

By: Representative Henley

To: Education

HOUSE BILL NO. 522

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REVIEW EACH
2 AREA OF SUBJECT MATTER CURRICULUM NO LESS THAN EVERY SIX YEARS IN
3 CONJUNCTION WITH THE STATE TEXTBOOK ADOPTION CYCLE; TO REQUIRE THE
4 BOARD TO REVISE THE CURRICULUM AS NECESSARY TO IMPROVE THE QUALITY
5 OF EDUCATION; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972,
6 TO DELETE THE REQUIREMENT THAT THE STATE DEPARTMENT OF EDUCATION
7 FORM A SINGLE ACCOUNTABILITY SYSTEM BY COMBINING THE STATE SYSTEM
8 WITH THE FEDERAL SYSTEM; TO DELETE REFERENCES TO THE COMMON CORE
9 STATE STANDARDS; TO BRING FORWARD SECTION 37-177-5, MISSISSIPPI
10 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** (1) Each area of subject matter curriculum,
14 except for technology curriculum, adopted by the State Board of
15 Education for implementation by the beginning of the 2019-2020
16 school year must be reviewed thoroughly by the board no less than
17 every six (6) years according to, and in coordination with, the
18 existing subject area textbook adoption cycle. The State Board of
19 Education shall implement any revisions in the curriculum deemed
20 necessary to achieve further improvements in the quality of
21 education for the students of this state.



(2) The State of Mississippi shall retain sole control over the development, establishment and revision of curriculum standards. Neither the board nor any other state education entity, nor any state official, may join any consortium or any other organization when participation in that consortium or organization would cede any measure of control over any aspect of Mississippi public education to entities outside the state, nor may any such person or entity condition or delay a decision on standards or curriculum on the decision of any consortium, organization, other state government, or the federal government.

SECTION 2. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

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

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

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



47	Number of Students	Number of Certified
48	Per School Library	School Librarians
49	0 - 499 Students	1/2 Full-time Equivalent
50		Certified Librarian
51	500 or More Students	1 Full-time Certified
52		Librarian

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

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

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

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

67 (f) Any additional millage levied to fund school
68 librarians required for accreditation under this subsection shall
69 be included in the tax increase limitation set forth in Sections
70 37-57-105 and 37-57-107 and shall not be deemed a new program for
71 purposes of the limitation.



72 (4) * * * The State Board of Education shall implement the
73 performance-based accreditation system for school districts and
74 for individual noncharter public schools which shall include the
75 following:

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

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

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

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

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

87 (f) A determination of which schools exceed their
88 standards and a plan for providing recognition and rewards to
89 those schools;

90 (g) A determination of which schools are failing to
91 meet their standards and a determination of the appropriate role
92 of the State Board of Education and the State Department of
93 Education in providing assistance and initiating possible
94 intervention. A failing district is a district that fails to meet
95 both the absolute student achievement standards and the rate of
96 annual growth expectation standards as set by the State Board of



97 Education for two (2) consecutive years. The State Board of
98 Education shall establish the level of benchmarks by which
99 absolute student achievement and growth expectations shall be
100 assessed. In setting the benchmarks for school districts, the
101 State Board of Education may also take into account such factors
102 as graduation rates, dropout rates, completion rates, the extent
103 to which the school or district employs qualified teachers in
104 every classroom, and any other factors deemed appropriate by the
105 State Board of Education. The State Board of Education, acting
106 through the State Department of Education, shall apply a simple
107 "A," "B," "C," "D" and "F" designation to the current school and
108 school district statewide accountability performance
109 classification labels beginning with the State Accountability
110 Results for the 2011-2012 school year and following, and in the
111 school, district and state report cards required under state and
112 federal law. Under the new designations, a school or school
113 district that has earned a "Star" rating shall be designated an
114 "A" school or school district; a school or school district that
115 has earned a "High-Performing" rating shall be designated a "B"
116 school or school district; a school or school district that has
117 earned a "Successful" rating shall be designated a "C" school or
118 school district; a school or school district that has earned an
119 "Academic Watch" rating shall be designated a "D" school or school
120 district; a school or school district that has earned a
121 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



122 be designated an "F" school or school district. Effective with
123 the implementation of any new curriculum and assessment standards,
124 the State Board of Education, acting through the State Department
125 of Education, is further authorized and directed to change the
126 school and school district accreditation rating system to a simple
127 "A," "B," "C," "D," and "F" designation based on a combination of
128 student achievement scores and student growth as measured by the
129 statewide testing programs developed by the State Board of
130 Education pursuant to Chapter 16, Title 37, Mississippi Code of
131 1972. In any statute or regulation containing the former
132 accreditation designations, the new designations shall be
133 applicable;

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

136 (i) The State Board of Education may, based on a
137 written request that contains specific reasons for requesting a
138 waiver from the school districts affected by Hurricane Katrina of
139 2005, hold harmless school districts from assignment of district
140 and school level accountability ratings for the 2005-2006 school
141 year. The State Board of Education upon finding an extreme
142 hardship in the school district may grant the request. It is the
143 intent of the Legislature that all school districts maintain the
144 highest possible academic standards and instructional programs in
145 all schools as required by law and the State Board of Education.



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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;



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

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

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

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



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

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

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

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



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

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



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



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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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



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

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



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



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

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

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

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

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

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

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



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

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

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

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



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

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



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

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

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



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) * * * The State Board of Education shall recommend a
729 program to the Education Committees of the House of
730 Representatives and the Senate for identifying and rewarding
731 public schools that improve or are high performing. The program
732 shall be described by the board in a written report, which shall
733 include criteria and a process through which improving schools and
734 high-performing schools will be identified and rewarded.

735 The State Superintendent of Public Education and the State
736 Board of Education also shall develop a comprehensive
737 accountability plan to ensure that local school boards,
738 superintendents, principals and teachers are held accountable for
739 student achievement. * * *

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



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

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

SECTION 3. Section 37-177-5, Mississippi Code of 1972, is brought forward as follows:

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



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

SECTION 4. This act shall take effect and be in force from and after July 1, 2019.

