

By: Representative Henley

To: Education

## HOUSE BILL NO. 967

1 AN ACT TO PROHIBIT THE STATE BOARD OF EDUCATION AND THE STATE  
2 DEPARTMENT OF EDUCATION FROM TAKING ANY FURTHER ACTION TO  
3 IMPLEMENT THE COMMON CORE AND MISSISSIPPI COLLEGE AND CAREER  
4 READINESS STANDARDS; TO REQUIRE THE STATE BOARD OF EDUCATION TO  
5 ADHERE TO PRE-EXISTING PROCEDURES UNDER ITS APA TO REVIEW AND  
6 REVISE CURRICULUM STANDARDS AS APPLICABLE WITHIN BOARD POLICIES,  
7 BEGINNING WITH MATHEMATICS AND ENGLISH IN 2019; TO PROHIBIT THE  
8 STATE BOARD AND STATE DEPARTMENT OF EDUCATION FROM EXPENDING  
9 CERTAIN FEDERAL FUNDS TO TRACK STUDENTS BEYOND THEIR K-12  
10 EDUCATION AND TO DISTRIBUTE CERTAIN STUDENT IDENTIFIABLE  
11 INFORMATION; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972,  
12 TO DELETE REFERENCES TO COMMON CORE AND TO DELETE THE REQUIREMENT  
13 THAT THE STATE DEPARTMENT OF EDUCATION FORM A SINGLE  
14 ACCOUNTABILITY SYSTEM BY COMBINING THE STATE SYSTEM WITH THE  
15 FEDERAL SYSTEM; TO BRING FORWARD SECTION 37-177-5, MISSISSIPPI  
16 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR  
17 RELATED PURPOSES.

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

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

23 (a) "Board" means the State Board of Education.

24 (b) "Department" means the State Department of  
25 Education.



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

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

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

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

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

(3) The State of Mississippi shall retain sole control over the development, establishment and revision of curriculum standards. Neither the State Board of Education nor any other state education entity, nor any state official elected or appointed, 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



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

53 (4) Beginning in 2019, the K-12 standards for mathematics,  
54 history, science and English must be reviewed pursuant to Title 7,  
55 Education Administrative Code and Mississippi Board of Education  
56 Policy 28.1 at least every five (5) to seven (7) years, with the  
57 review for only one (1) subject being initiated in a given year.  
58 Notwithstanding this subsection, the standards for English  
59 Language Arts must be reviewed this year and again after no more  
60 than five (5) years, and the standards for math must be reviewed  
61 this year and again after no more than five (5) years.

62 (5) The State Board of Education shall present proposed  
63 revisions to the standards at an open hearing before a joint  
64 meeting composed of the House Education Committee and the Senate  
65 Education Committee no later than January 31, 2020. The  
66 Legislature shall approve or disapprove revisions in the  
67 curriculum standards as it deems in the best interest of the state  
68 and its citizens. The final decision regarding adopting revisions  
69 to curriculum standards rests with the Legislature and must be  
70 made before the Legislature adjourns sine die.

71 **SECTION 3.** (1) Beginning on July 1, 2019, neither the  
72 board, the department nor any other education entity may:

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



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

**SECTION 4.** 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:



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

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

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

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

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

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





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

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

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

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

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

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

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

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



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



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

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

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



(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 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  
Accreditation to determine whether schools are complying with  
accreditation standards.



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

354 (9) [Deleted]

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

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

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

372 (b) Notify any applicable school district failing to  
373 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





399 professional development and on-site assistance. Each such school  
400 district shall apply for and utilize all available federal funding  
401 in order to support its corrective action plan in addition to  
402 state funds made available under this paragraph;

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

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

419 (12) (a) If the recommendations for corrective action are  
420 not taken by the local school district or if the deficiencies are  
421 not removed by the end of the probationary period, the Commission  
422 on School Accreditation shall conduct a hearing to allow the  
423 affected school district to present evidence or other reasons why



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

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to



449 declare a state of emergency in that school district. For  
450 purposes of this paragraph, the declarations of a state of  
451 emergency shall not be limited to those instances when a school  
452 district's impairments are related to a lack of financial  
453 resources, but also shall include serious failure to meet minimum  
454 academic standards, as evidenced by a continued pattern of poor  
455 student performance.

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

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

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



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

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

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

495 (vi) For states of emergency declared under  
496 paragraph (b) only, reduce local supplements paid to school  
497 district employees, including, but not limited to, instructional  
498 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



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

589 (13) Upon the declaration of a state of emergency in a  
590 school district under subsection (12) of this section, the  
591 Commission on School Accreditation shall be responsible for public  
592 notice at least once a week for at least three (3) consecutive  
593 weeks in a newspaper published within the jurisdiction of the  
594 school district failing to meet accreditation standards, or if no  
595 newspaper is published therein, then in a newspaper having a  
596 general circulation therein. The size of the notice shall be no  
597 smaller than one-fourth (1/4) of a standard newspaper page and





598 shall be printed in bold print. If an interim superintendent has  
599 been appointed for the school district, the notice shall begin as  
600 follows: "By authority of Section 37-17-6, Mississippi Code of  
601 1972, as amended, adopted by the Mississippi Legislature during  
602 the 1991 Regular Session, this school district (name of school  
603 district) is hereby placed under the jurisdiction of the State  
604 Department of Education acting through its appointed interim  
605 superintendent (name of interim superintendent)."

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

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

621 (14) The State Board of Education or the Commission on  
622 School Accreditation shall have the authority to require school



623 districts to produce the necessary reports, correspondence,  
624 financial statements, and any other documents and information  
625 necessary to fulfill the requirements of this section.

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

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

640               (i) Approving or disapproving all financial  
641 obligations of the district, including, but not limited to, the  
642 employment, termination, nonrenewal and reassignment of all  
643 licensed and nonlicensed personnel, contractual agreements and  
644 purchase orders, and approving or disapproving all claim dockets  
645 and the issuance of checks; in approving or disapproving  
646 employment contracts of superintendents, assistant superintendents  
647 or principals, the interim superintendent shall not be required to



648 comply with the time limitations prescribed in Sections 37-9-15  
649 and 37-9-105;

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

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

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

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

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

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

671 (viii) Appointing a parent advisory committee,  
672 comprised of parents of students in the school district that may



673 make recommendations to the interim superintendent concerning the  
674 administration, management and operation of the school district.

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

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

689         (b) In order to provide loans to school districts under  
690 a state of emergency or in district transformation status that  
691 have impairments related to a lack of financial resources, the  
692 School District Emergency Assistance Fund is created as a special  
693 fund in the State Treasury into which monies may be transferred or  
694 appropriated by the Legislature from any available public  
695 education funds. Funds in the School District Emergency  
696 Assistance Fund up to a maximum balance of Three Million Dollars  
697 (\$3,000,000.00) annually shall not lapse but shall be available



698 for expenditure in subsequent years subject to approval of the  
699 State Board of Education. Any amount in the fund in excess of  
700 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
701 year shall lapse into the State General Fund or the Education  
702 Enhancement Fund, depending on the source of the fund.

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



the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

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

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



by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

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

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



771 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
772 name of the superintendent shall be inserted) of the \_\_\_\_\_  
773 (here the title of the school district shall be inserted) be  
774 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

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

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

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





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

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

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

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



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

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



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

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

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

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

867 (20) \* \* \* The State Board of Education shall evaluate and  
868 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 5.** 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



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

908       **SECTION 6.** This act shall take effect and be in force from  
909 and after July 1, 2019.

