MISSISSIPPI LEGISLATURE
REGULAR SESSION 2019

By: Representatives Bain, Carpenter, Criswell, Steverson, Hughes, Powell, Karriem

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 688

AN ACT TO AMEND SECTIONS 37-17-6, 37-179-1 AND 37-179-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ACKNOWLEDGE STUDENT PERFORMANCE IN SCHOOLS WITHIN DISTRICTS OF INNOVATION THAT ADMINISTER THE CAMBRIDGE ASSESSMENT OR OTHER NATIONALLY RECOGNIZED ASSESSMENT TO DETERMINE STUDENT PROFICIENCY FOR THE PURPOSE OF ASSIGNING SCHOOL AND DISTRICT ACCOUNTABILITY RATINGS; TO REQUIRE THE DEPARTMENT TO DEVELOP A PROCEDURE FOR THE ACCEPTANCE OF THE CAMBRIDGE ASSESSMENT OR OTHER NATIONALLY RECOGNIZED ASSESSMENTS USED BY SCHOOL WITHIN DISTRICTS OF INNOVATION IN LIEU OF THE MAAP ASSESSMENTS AND SUBJECT AREA TESTING PROGRAM; TO REQUIRE THE DEPARTMENT TO ASSIGN ACCOUNTABILITY DESIGNATIONS TO SCHOOLS WITHIN DISTRICTS OF INNOVATION BASED UPON STUDENT PERFORMANCE ON THE SELECTED NATIONALLY RECOGNIZED ASSESSMENT ADMINISTERED BY THE SCHOOL, IN COMPARISON TO THE STUDENT PERFORMANCE CUT SCORES USED FOR EACH ACCOUNTABILITY DESIGNATION ON THE STATEWIDE ASSESSMENT SYSTEM; AND FOR RELATED PURPOSES.

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

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

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all noncharter public elementary and secondary schools shall be accredited under this system.
(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

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

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Number of Certified Per School Library School Librarians</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 499 Students</td>
<td>1/2 Full-time Equivalent Certified Librarian</td>
</tr>
<tr>
<td>500 or More</td>
<td>1 Full-time Certified Librarian</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

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

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

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;
(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D," "E," "F," and "DOI" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards
required under state and federal law. Under the new designations,
a school or school district that has earned a "Star" rating shall
be designated an "A" school or school district; a school or school
district that has earned a "High-Performing" rating shall be
designated a "B" school or school district; a school or school
district that has earned a "Successful" rating shall be designated
a "C" school or school district; a school or school district that
has earned an "Academic Watch" rating shall be designated a "D"
school or school district; a school or school district that has
earned a "Low-Performing," "At-Risk of Failing" or "Failing"
rating shall be designated an "F" school or school district; and
effective beginning with the 2017-2018 academic year, a school or
school district that has been designated as a district of
innovation and using a curriculum other than the Mississippi
College and Career Readiness Standard, including, but not limited
to, the Cambridge Curriculum and Assessment or other nationally
recognized curriculum and assessment administered in lieu of the
statewide testing program shall be designated a "DOI" school or
district. Effective with the implementation of any new curriculum
and assessment standards or the acknowledgment of the Cambridge
Assessment or other nationally recognized assessment standards in
lieu of those implemented by the board, or until such time that
the department develops a comparable model or concordance scale
that provides an accurate cross-evaluation of curriculum standards
and assessment score reports that would provide an accountability
rating equivalent to that which would be assigned under the
Mississippi College and Career Readiness Standards and the MAAP
assessment for those districts of innovation, which use a board
approved alternative curriculum and assessment, including, but not
limited to the Cambridge Assessment, the State Board of Education,
acting through the State Department of Education, is further
authorized and directed to change the school and school district
accreditation rating system to a simple "A," "B," "C," "D," * * * and "F" and "DOI" designation based on a combination of
student achievement scores and student growth as measured by the
statewide testing programs developed by or other nationally
recognized assessment administered in lieu of the statewide
testing program, the State Board of Education pursuant to Chapter
16, Title 37, Mississippi Code of 1972. In any statute or
regulation containing the former accreditation designations, the
new designations shall be applicable;

(h) Development of a comprehensive student assessment
system to implement these requirements and a procedure for the
acceptance of the Cambridge Assessment or other nationally
recognized assessments used by school within districts of
innovation in lieu of the MAAP assessments and subject area
testing program; and

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

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

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

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

   (iii) To have sixty percent (60%) of students scoring proficient and advanced on the assessments of the Common Core State Standards or on the Cambridge curriculum or other nationally recognized assessment used by school within districts of innovation in lieu of the Mississippi Academic Assessment Program (MAAP) and the state subject area testing program by 2016 with incremental increases of three percent (3%) each year thereafter.
(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system.  

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

(i) Student Achievement: the percent of students proficient and advanced on the current state assessments or other nationally recognized assessments administered in lieu of the state assessments, including, but not limited to, the Cambridge Assessment;  

(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment or other nationally recognized assessment administered in lieu of the state assessments, including, but not limited to, the Cambridge Assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;  

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

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

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

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

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

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

(ix) The State Department of Education shall determine feeder patterns of schools that:

1. Do not earn a school grade because the grades and subjects taught at the school do not have statewide
standardized assessments needed to calculate a school grade * * *

; or

2. Have not previously earned a school grade because the school is within a district of innovation which determines student proficiency through the use of the Cambridge Assessment or other nationally recognized assessment administered in lieu of the state assessments.

Upon determination of the feeder pattern, the department shall notify schools and school districts prior to the release of the school grades beginning in 2013. Feeder schools will be assigned the accountability designation of the school to which they provide students. However, if the feeder school is within a district of innovation the department shall assign the school an accountability designation based upon student performance on the selected nationally recognized assessment administered by the school, in comparison to the student performance cut scores used for each accountability designation on the statewide assessment system;

(x) Standards for student, school and school district performance will be increased when student proficiency is at a seventy-five percent (75%) and/or when sixty-five percent (65%) of the schools and/or school districts are earning a grade of "B" or higher, in order to raise the standard on performance after targets are met.
(6) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

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

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

(9) [Deleted]

(10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (15) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (15) of this section have been invoked.
Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

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

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

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

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

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

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

(12) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

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

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

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

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

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

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

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

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

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

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

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to
a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b).

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

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

(i) Place the school district into district transformation, in which the school district shall remain until it has fulfilled all conditions related to district transformation. If the district was assigned an accreditation rating of "D" or "F" when placed into district transformation, the district shall be eligible to return to local control when the school district has attained a "C" rating or higher for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period;
(ii) Abolish the school district and administratively consolidate the school district with one or more existing school districts;

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

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

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to district transformation status, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2)
chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee the interim superintendent assigned by the State Board of Education to a local school district, hear appeals that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be interim superintendents and financial advisors, if applicable, of all school districts subject to district transformation status. After State Board of Education approval, these individuals shall be deemed independent contractors.
(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

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

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

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

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

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

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

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

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

(iv) Attending all meetings of the district's school board and administrative staff;
(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

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

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

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

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

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

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

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

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

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

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

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

"Shall County Superintendent of Education ________ (here the name of the superintendent shall be inserted) of the ____________ (here the title of the school district shall be inserted) be retained in office? Yes _______ No _______

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

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

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

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

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

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

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

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

(18) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

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

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

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

(21) If a local school district is determined as failing and placed into district transformation status for reasons authorized by the provisions of this section, the interim superintendent appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of district transformation status to the deputy superintendent. A copy of the interim superintendent's corrective action plan shall also be filed with the State Board of Education.
SECTION 2. Section 37-179-1, Mississippi Code of 1972, is amended as follows:

37-179-1. (1) For purposes of this chapter, the following terms shall have the meaning ascribed herein, unless the context clearly indicates otherwise:

(a) "District of innovation" means a district that has developed a plan of innovation in compliance with this section and has been approved by the State Board of Education to be exempted from certain administrative regulations and statutory provisions to improve the educational performance of students within the district;

(b) "Innovation" means a new or creative alternative to existing instructional and administrative practices intended to improve student learning and student performance of all students;

(c) "School of innovation" means a school that voluntarily participates in a district of innovation plan to improve instruction, including waivers and exemptions from local school board policies, selected provisions of rules and regulations promulgated by the State Board of Education, and selected sections of the Mississippi Code of 1972, as permitted under this section and Section **2 of this act 37-179-3;

(d) "Board" means the State Board of Education;

(e) "Department" means the State Department of Education.
(2) The State Board of Education is authorized to approve districts of innovation for the purposes of improving students' educational performance. Districts of innovation shall be provided flexibility from selected board regulations, Title 37, Mississippi Code of 1972, and local school board policies for school administrators, teachers and staff to meet the diverse needs of students. The initial approval of a district of innovation shall be for a five-year period. Each renewal of a district of innovation shall not exceed five (5) years and shall comply with administrative regulations promulgated by the board pursuant to subsection (4) of this section.

(3) The board shall promulgate administrative rules and regulations to prescribe the conditions and procedures to be used by a local school board to be approved as a district of innovation and shall publish the same on or before December 31, 2015.

(4) Administrative rules and regulations promulgated by the board under subsection (3) of this section shall specify:

(a) The regulatory areas which may be exempted or modified if approved by the board, except as provided in Section 37-179-3(2), and in addition to those areas identified in Section 37-179-3(3);

(b) The application, plan review, approval and amendment process for a district;
(c) Timelines for initial approval as a district of innovation, the renewal process and ongoing evaluative procedures required of the district;

(d) Acceptable documentation of a critical mass of parental, community, educator and business support and capacity to effect a change;

(e) Evidence of teacher collaboration and shared leadership within the district and the schools to be designated as schools of innovation;

(f) The process of revocation of the designation of district of innovation or school of innovation;

(g) Reporting and oversight responsibilities of the district and the State Department of Education;

(h) The financial detail relating to budgets of schools and evidence of sound fiscal management practices;

(i) Acceptable areas of emphasis for innovation;

(j) Acceptable documentation of job-embedded professional development within the proposed innovation design; and

(k) Other components deemed necessary to implement this section and Section 37-179-3; and

(l) Acceptable performance to demonstrate proficiency on the Cambridge Assessment or other nationally recognized assessments administered in lieu of the state assessments under
the Mississippi Academic Assessment Program (MAAP) or the state subject area testing program.

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

37-179-3. (1) A district which is an applicant to be designated as a district of innovation under Section 37-179-1 shall:

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

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

(ii) Increasing pupil learning through the implementation of high, rigorous standards for pupil performance;

(iii) Increasing the participation of students in various curriculum components and instructional components within selected schools to enhance at each grade level;

(iv) Increasing the number of students who are college and career-ready;

(v) Motivating students at different grade levels by offering more curriculum choices and student learning opportunities to parents and students within the district;

(b) Identify changes needed in the district and schools to lead to better prepared students for success in life and work;
(c) Have a districtwide plan of innovation that describes and justifies which schools and innovative practices will be incorporated;
(d) Provide documentation of community, educator, parental, and the local board's support of the proposed innovations;
(e) Provide detailed information regarding the rationale of requests for waivers from Title 37, Mississippi Code of 1972, which relate to the elementary and secondary education of public school students, and administrative regulations, and exemptions for selected schools regarding waivers of local school board policies;
(f) Document the fiscal and human resources the board will provide throughout the term of the implementation of the innovations within its plan; and
(g) Provide other materials as required by the department in compliance with the board's administrative regulations and application procedures.

(2) The district and all schools participating in a district's innovation plan shall:
(a) Ensure the same health, safety, civil rights, and disability rights requirements as are applied to all public schools;
(b) Ensure students meet compulsory attendance requirements under Sections 37-13-91 and 37-13-92;
(c) Ensure that high school course offerings meet or exceed the minimum required under Sections 37-16-7 and 37-3-49, for high school graduation or meet early graduation requirements that may be enacted by the Mississippi Legislature;

(d) Ensure the student performance standards meet or exceed those adopted by the State Board of Education as required by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance with the statewide assessment system specified in Chapter 16, Title 37, Mississippi Code of 1972, or other nationally recognized assessments administered by districts of innovation in lieu of those assessments administered under the statewide assessment system, including, but not limited to, the Cambridge Assessment, which such assessments shall be used when determining school and district accountability ratings under Section 37-17-6;

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

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

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

(h) Comply with purchasing requirements and limitations under Chapter 39, Title 37, Mississippi Code of 1972;
(i) Provide overall instructional time that is equivalent to or greater than that required under Sections 37-1-11 and 37-13-67, but which may include on-site instruction, distance learning, online courses, and work-based learning on nontraditional school days or hours; and

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

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

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

(c) Notwithstanding the provisions of paragraph (a) of this subsection, a local school board may require a school that has been identified as a persistently low-achieving school under provisions of Section 37-17-6 to participate in the district’s plan of innovation.

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

(a) Use capital outlay funds for operational costs;

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

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

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

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

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

(g) Use a flexible school calendar;

(h) Convert existing schools into schools of innovation; * * *—and

(i) Modify the formula under Section 37-151-7 for distributing support education funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district shall not exceed those that would have otherwise been
distributed based on average daily attendance during regular instructional days * * *; and

(j) Develop a modified accountability model, consistent with the Every Student Succeeds Act, which substitutes other nationally recognized assessments administered by districts of innovation, including, but not limited to, the Cambridge Assessment, in lieu of those assessments administered under the statewide assessment system.

SECTION 4. This act shall take effect and be in force from and after its passage.