards and requisite timeline
728 deemed necessary for extreme emergency measures. If the State
729 Board of Education determines that an extreme emergency exists,
730 simultaneous with the powers exercised in this subsection, it
731 shall take immediate action against all parties responsible for
732 the affected school districts having been determined to be in an
733 extreme emergency. The action shall include, but not be limited
734 to, initiating civil actions to recover funds and criminal actions
735 to account for criminal activity. Any funds recovered by the
736 State Auditor or the State Board of Education from the surety
737 bonds of school officials or from any civil action brought under
738 this subsection shall be applied toward the repayment of any loan
739 made to a school district hereunder.

740 (16) If a majority of the membership of the school board of
741 any school district resigns from office, the State Board of
742 Education shall be authorized to assign an interim superintendent,
743 who shall be responsible for the administration, management and
744 operation of the school district until the time as new board
745 members are selected or the Governor declares a state of emergency
746 in that school district under subsection (12), whichever occurs
747 first. In that case, the State Board of Education, acting through



748 the interim superintendent, shall have all powers which were held
749 by the previously existing school board, and may take any action
750 as prescribed in Section 37-17-13 and/or one or more of the
751 actions authorized in this section.

752 (17) (a) If the Governor declares a state of emergency in a
753 school district, the State Board of Education may take all such
754 action pertaining to that school district as is authorized under
755 subsection (12) or (15) of this section, including the appointment
756 of an interim superintendent. The State Board of Education shall
757 also have the authority to issue a written request with
758 documentation to the Governor asking that the office of the
759 superintendent of the school district be subject to recall. If
760 the Governor declares that the office of the superintendent of the
761 school district is subject to recall, the local school board or
762 the county election commission, as the case may be, shall take the
763 following action:

764 (i) If the office of superintendent is an elected
765 office, in those years in which there is no general election, the
766 name shall be submitted by the State Board of Education to the
767 county election commission, and the county election commission
768 shall submit the question at a special election to the voters
769 eligible to vote for the office of superintendent within the
770 county, and the special election shall be held within sixty (60)
771 days from notification by the State Board of Education. The
772 ballot shall read substantially as follows:



773 "Shall County Superintendent of Education _____ (here the
774 name of the superintendent shall be inserted) of the _____
775 (here the title of the school district shall be inserted) be
776 retained in office? Yes _____ No _____"

777 If a majority of those voting on the question votes against
778 retaining the superintendent in office, a vacancy shall exist
779 which shall be filled in the manner provided by law; otherwise,
780 the superintendent shall remain in office for the term of that
781 office, and at the expiration of the term shall be eligible for
782 qualification and election to another term or terms.

783 (ii) If the office of superintendent is an
784 appointive office, the name of the superintendent shall be
785 submitted by the president of the local school board at the next
786 regular meeting of the school board for retention in office or
787 dismissal from office. If a majority of the school board voting
788 on the question vote against retaining the superintendent in
789 office, a vacancy shall exist which shall be filled as provided by
790 law, otherwise the superintendent shall remain in office for the
791 duration of his employment contract.

792 (b) The State Board of Education may issue a written
793 request with documentation to the Governor asking that the
794 membership of the school board of the school district shall be
795 subject to recall. Whenever the Governor declares that the
796 membership of the school board is subject to recall, the county



797 election commission or the local governing authorities, as the
798 case may be, shall take the following action:

799 (i) If the members of the local school board are
800 elected to office, in those years in which the specific member's
801 office is not up for election, the name of the school board member
802 shall be submitted by the State Board of Education to the county
803 election commission, and the county election commission at a
804 special election shall submit the question to the voters eligible
805 to vote for the particular member's office within the county or
806 school district, as the case may be, and the special election
807 shall be held within sixty (60) days from notification by the
808 State Board of Education. The ballot shall read substantially as
809 follows:

810 "Members of the _____ (here the title of the school
811 district shall be inserted) School Board who are not up for
812 election this year are subject to recall because of the school
813 district's failure to meet critical accountability standards as
814 defined in the letter of notification to the Governor from the
815 State Board of Education. Shall the member of the school board
816 representing this area, _____ (here the name of the school
817 board member holding the office shall be inserted), be retained in
818 office? Yes _____ No _____"

819 If a majority of those voting on the question vote against
820 retaining the member of the school board in office, a vacancy in
821 that board member's office shall exist, which shall be filled in



822 the manner provided by law; otherwise, the school board member
823 shall remain in office for the term of that office, and at the
824 expiration of the term of office, the member shall be eligible for
825 qualification and election to another term or terms of office.
826 However, if a majority of the school board members are recalled in
827 the special election, the Governor shall authorize the board of
828 supervisors of the county in which the school district is situated
829 to appoint members to fill the offices of the members recalled.
830 The board of supervisors shall make those appointments in the
831 manner provided by law for filling vacancies on the school board,
832 and the appointed members shall serve until the office is filled
833 at the next regular special election or general election.

834 (ii) If the local school board is an appointed
835 school board, the name of all school board members shall be
836 submitted as a collective board by the president of the municipal
837 or county governing authority, as the case may be, at the next
838 regular meeting of the governing authority for retention in office
839 or dismissal from office. If a majority of the governing
840 authority voting on the question vote against retaining the board
841 in office, a vacancy shall exist in each school board member's
842 office, which shall be filled as provided by law; otherwise, the
843 members of the appointed school board shall remain in office for
844 the duration of their term of appointment, and those members may
845 be reappointed.



846 (iii) If the local school board is comprised of
847 both elected and appointed members, the elected members shall be
848 subject to recall in the manner provided in subparagraph (i) of
849 this paragraph (b), and the appointed members shall be subject to
850 recall in the manner provided in subparagraph (ii).

851 (18) * * * The State Board of Education, acting through the
852 Commission on School Accreditation, shall require each school
853 district to comply with standards established by the State
854 Department of Audit for the verification of fixed assets and the
855 auditing of fixed assets records as a minimum requirement for
856 accreditation.

857 (19) * * * The State Board of Education shall recommend a
858 program to the Education Committees of the House of
859 Representatives and the Senate for identifying and rewarding
860 public schools that improve or are high performing. The program
861 shall be described by the board in a written report, which shall
862 include criteria and a process through which improving schools and
863 high-performing schools will be identified and rewarded.

864 The State Superintendent of Public Education and the State
865 Board of Education also shall develop a comprehensive
866 accountability plan to ensure that local school boards,
867 superintendents, principals and teachers are held accountable for
868 student achievement. * * *

869 (20) * * * The State Board of Education shall evaluate and
870 submit a recommendation to the Education Committees of the House



871 of Representatives and the Senate on inclusion of graduation rate
872 and dropout rate in the school level accountability system.

873 (21) If a local school district is determined as failing and
874 placed into district transformation status for reasons authorized
875 by the provisions of this section, the interim superintendent
876 appointed to the district shall, within forty-five (45) days after
877 being appointed, present a detailed and structured corrective
878 action plan to move the local school district out of district
879 transformation status to the deputy superintendent. A copy of the
880 interim superintendent's corrective action plan shall also be
881 filed with the State Board of Education.

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

884 37-177-5. The State Department of Education shall establish
885 a Mississippi Reading Panel to collaborate with the State
886 Department of Education in recommending appropriate equitable
887 alternative standardized assessments and cut scores to be used to
888 determine promotion to the Fourth Grade of those Third-Grade
889 students who did not score at the required achievement level on
890 the state annual accountability assessment, as outlined in Section
891 37-177-9, or who, for unforeseen circumstances, were unable to
892 take the assessment. The panel should have knowledge and input in
893 the adoption or development of a universal screener for required
894 use only in select schools most in need for the reading
895 intervention program to identify reading deficiencies and



896 determine progress. A suggestive list of no less than four (4)
897 screening assessments should be available to schools not selected
898 for the critical reading intervention program taking into
899 consideration those screening assessments already being used
900 satisfactorily in Mississippi elementary schools. An approved
901 alternative standardized reading assessment may be used in years
902 when the state is transitioning to a new state annual
903 accountability assessment. The panel shall consist of six (6)
904 members as follows: the State Superintendent of Education, or
905 his/her designee, who will chair the committee; the Chair of the
906 House Education Committee, or his designee; the Chairman of the
907 Senate Education Committee, or his designee; one (1) member
908 appointed by the Governor; and two (2) additional members
909 appointed by the State Superintendent of Education.

910 **SECTION 6.** This act shall take effect and be in force from
911 and after July 1, 2018.

