

By: Representatives Bain, Carpenter,
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To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 688

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

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

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

21 37-17-6. (1) The State Board of Education, acting through
22 the Commission on School Accreditation, shall establish and
23 implement a permanent performance-based accreditation system, and
24 all noncharter public elementary and secondary schools shall be
25 accredited under this system.



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

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

35	Number of Students	Number of Certified
36	Per School Library	School Librarians
37	0 - 499 Students	1/2 Full-time Equivalent
38		Certified Librarian
39	500 or More Students	1 Full-time Certified
40		Librarian

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

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

48 (d) School librarians in the district shall spend at
49 least fifty percent (50%) of direct work time in a school library



50 and shall devote no more than one-fourth (1/4) of the workday to
51 administrative activities that are library related.

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

55 (f) Any additional millage levied to fund school
56 librarians required for accreditation under this subsection shall
57 be included in the tax increase limitation set forth in Sections
58 37-57-105 and 37-57-107 and shall not be deemed a new program for
59 purposes of the limitation.

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

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

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

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

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

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



75 (f) A determination of which schools exceed their
76 standards and a plan for providing recognition and rewards to
77 those schools;

78 (g) A determination of which schools are failing to
79 meet their standards and a determination of the appropriate role
80 of the State Board of Education and the State Department of
81 Education in providing assistance and initiating possible
82 intervention. A failing district is a district that fails to meet
83 both the absolute student achievement standards and the rate of
84 annual growth expectation standards as set by the State Board of
85 Education for two (2) consecutive years. The State Board of
86 Education shall establish the level of benchmarks by which
87 absolute student achievement and growth expectations shall be
88 assessed. In setting the benchmarks for school districts, the
89 State Board of Education may also take into account such factors
90 as graduation rates, dropout rates, completion rates, the extent
91 to which the school or district employs qualified teachers in
92 every classroom, and any other factors deemed appropriate by the
93 State Board of Education. The State Board of Education, acting
94 through the State Department of Education, shall apply a simple
95 "A," "B," "C," "D," * * * ~~and~~ "F" and "DOI" designation to the
96 current school and school district statewide accountability
97 performance classification labels beginning with the State
98 Accountability Results for the 2011-2012 school year and
99 following, and in the school, district and state report cards



100 required under state and federal law. Under the new designations,
101 a school or school district that has earned a "Star" rating shall
102 be designated an "A" school or school district; a school or school
103 district that has earned a "High-Performing" rating shall be
104 designated a "B" school or school district; a school or school
105 district that has earned a "Successful" rating shall be designated
106 a "C" school or school district; a school or school district that
107 has earned an "Academic Watch" rating shall be designated a "D"
108 school or school district; a school or school district that has
109 earned a "Low-Performing," "At-Risk of Failing" or "Failing"
110 rating shall be designated an "F" school or school district; and
111 effective beginning with the 2017-2018 academic year, a school or
112 school district that has been designated as a district of
113 innovation and using a curriculum other than the Mississippi
114 College and Career Readiness Standard, including, but not limited
115 to, the Cambridge Curriculum and Assessment or other nationally
116 recognized curriculum and assessment administered in lieu of the
117 statewide testing program shall be designated a "DOI" school or
118 district. Effective with the implementation of any new curriculum
119 and assessment standards or the acknowledgment of the Cambridge
120 Assessment or other nationally recognized assessment standards in
121 lieu of those implemented by the board, or until such time that
122 the department develops a comparable model or concordance scale
123 that provides an accurate cross-evaluation of curriculum standards
124 and assessment score reports that would provide an accountability



125 rating equivalent to that which would be assigned under the
126 Mississippi College and Career Readiness Standards and the MAAP
127 assessment for those districts of innovation, which use a board
128 approved alternative curriculum and assessment, including, but not
129 limited to the Cambridge Assessment, the State Board of Education,
130 acting through the State Department of Education, is further
131 authorized and directed to change the school and school district
132 accreditation rating system to a simple "A," "B," "C,"
133 "D," * * * ~~and~~ "F" and "DOI" designation based on a combination of
134 student achievement scores and student growth as measured by the
135 statewide testing programs developed by or other nationally
136 recognized assessment administered in lieu of the statewide
137 testing program, the State Board of Education pursuant to Chapter
138 16, Title 37, Mississippi Code of 1972. In any statute or
139 regulation containing the former accreditation designations, the
140 new designations shall be applicable;

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

147 (i) The State Board of Education may, based on a
148 written request that contains specific reasons for requesting a
149 waiver from the school districts affected by Hurricane Katrina of



150 2005, hold harmless school districts from assignment of district
151 and school level accountability ratings for the 2005-2006 school
152 year. The State Board of Education upon finding an extreme
153 hardship in the school district may grant the request. It is the
154 intent of the Legislature that all school districts maintain the
155 highest possible academic standards and instructional programs in
156 all schools as required by law and the State Board of Education.

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

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

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

167 (iii) To have sixty percent (60%) of students
168 scoring proficient and advanced on the assessments of the Common
169 Core State Standards or on the Cambridge curriculum or other
170 nationally recognized assessment used by school within districts
171 of innovation in lieu of the Mississippi Academic Assessment
172 Program (MAAP) and the state subject area testing program by 2016
173 with incremental increases of three percent (3%) each year
174 thereafter.



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

178 (c) The State Department of Education shall
179 establish * * *~~five~~ (5) six (6) performance categories ("A," "B,"
180 "C," "D," * * *~~and~~ "F" and "DOI") for the accountability system
181 based on the following criteria:

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

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

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

197 (iv) Categories shall identify schools as Reward
198 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
199 at least five percent (5%) of schools in the state are not graded



200 as "F" schools, the lowest five percent (5%) of school grade point
201 designees will be identified as Priority schools. If at least ten
202 percent (10%) of schools in the state are not graded as "D"
203 schools, the lowest ten percent (10%) of school grade point
204 designees will be identified as Focus schools;

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

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

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

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

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

223 1. Do not earn a school grade because the
224 grades and subjects taught at the school do not have statewide



225 standardized assessments needed to calculate a school grade * * *
226 ; or

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

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

243 (x) Standards for student, school and school
244 district performance will be increased when student proficiency is
245 at a seventy-five percent (75%) and/or when sixty-five percent
246 (65%) of the schools and/or school districts are earning a grade
247 of "B" or higher, in order to raise the standard on performance
248 after targets are met.



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

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

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

262 (9) [Deleted]

263 (10) The State Board of Education shall establish, for those
264 school districts failing to meet accreditation standards, a
265 program of development to be complied with in order to receive
266 state funds, except as otherwise provided in subsection (15) of
267 this section when the Governor has declared a state of emergency
268 in a school district or as otherwise provided in Section 206,
269 Mississippi Constitution of 1890. The state board, in
270 establishing these standards, shall provide for notice to schools
271 and sufficient time and aid to enable schools to attempt to meet
272 these standards, unless procedures under subsection (15) of this
273 section have been invoked.



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

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

280 (b) Notify any applicable school district failing to
281 meet accreditation standards that it is on probation until
282 corrective actions are taken or until the deficiencies have been
283 removed. The local school district shall develop a corrective
284 action plan to improve its deficiencies. For district academic
285 deficiencies, the corrective action plan for each such school
286 district shall be based upon a complete analysis of the following:
287 student test data, student grades, student attendance reports,
288 student dropout data, existence and other relevant data. The
289 corrective action plan shall describe the specific measures to be
290 taken by the particular school district and school to improve:
291 (i) instruction; (ii) curriculum; (iii) professional development;
292 (iv) personnel and classroom organization; (v) student incentives
293 for performance; (vi) process deficiencies; and (vii) reporting to
294 the local school board, parents and the community. The corrective
295 action plan shall describe the specific individuals responsible
296 for implementing each component of the recommendation and how each
297 will be evaluated. All corrective action plans shall be provided
298 to the State Board of Education as may be required. The decision



299 of the State Board of Education establishing the probationary
300 period of time shall be final;

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

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

317 (e) Provide for publication of public notice at least
318 one time during the probationary period, in a newspaper published
319 within the jurisdiction of the school district failing to meet
320 accreditation standards, or if no newspaper is published therein,
321 then in a newspaper having a general circulation therein. The
322 publication shall include the following: declaration of school
323 system's status as being on probation; all details relating to the



324 impairment report; and other information as the State Board of
325 Education deems appropriate. Public notices issued under this
326 section shall be subject to Section 13-3-31 and not contrary to
327 other laws regarding newspaper publication.

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

346 (b) If the State Board of Education and the Commission
347 on School Accreditation determine that an extreme emergency
348 situation exists in a school district that jeopardizes the safety,



349 security or educational interests of the children enrolled in the
350 schools in that district and that emergency situation is believed
351 to be related to a serious violation or violations of
352 accreditation standards or state or federal law, or when a school
353 district meets the State Board of Education's definition of a
354 failing school district for two (2) consecutive full school years,
355 or if more than fifty percent (50%) of the schools within the
356 school district are designated as Schools At-Risk in any one (1)
357 year, the State Board of Education may request the Governor to
358 declare a state of emergency in that school district. For
359 purposes of this paragraph, the declarations of a state of
360 emergency shall not be limited to those instances when a school
361 district's impairments are related to a lack of financial
362 resources, but also shall include serious failure to meet minimum
363 academic standards, as evidenced by a continued pattern of poor
364 student performance.

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

369 (i) Declare a state of emergency, under which some
370 or all of state funds can be escrowed except as otherwise provided
371 in Section 206, Constitution of 1890, until the board determines
372 corrective actions are being taken or the deficiencies have been
373 removed, or that the needs of students warrant the release of



374 funds. The funds may be released from escrow for any program
375 which the board determines to have been restored to standard even
376 though the state of emergency may not as yet be terminated for the
377 district as a whole;

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

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

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

392 (v) For states of emergency declared under
393 paragraph (a) only, if the accreditation deficiencies are related
394 to the fact that the school district is too small, with too few
395 resources, to meet the required standards and if another school
396 district is willing to accept those students, abolish that
397 district and assign that territory to another school district or
398 districts. If the school district has proposed a voluntary



399 consolidation with another school district or districts, then if
400 the State Board of Education finds that it is in the best interest
401 of the pupils of the district for the consolidation to proceed,
402 the voluntary consolidation shall have priority over any such
403 assignment of territory by the State Board of Education;

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

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

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

420 (e) The parent or legal guardian of a school-age child
421 who is enrolled in a school district whose accreditation has been
422 withdrawn by the Commission on School Accreditation and without
423 approval of that school district may file a petition in writing to



424 a school district accredited by the Commission on School
425 Accreditation for a legal transfer. The school district
426 accredited by the Commission on School Accreditation may grant the
427 transfer according to the procedures of Section 37-15-31(1)(b).
428 In the event the accreditation of the student's home district is
429 restored after a transfer has been approved, the student may
430 continue to attend the transferee school district. The per-pupil
431 amount of the adequate education program allotment, including the
432 collective "add-on program" costs for the student's home school
433 district shall be transferred monthly to the school district
434 accredited by the Commission on School Accreditation that has
435 granted the transfer of the school-age child.

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

439 (i) Place the school district into district
440 transformation, in which the school district shall remain until it
441 has fulfilled all conditions related to district transformation.
442 If the district was assigned an accreditation rating of "D" or "F"
443 when placed into district transformation, the district shall be
444 eligible to return to local control when the school district has
445 attained a "C" rating or higher for five (5) consecutive years,
446 unless the State Board of Education determines that the district
447 is eligible to return to local control in less than the five-year
448 period;



449 (ii) Abolish the school district and
450 administratively consolidate the school district with one or more
451 existing school districts;

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

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

465 (g) There is established a Mississippi Recovery School
466 District within the State Department of Education under the
467 supervision of a deputy superintendent appointed by the State
468 Superintendent of Public Education, who is subject to the approval
469 by the State Board of Education. The Mississippi Recovery School
470 District shall provide leadership and oversight of all school
471 districts that are subject to district transformation status, as
472 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
473 and shall have all the authority granted under these two (2)



474 chapters. The Mississippi Department of Education, with the
475 approval of the State Board of Education, shall develop policies
476 for the operation and management of the Mississippi Recovery
477 School District. The deputy state superintendent is responsible
478 for the Mississippi Recovery School District and shall be
479 authorized to oversee the administration of the Mississippi
480 Recovery School District, oversee the interim superintendent
481 assigned by the State Board of Education to a local school
482 district, hear appeals that would normally be filed by students,
483 parents or employees and heard by a local school board, which
484 hearings on appeal shall be conducted in a prompt and timely
485 manner in the school district from which the appeal originated in
486 order to ensure the ability of appellants, other parties and
487 witnesses to appeal without undue burden of travel costs or loss
488 of time from work, and perform other related duties as assigned by
489 the State Superintendent of Public Education. The deputy state
490 superintendent is responsible for the Mississippi Recovery School
491 District and shall determine, based on rigorous professional
492 qualifications set by the State Board of Education, the
493 appropriate individuals to be engaged to be interim
494 superintendents and financial advisors, if applicable, of all
495 school districts subject to district transformation status. After
496 State Board of Education approval, these individuals shall be
497 deemed independent contractors.



498 (13) Upon the declaration of a state of emergency in a
499 school district under subsection (12) of this section, the
500 Commission on School Accreditation shall be responsible for public
501 notice at least once a week for at least three (3) consecutive
502 weeks in a newspaper published within the jurisdiction of the
503 school district failing to meet accreditation standards, or if no
504 newspaper is published therein, then in a newspaper having a
505 general circulation therein. The size of the notice shall be no
506 smaller than one-fourth (1/4) of a standard newspaper page and
507 shall be printed in bold print. If an interim superintendent has
508 been appointed for the school district, the notice shall begin as
509 follows: "By authority of Section 37-17-6, Mississippi Code of
510 1972, as amended, adopted by the Mississippi Legislature during
511 the 1991 Regular Session, this school district (name of school
512 district) is hereby placed under the jurisdiction of the State
513 Department of Education acting through its appointed interim
514 superintendent (name of interim superintendent)."

515 The notice also shall include, in the discretion of the State
516 Board of Education, any or all details relating to the school
517 district's emergency status, including the declaration of a state
518 of emergency in the school district and a description of the
519 district's impairment deficiencies, conditions of any district
520 transformation status and corrective actions recommended and being
521 taken. Public notices issued under this section shall be subject



522 to Section 13-3-31 and not contrary to other laws regarding
523 newspaper publication.

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

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

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

539 (15) (a) Whenever the Governor declares a state of
540 emergency in a school district in response to a request made under
541 subsection (12) of this section, the State Board of Education, in
542 its discretion, may assign an interim superintendent to the school
543 district, or in its discretion, may contract with an appropriate
544 private entity with experience in the academic, finance and other
545 operational functions of schools and school districts, who will be
546 responsible for the administration, management and operation of



547 the school district, including, but not limited to, the following
548 activities:

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

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

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

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



570 (v) Approving or disapproving all athletic, band
571 and other extracurricular activities and any matters related to
572 those activities;

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

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

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

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

593 At the time that the Governor, in accordance with the request
594 of the State Board of Education, declares that the state of



595 emergency no longer exists in a school district, the powers and
596 responsibilities of the interim superintendent assigned to the
597 district shall cease.

598 (b) In order to provide loans to school districts under
599 a state of emergency or in district transformation status that
600 have impairments related to a lack of financial resources, the
601 School District Emergency Assistance Fund is created as a special
602 fund in the State Treasury into which monies may be transferred or
603 appropriated by the Legislature from any available public
604 education funds. Funds in the School District Emergency
605 Assistance Fund up to a maximum balance of Three Million Dollars
606 (\$3,000,000.00) annually shall not lapse but shall be available
607 for expenditure in subsequent years subject to approval of the
608 State Board of Education. Any amount in the fund in excess of
609 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
610 year shall lapse into the State General Fund or the Education
611 Enhancement Fund, depending on the source of the fund.

612 The State Board of Education may loan monies from the School
613 District Emergency Assistance Fund to a school district that is
614 under a state of emergency or in district transformation status,
615 in those amounts, as determined by the board, that are necessary
616 to correct the district's impairments related to a lack of
617 financial resources. The loans shall be evidenced by an agreement
618 between the school district and the State Board of Education and
619 shall be repayable in principal, without necessity of interest, to



620 the School District Emergency Assistance Fund by the school
621 district from any allowable funds that are available. The total
622 amount loaned to the district shall be due and payable within five
623 (5) years after the impairments related to a lack of financial
624 resources are corrected. If a school district fails to make
625 payments on the loan in accordance with the terms of the agreement
626 between the district and the State Board of Education, the State
627 Department of Education, in accordance with rules and regulations
628 established by the State Board of Education, may withhold that
629 district's adequate education program funds in an amount and
630 manner that will effectuate repayment consistent with the terms of
631 the agreement; the funds withheld by the department shall be
632 deposited into the School District Emergency Assistance Fund.

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



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

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

659 (17) (a) If the Governor declares a state of emergency in a
660 school district, the State Board of Education may take all such
661 action pertaining to that school district as is authorized under
662 subsection (12) or (15) of this section, including the appointment
663 of an interim superintendent. The State Board of Education shall
664 also have the authority to issue a written request with
665 documentation to the Governor asking that the office of the
666 superintendent of the school district be subject to recall. If
667 the Governor declares that the office of the superintendent of the
668 school district is subject to recall, the local school board or



669 the county election commission, as the case may be, shall take the
670 following action:

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

680 "Shall County Superintendent of Education _____ (here the
681 name of the superintendent shall be inserted) of the _____
682 (here the title of the school district shall be inserted) be
683 retained in office? Yes _____ No _____"

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

690 (ii) If the office of superintendent is an
691 appointive office, the name of the superintendent shall be
692 submitted by the president of the local school board at the next
693 regular meeting of the school board for retention in office or



694 dismissal from office. If a majority of the school board voting
695 on the question vote against retaining the superintendent in
696 office, a vacancy shall exist which shall be filled as provided by
697 law, otherwise the superintendent shall remain in office for the
698 duration of his employment contract.

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

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

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



719 election this year are subject to recall because of the school
720 district's failure to meet critical accountability standards as
721 defined in the letter of notification to the Governor from the
722 State Board of Education. Shall the member of the school board
723 representing this area, _____ (here the name of the school
724 board member holding the office shall be inserted), be retained in
725 office? Yes _____ No _____"

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

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



744 or county governing authority, as the case may be, at the next
745 regular meeting of the governing authority for retention in office
746 or dismissal from office. If a majority of the governing
747 authority voting on the question vote against retaining the board
748 in office, a vacancy shall exist in each school board member's
749 office, which shall be filled as provided by law; otherwise, the
750 members of the appointed school board shall remain in office for
751 the duration of their term of appointment, and those members may
752 be reappointed.

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

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

765 (19) Before December 1, 1999, the State Board of Education
766 shall recommend a program to the Education Committees of the House
767 of Representatives and the Senate for identifying and rewarding
768 public schools that improve or are high performing. The program



769 shall be described by the board in a written report, which shall
770 include criteria and a process through which improving schools and
771 high-performing schools will be identified and rewarded.

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

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

785 (21) If a local school district is determined as failing and
786 placed into district transformation status for reasons authorized
787 by the provisions of this section, the interim superintendent
788 appointed to the district shall, within forty-five (45) days after
789 being appointed, present a detailed and structured corrective
790 action plan to move the local school district out of district
791 transformation status to the deputy superintendent. A copy of the
792 interim superintendent's corrective action plan shall also be
793 filed with the State Board of Education.



794 **SECTION 2.** Section 37-179-1, Mississippi Code of 1972, is
795 amended as follows:

796 37-179-1. (1) For purposes of this chapter, the following
797 terms shall have the meaning ascribed herein, unless the context
798 clearly indicates otherwise:

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

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

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

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

816 (e) "Department" means the State Department of
817 Education.



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

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

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

835 (a) The regulatory areas which may be exempted or
836 modified if approved by the board, except as provided in Section
837 37-179-3(2), and in addition to those areas identified in Section
838 37-179-3(3);

839 (b) The application, plan review, approval and
840 amendment process for a district;



841 (c) Timelines for initial approval as a district of
842 innovation, the renewal process and ongoing evaluative procedures
843 required of the district;

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

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

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

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

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

856 (i) Acceptable areas of emphasis for innovation;

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

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

862 (l) Acceptable performance to demonstrate proficiency
863 on the Cambridge Assessment or other nationally recognized
864 assessments administered in lieu of the state assessments under



865 the Mississippi Academic Assessment Program (MAAP) or the state
866 subject area testing program.

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

869 37-179-3. (1) A district which is an applicant to be
870 designated as a district of innovation under Section 37-179-1
871 shall:

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

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

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

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

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

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

887 (b) Identify changes needed in the district and schools
888 to lead to better prepared students for success in life and work;



889 (c) Have a districtwide plan of innovation that
890 describes and justifies which schools and innovative practices
891 will be incorporated;

892 (d) Provide documentation of community, educator,
893 parental, and the local board's support of the proposed
894 innovations;

895 (e) Provide detailed information regarding the
896 rationale of requests for waivers from Title 37, Mississippi Code
897 of 1972, which relate to the elementary and secondary education of
898 public school students, and administrative regulations, and
899 exemptions for selected schools regarding waivers of local school
900 board policies;

901 (f) Document the fiscal and human resources the board
902 will provide throughout the term of the implementation of the
903 innovations within its plan; and

904 (g) Provide other materials as required by the
905 department in compliance with the board's administrative
906 regulations and application procedures.

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

909 (a) Ensure the same health, safety, civil rights, and
910 disability rights requirements as are applied to all public
911 schools;

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



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

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

928 (e) Adhere to the same financial audits, audit
929 procedures, and audit requirements as are applied under Section
930 7-7-211(e);

931 (f) Require state and criminal background checks for
932 staff and volunteers as required of all public school employees
933 and volunteers within the public schools and specified in Section
934 37-9-17;

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

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



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

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

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

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

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

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

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

961 (b) Hire persons for classified positions in
962 nontraditional school and district assignments who have bachelors
963 and advanced degrees from postsecondary education institutions



964 accredited by a regional accrediting association (Southern
965 Association of Colleges and Schools) or by an organization
966 affiliated with the National Commission on Accrediting;

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

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

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

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

980 (g) Use a flexible school calendar;

981 (h) Convert existing schools into schools of
982 innovation; * * *~~and~~

983 (i) Modify the formula under Section 37-151-7 for
984 distributing support education funds for students in average daily
985 attendance in nontraditional programming time, including
986 alternative programs and virtual programs. Funds granted to a
987 district shall not exceed those that would have otherwise been



988 distributed based on average daily attendance during regular
989 instructional days * * *~~;~~; and

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

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

