

By: Representative Miles

To: Education

HOUSE BILL NO. 515

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE THE STATE DEPARTMENT OF EDUCATION, THROUGH THE COMMISSION
 3 ON SCHOOL ACCREDITATION, AND WITH THE APPROVAL OF THE STATE BOARD
 4 OF EDUCATION, TO GRANT A WAIVER OF ACCOUNTABILITY AND STATE
 5 ASSESSMENT REQUIREMENTS TO THOSE SCHOOL DISTRICTS IN WHICH 25% OR
 6 MORE OF TOTAL STUDENT ENROLLMENT IS COMPRISED OF ENGLISH LANGUAGE
 7 LEARNERS, AS DEFINED BY FEDERAL LAW; TO REQUIRE THE COMMISSION TO
 8 WAIVE ACCOUNTABILITY REQUIREMENTS FOR ENGLISH LANGUAGE LEARNERS
 9 ENROLLED IN GRADES 9-12 ONLY WHEN DETERMINING THE DISTRICT'S
 10 ACCREDITATION LEVEL ON THE PERFORMANCE AND ACCOUNTABILITY RATING
 11 MODEL; TO AMEND SECTION 37-13-80, MISSISSIPPI CODE OF 1972, TO
 12 PROVIDE THAT SUCH SCHOOL DISTRICTS SHALL BE HELD HARMLESS WHEN
 13 CALCULATING GRADUATION RATES, DROPOUT RATES AND COMPLETION RATES
 14 FOR COHORT CLASSES IN GRADES 9-12 BEGINNING WITH THE 2019-2020
 15 SCHOLASTIC YEAR BY DISCOUNTING THE NUMBER OF ENGLISH LANGUAGE
 16 LEARNERS ENROLLED THEREIN FOR FOUR YEARS; AND FOR RELATED
 17 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) * * * The State Board of Education, acting through the
27 Commission on School Accreditation, shall require school districts
28 to provide school classroom space that is air-conditioned as a
29 minimum requirement for accreditation.

30 (3) (a) * * * The State Board of Education, acting through
31 the Commission on School Accreditation, shall require that school
32 districts employ certified school librarians according to the
33 following formula:

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

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

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

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



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

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

59 (4) * * * The State Board of Education shall implement the
60 performance-based accreditation system for school districts and
61 for individual noncharter public schools which shall include the
62 following:

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

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

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

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

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



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

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



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

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



123 (i) The State Board of Education may, based on a
124 written request that contains specific reasons for requesting a
125 waiver from the school districts affected by Hurricane Katrina of
126 2005, hold harmless school districts from assignment of district
127 and school level accountability ratings for the 2005-2006 school
128 year. The State Board of Education upon finding an extreme
129 hardship in the school district may grant the request. It is the
130 intent of the Legislature that all school districts maintain the
131 highest possible academic standards and instructional programs in
132 all schools as required by law and the State Board of Education.

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

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

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

143 (iii) To have sixty percent (60%) of students
144 scoring proficient and advanced on the assessments of the Common
145 Core State Standards by 2016 with incremental increases of three
146 percent (3%) each year thereafter.



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

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

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

155 (ii) Individual student growth: the percent of
156 students making one (1) year's progress in one (1) year's time on
157 the state assessment, with an emphasis on the progress of the
158 lowest twenty-five percent (25%) of students in the school or
159 district;

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

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



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

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

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

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

187 (ix) The State Department of Education shall
188 determine feeder patterns of schools that do not earn a school
189 grade because the grades and subjects taught at the school do not
190 have statewide standardized assessments needed to calculate a
191 school grade. Upon determination of the feeder pattern, the
192 department shall notify schools and school districts prior to the
193 release of the school grades beginning in 2013. Feeder schools
194 will be assigned the accountability designation of the school to
195 which they provide students;



196 (x) Standards for student, school and school
197 district performance will be increased when student proficiency is
198 at a seventy-five percent (75%) and/or when sixty-five percent
199 (65%) of the schools and/or school districts are earning a grade
200 of "B" or higher, in order to raise the standard on performance
201 after targets are met.

202 (d) For purposes of assigning accountability
203 performance classifications to school districts, the State
204 Department of Education, through the Commission on School
205 Accreditation, and with approval of the State Board of Education,
206 shall grant a waiver of accountability and state assessment
207 requirements to those school districts in which twenty-five
208 percent (25%) or more of the total student enrollment is comprised
209 of English language learners, as defined by federal law. When
210 determining those districts' accreditation level, the commission
211 shall waive accountability and state assessment requirements used
212 to determine student achievement, individual student growth,
213 graduation rates, dropout rates and completion rates for English
214 language learners enrolled in Grades 9 through 12 only.

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

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



220 Accreditation to determine whether schools are complying with
221 accreditation standards.

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

227 (9) [Deleted]

228 (10) The State Board of Education shall establish, for those
229 school districts failing to meet accreditation standards, a
230 program of development to be complied with in order to receive
231 state funds, except as otherwise provided in subsection (15) of
232 this section when the Governor has declared a state of emergency
233 in a school district or as otherwise provided in Section 206,
234 Mississippi Constitution of 1890. The state board, in
235 establishing these standards, shall provide for notice to schools
236 and sufficient time and aid to enable schools to attempt to meet
237 these standards, unless procedures under subsection (15) of this
238 section have been invoked.

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

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



245 (b) Notify any applicable school district failing to
246 meet accreditation standards that it is on probation until
247 corrective actions are taken or until the deficiencies have been
248 removed. The local school district shall develop a corrective
249 action plan to improve its deficiencies. For district academic
250 deficiencies, the corrective action plan for each such school
251 district shall be based upon a complete analysis of the following:
252 student test data, student grades, student attendance reports,
253 student dropout data, existence and other relevant data. The
254 corrective action plan shall describe the specific measures to be
255 taken by the particular school district and school to improve:
256 (i) instruction; (ii) curriculum; (iii) professional development;
257 (iv) personnel and classroom organization; (v) student incentives
258 for performance; (vi) process deficiencies; and (vii) reporting to
259 the local school board, parents and the community. The corrective
260 action plan shall describe the specific individuals responsible
261 for implementing each component of the recommendation and how each
262 will be evaluated. All corrective action plans shall be provided
263 to the State Board of Education as may be required. The decision
264 of the State Board of Education establishing the probationary
265 period of time shall be final;

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

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



270 to all such school districts in order to implement each measure
271 identified in that district's corrective action plan through
272 professional development and on-site assistance. Each such school
273 district shall apply for and utilize all available federal funding
274 in order to support its corrective action plan in addition to
275 state funds made available under this paragraph;

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

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

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



295 on School Accreditation shall conduct a hearing to allow the
296 affected school district to present evidence or other reasons why
297 its accreditation should not be withdrawn. Additionally, if the
298 local school district violates accreditation standards that have
299 been determined by the policies and procedures of the State Board
300 of Education to be a basis for withdrawal of school district's
301 accreditation without a probationary period, the Commission on
302 School Accreditation shall conduct a hearing to allow the affected
303 school district to present evidence or other reasons why its
304 accreditation should not be withdrawn. After its consideration of
305 the results of the hearing, the Commission on School Accreditation
306 shall be authorized, with the approval of the State Board of
307 Education, to withdraw the accreditation of a public school
308 district, and issue a request to the Governor that a state of
309 emergency be declared in that district.

310 (b) If the State Board of Education and the Commission
311 on School Accreditation determine that an extreme emergency
312 situation exists in a school district that jeopardizes the safety,
313 security or educational interests of the children enrolled in the
314 schools in that district and that emergency situation is believed
315 to be related to a serious violation or violations of
316 accreditation standards or state or federal law, or when a school
317 district meets the State Board of Education's definition of a
318 failing school district for two (2) consecutive full school years,
319 or if more than fifty percent (50%) of the schools within the



320 school district are designated as Schools At-Risk in any one (1)
321 year, the State Board of Education may request the Governor to
322 declare a state of emergency in that school district. For
323 purposes of this paragraph, the declarations of a state of
324 emergency shall not be limited to those instances when a school
325 district's impairments are related to a lack of financial
326 resources, but also shall include serious failure to meet minimum
327 academic standards, as evidenced by a continued pattern of poor
328 student performance.

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

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

342 (ii) Override any decision of the local school
343 board or superintendent of education, or both, concerning the
344 management and operation of the school district, or initiate and



345 make decisions concerning the management and operation of the
346 school district;

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

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

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

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



370 district employees, including, but not limited to, instructional
371 personnel, assistant teachers and extracurricular activities
372 personnel, if the district's impairment is related to a lack of
373 financial resources, but only to an extent that will result in the
374 salaries being comparable to districts similarly situated, as
375 determined by the State Board of Education;

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

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

384 (e) The parent or legal guardian of a school-age child
385 who is enrolled in a school district whose accreditation has been
386 withdrawn by the Commission on School Accreditation and without
387 approval of that school district may file a petition in writing to
388 a school district accredited by the Commission on School
389 Accreditation for a legal transfer. The school district
390 accredited by the Commission on School Accreditation may grant the
391 transfer according to the procedures of Section 37-15-31(1)(b).
392 In the event the accreditation of the student's home district is
393 restored after a transfer has been approved, the student may
394 continue to attend the transferee school district. The per-pupil



395 amount of the adequate education program allotment, including the
396 collective "add-on program" costs for the student's home school
397 district shall be transferred monthly to the school district
398 accredited by the Commission on School Accreditation that has
399 granted the transfer of the school-age child.

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

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

413 (ii) Abolish the school district and
414 administratively consolidate the school district with one or more
415 existing school districts;

416 (iii) Reduce the size of the district and
417 administratively consolidate parts of the district, as determined
418 by the State Board of Education. However, no school district



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

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

429 (g) There is established a Mississippi Recovery School
430 District within the State Department of Education under the
431 supervision of a deputy superintendent appointed by the State
432 Superintendent of Public Education, who is subject to the approval
433 by the State Board of Education. The Mississippi Recovery School
434 District shall provide leadership and oversight of all school
435 districts that are subject to district transformation status, as
436 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
437 and shall have all the authority granted under these two (2)
438 chapters. The * * * State Department of Education, with the
439 approval of the State Board of Education, shall develop policies
440 for the operation and management of the Mississippi Recovery
441 School District. The deputy state superintendent is responsible
442 for the Mississippi Recovery School District and shall be
443 authorized to oversee the administration of the Mississippi



444 Recovery School District, oversee the interim superintendent
445 assigned by the State Board of Education to a local school
446 district, hear appeals that would normally be filed by students,
447 parents or employees and heard by a local school board, which
448 hearings on appeal shall be conducted in a prompt and timely
449 manner in the school district from which the appeal originated in
450 order to ensure the ability of appellants, other parties and
451 witnesses to appeal without undue burden of travel costs or loss
452 of time from work, and perform other related duties as assigned by
453 the State Superintendent of Public Education. The deputy state
454 superintendent is responsible for the Mississippi Recovery School
455 District and shall determine, based on rigorous professional
456 qualifications set by the State Board of Education, the
457 appropriate individuals to be engaged to be interim
458 superintendents and financial advisors, if applicable, of all
459 school districts subject to district transformation status. After
460 State Board of Education approval, these individuals shall be
461 deemed independent contractors.

462 (13) Upon the declaration of a state of emergency in a
463 school district under subsection (12) of this section, the
464 Commission on School Accreditation shall be responsible for public
465 notice at least once a week for at least three (3) consecutive
466 weeks in a newspaper published within the jurisdiction of the
467 school district failing to meet accreditation standards, or if no
468 newspaper is published therein, then in a newspaper having a



469 general circulation therein. The size of the notice shall be no
470 smaller than one-fourth (1/4) of a standard newspaper page and
471 shall be printed in bold print. If an interim superintendent has
472 been appointed for the school district, the notice shall begin as
473 follows: "By authority of Section 37-17-6, Mississippi Code of
474 1972, as amended, adopted by the Mississippi Legislature during
475 the 1991 Regular Session, this school district (name of school
476 district) is hereby placed under the jurisdiction of the State
477 Department of Education acting through its appointed interim
478 superintendent (name of interim superintendent)."

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

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



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

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

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

513 (i) Approving or disapproving all financial
514 obligations of the district, including, but not limited to, the
515 employment, termination, nonrenewal and reassignment of all
516 licensed and nonlicensed personnel, contractual agreements and
517 purchase orders, and approving or disapproving all claim dockets
518 and the issuance of checks; in approving or disapproving



519 employment contracts of superintendents, assistant superintendents
520 or principals, the interim superintendent shall not be required to
521 comply with the time limitations prescribed in Sections 37-9-15
522 and 37-9-105;

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

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

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

534 (v) Approving or disapproving all athletic, band
535 and other extracurricular activities and any matters related to
536 those activities;

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

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



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

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

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

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



569 Assistance Fund up to a maximum balance of Three Million Dollars
570 (\$3,000,000.00) annually shall not lapse but shall be available
571 for expenditure in subsequent years subject to approval of the
572 State Board of Education. Any amount in the fund in excess of
573 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
574 year shall lapse into the State General Fund or the Education
575 Enhancement Fund, depending on the source of the fund.

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



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

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

611 (16) If a majority of the membership of the school board of
612 any school district resigns from office, the State Board of
613 Education shall be authorized to assign an interim superintendent,
614 who shall be responsible for the administration, management and
615 operation of the school district until the time as new board
616 members are selected or the Governor declares a state of emergency
617 in that school district under subsection (12), whichever occurs
618 first. In that case, the State Board of Education, acting through



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

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

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



644 "Shall County Superintendent of Education _____ (here the
645 name of the superintendent shall be inserted) of the _____
646 (here the title of the school district shall be inserted) be
647 retained in office? Yes _____ No _____"

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

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

663 (b) The State Board of Education may issue a written
664 request with documentation to the Governor asking that the
665 membership of the school board of the school district shall be
666 subject to recall. Whenever the Governor declares that the
667 membership of the school board is subject to recall, the county



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

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

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

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



693 the manner provided by law; otherwise, the school board member
694 shall remain in office for the term of that office, and at the
695 expiration of the term of office, the member shall be eligible for
696 qualification and election to another term or terms of office.
697 However, if a majority of the school board members are recalled in
698 the special election, the Governor shall authorize the board of
699 supervisors of the county in which the school district is situated
700 to appoint members to fill the offices of the members recalled.
701 The board of supervisors shall make those appointments in the
702 manner provided by law for filling vacancies on the school board,
703 and the appointed members shall serve until the office is filled
704 at the next regular special election or general election.

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



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

722 (18) * * * The State Board of Education, acting through the
723 Commission on School Accreditation, shall require each school
724 district to comply with standards established by the State
725 Department of Audit for the verification of fixed assets and the
726 auditing of fixed assets records as a minimum requirement for
727 accreditation.

728 (19) * * * [Deleted]

729 (20) * * * [Deleted]

730 (21) If a local school district is determined as failing and
731 placed into district transformation status for reasons authorized
732 by the provisions of this section, the interim superintendent
733 appointed to the district shall, within forty-five (45) days after
734 being appointed, present a detailed and structured corrective
735 action plan to move the local school district out of district
736 transformation status to the deputy superintendent. A copy of the
737 interim superintendent's corrective action plan shall also be
738 filed with the State Board of Education.

739 **SECTION 2.** Section 37-13-80, Mississippi Code of 1972, is
740 amended as follows: 37-13-80. (1) There is created the Office of
741 Dropout Prevention within the State Department of Education. The



742 office shall be responsible for the administration of a statewide
743 dropout prevention program.

744 (2) The State Superintendent of Public Education shall
745 appoint a director for the Office of Dropout Prevention, who shall
746 meet all qualifications established by the State Superintendent of
747 Public Education and the State Personnel Board. The director
748 shall be responsible for the proper administration of the Office
749 of Dropout Prevention and any other regulations or policies that
750 may be adopted by the State Board of Education. However, if for
751 any reason within the two-year period beginning July 1, 2014, a
752 new director for the Office of Dropout Prevention is employed by
753 the department, the employment of such individual shall not be
754 subject to the rules and regulations of the State Personnel Board,
755 except as otherwise provided in Section 25-9-127(4).

756 (3) Each school district shall implement a dropout
757 prevention program approved by the Office of Dropout Prevention of
758 the State Department of Education by the 2012-2013, and annually
759 thereafter, school year.

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

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



766 (b) Establishing policies and procedures that meet the
767 needs of the districts;

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

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

772 (e) Targeting subgroups that need additional assistance
773 to meet graduation requirements; and

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

777 (5) The Office of Dropout Prevention may provide technical
778 assistance upon written request by the local school district. The
779 Office of Dropout Prevention will collaborate with program offices
780 within the * * * State Department of Education to develop and
781 implement policies and initiatives to reduce the state's dropout
782 rate.

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

786 (7) It is the intent of the Legislature that, through the
787 statewide dropout prevention program and the dropout prevention
788 programs implemented by each school district, the graduation rate
789 for cohort classes will be increased to not less than eighty-five
790 percent (85%) by the 2018-2019 school year. The Office of Dropout



791 Prevention shall establish graduation rate benchmarks for each
792 two-year period from the 2008-2009 school year through the
793 2018-2019 school year, which shall serve as guidelines for
794 increasing the graduation rate for cohort classes on a systematic
795 basis to eighty-five percent (85%) by the 2018-2019 school year.

796 (8) A school district with a total student enrollment
797 comprised of twenty-five percent (25%) or more of English language
798 learners, as defined by federal law, will be held harmless when
799 calculating graduation rates, dropout rates and completion rates
800 for cohort classes in Grades 9 through 12 beginning with the
801 2019-2020 scholastic year by discounting the number of English
802 language learners enrolled in that district for four (4) years.

803 **SECTION 3.** This act shall take effect and be in force from
804 and after July 1, 2019.

