

By: Representatives Barton, Read, Hale

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1317

1 AN ACT TO AMEND SECTION 37-15-38, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE PUBLIC COMMUNITY AND JUNIOR COLLEGES, SUBJECT TO THE
3 AVAILABILITY OF STATE FUNDING, TO WAIVE TUITION AND REQUIRED FEES
4 FOR THE FIRST FIFTEEN SEMESTER CREDIT HOURS TAKEN BY HIGH SCHOOL
5 JUNIORS AND SENIORS THROUGH A DUAL ENROLLMENT-DUAL CREDIT PROGRAM;
6 TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO
7 THE PRECEDING PROVISIONS; TO AMEND SECTION 37-17-6, MISSISSIPPI
8 CODE OF 1972, TO PROVIDE THAT THE STATEWIDE ACCOUNTABILITY SYSTEM
9 MAY INCLUDE CONSIDERATION OF NO MORE THAN THE FIRST FIFTEEN
10 SEMESTER CREDIT HOURS EARNED BY AN INDIVIDUAL DUALY ENROLLED
11 STUDENT IN CALCULATING A SCHOOL AND SCHOOL DISTRICT'S
12 ACCOUNTABILITY RATING; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 37-15-38, Mississippi Code of 1972, is
15 amended as follows:

16 37-15-38. (1) The following phrases have the meanings
17 ascribed in this * * * subsection unless the context clearly
18 requires otherwise:

19 (a) A "dual enrolled student" is a student who is
20 enrolled in a community or junior college or state institution of
21 higher learning while enrolled in high school.

22 (b) A "dual credit student" is a student who is
23 enrolled in a community or junior college or state institution of



24 higher learning while enrolled in high school and who is receiving
25 high school and college credit for postsecondary coursework.

26 (2) A local school board, the Board of Trustees of State
27 Institutions of Higher Learning and the Mississippi Community
28 College Board shall establish a dual enrollment system under which
29 students in the school district who meet the prescribed criteria
30 of this section may be enrolled in a postsecondary institution in
31 Mississippi while they are still in school.

32 (3) **Dual credit eligibility.** Before credits earned by a
33 qualified high school student from a community or junior college
34 or state institution of higher learning may be transferred to the
35 student's home school district, the student must be properly
36 enrolled in a dual enrollment program.

37 (4) **Admission criteria for dual enrollment in community and**
38 **junior college or university programs.** The Mississippi Community
39 College Board and the Board of Trustees of State Institutions of
40 Higher Learning may recommend to the State Board of Education
41 admission criteria for dual enrollment programs under which high
42 school students may enroll at a community or junior college or
43 university while they are still attending high school and enrolled
44 in high school courses. Students may be admitted to enroll in
45 community or junior college courses under the dual enrollment
46 programs if they meet that individual institution's stated dual
47 enrollment admission requirements.



48 (5) (a) Tuition and cost responsibility: state universities
49 and private or nonpublic universities and colleges. Tuition and
50 costs for all public or private university * * * and college
51 courses and nonpublic community and junior college courses offered
52 under a dual enrollment program must be specified in the dual
53 enrollment agreement entered into by the institution and the local
54 school district. The agreement may provide that tuition and costs
55 are to be paid for by the postsecondary institution, the local
56 school district, the parents or legal guardians of the student, or
57 by grants, foundations or other private or public sources.
58 Payment for tuition and any other costs must be made directly to
59 the credit-granting institution.

60 (b) Tuition and cost responsibility: public community
61 and junior colleges. Subject to the availability of funding
62 appropriated specifically for such purpose by line item in the
63 annual appropriation bill for the support of the community and
64 junior colleges, beginning in the 2019-2020 school year, each
65 public community and junior college shall waive tuition and
66 required fees for up to fifteen (15) semester credit hours for a
67 qualified high school junior or senior taking courses through a
68 dual enrollment program. This paragraph may not be construed to
69 limit the total number of semester credit hours that may be earned
70 by a dually enrolled student; however, after a student has earned
71 fifteen (15) semester credit hours, the student is responsible for
72 paying tuition at the rate charged by the community or junior



73 college for part-time students plus any other required fees or
74 costs for additional courses taken by that student.

75 (6) **Transportation responsibility.** Any transportation
76 required by a student to participate in the dual enrollment
77 program is the responsibility of the parent, custodian or legal
78 guardian of the student. Transportation costs may be paid from
79 any available public or private sources, including the local
80 school district.

81 (7) **School district average daily attendance credit.** When
82 dually enrolled, the student may be counted, for adequate
83 education program funding purposes, in the average daily
84 attendance of the public school district in which the student
85 attends high school.

86 (8) **High school student transcript transfer requirements.**
87 Grades and college credits earned by a student admitted to a dual
88 credit program must be recorded on the high school student record
89 and on the college transcript at the university or community or
90 junior college where the student attends classes. The transcript
91 of the university or community or junior college coursework may be
92 released to another institution or applied toward college
93 graduation requirements.

94 (9) **Determining factor of prerequisites for dual enrollment**
95 **courses.** Each university and community or junior college
96 participating in a dual enrollment program shall determine course
97 prerequisites. Course prerequisites shall be the same for dual



98 enrolled students as for regularly enrolled students at that
99 university or community or junior college.

100 (10) **Process for determining articulation of curriculum**
101 **between high school, university, and community and junior college**
102 **courses.** All dual credit courses must meet the standards
103 established at the postsecondary level. Postsecondary level
104 developmental courses may not be considered as meeting the
105 requirements of the dual credit program. Dual credit memorandum
106 of understandings must be established between each postsecondary
107 institution and the school district implementing a dual credit
108 program.

109 (11) [Deleted]

110 (12) **Eligible courses for dual credit programs.** Courses
111 eligible for dual credit include, but are not necessarily limited
112 to, foreign languages, advanced math courses, advanced science
113 courses, performing arts, advanced business and technology, and
114 career and technical courses. Distance Learning Collaborative
115 Program courses approved under Section 37-67-1 shall be fully
116 eligible for dual credit. All courses being considered for dual
117 credit must receive unconditional approval from the superintendent
118 of the local school district and the chief instructional officer
119 at the participating community or junior college or university in
120 order for college credit to be awarded. A university or community
121 or junior college shall make the final decision on what courses
122 are eligible for semester hour credits.



123 (13) **High school Carnegie unit equivalency.** One (1)
124 three-hour university or community or junior college course is
125 equal to one (1) high school Carnegie unit.

126 (14) **Course alignment.** The universities, community and
127 junior colleges and the State Department of Education shall
128 periodically review their respective policies and assess the place
129 of dual credit courses within the context of their traditional
130 offerings.

131 (15) **Maximum dual credits allowed.** It is the intent of the
132 dual enrollment program to make it possible for every eligible
133 student who desires to earn a semester's worth of college credit
134 in high school to do so. A qualified dually enrolled high school
135 student must be allowed to earn an unlimited number of college or
136 university credits for dual credit.

137 (16) **Dual credit program allowances.** A student may be
138 granted credit delivered through the following means:

139 (a) Examination preparation taught at a high school by
140 a qualified teacher. A student may receive credit at the
141 secondary level after completion of an approved course and passing
142 the standard examination, such as an Advanced Placement or
143 International Baccalaureate course through which a high school
144 student is allowed CLEP credit by making a three (3) or higher on
145 the end-of-course examination.

146 (b) College or university courses taught at a high
147 school or designated postsecondary site by a qualified teacher who



148 is an employee of the school district and approved as an
149 instructor by the collaborating college or university.

150 (c) College or university courses taught at a college,
151 university or high school by an instructor employed by the college
152 or university and approved by the collaborating school district.

153 (d) Online courses of any public university, community
154 or junior college in Mississippi.

155 (17) **Qualifications of dual credit instructors.** A dual
156 credit academic instructor must meet the requirements set forth by
157 the regional accrediting association (Southern Association of
158 College and Schools). University and community and junior college
159 personnel have the sole authority in the selection of dual credit
160 instructors.

161 A dual credit career and technical education instructor must
162 meet the requirements set forth by the Mississippi Community
163 College Board in the qualifications manual for postsecondary
164 career and technical personnel.

165 (18) **Guidance on local agreements.** The Chief Academic
166 Officer of the State Board of Trustees of State Institutions of
167 Higher Learning and the Chief Instructional Officers of the
168 Mississippi Community College Board and the State Department of
169 Education, working collaboratively, shall develop a template to be
170 used by the individual community and junior colleges and
171 institutions of higher learning for consistent implementation of
172 the dual enrollment program throughout the State of Mississippi.



173 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

174 A local school board and the local community colleges board shall
175 establish a Mississippi Works Dual Enrollment-Dual Credit Option
176 Program under which potential or recent student dropouts may
177 dually enroll in their home school and a local community college
178 in a dual credit program consisting of high school completion
179 coursework and a community college credential, certificate or
180 degree program. Students completing the dual enrollment-credit
181 option may obtain their high school diploma while obtaining a
182 community college credential, certificate or degree. The
183 Mississippi Department of Employment Security shall assist
184 students who have successfully completed the Mississippi Works
185 Dual Enrollment-Dual Credit Option in securing a job upon the
186 application of the student or the participating school or
187 community college. The Mississippi Works Dual Enrollment-Dual
188 Credit Option Program will be implemented statewide in the
189 2012-2013 school year and thereafter. The State Board of
190 Education, local school board and the local community college
191 board shall establish criteria for the Dual Enrollment-Dual Credit
192 Program. Students enrolled in the program will not be eligible to
193 participate in interscholastic sports or other extracurricular
194 activities at the home school district. Tuition and costs for
195 community college courses offered under the Dual Enrollment-Dual
196 Credit Program shall not be charged to the student, parents or
197 legal guardians. When dually enrolled, the student shall be



198 counted for adequate education program funding purposes, in the
199 average daily attendance (ADA) of the public school district in
200 which the student attends high school, as provided in Section
201 37-151-7(1) (a). The community college providing services to
202 students in a Dual Enrollment-Dual Credit Program shall require
203 payment from the home school district for services provided to
204 such students at a rate of one hundred percent (100%) of ADA. Any
205 transportation required by the student to participate in the Dual
206 Enrollment-Dual Credit Program is the responsibility of the parent
207 or legal guardian of the student, and transportation costs may be
208 paid from any available public or private sources, including the
209 local school district. Grades and college credits earned by a
210 student admitted to this Dual Enrollment-Dual Credit Program shall
211 be recorded on the high school student record and on the college
212 transcript at the community college and high school where the
213 student attends classes. The transcript of the community college
214 coursework may be released to another institution or applied
215 toward college graduation requirements. Any course that is
216 required for subject area testing as a requirement for graduation
217 from a public school in Mississippi is eligible for dual credit,
218 and courses eligible for dual credit shall also include career,
219 technical and degree program courses. All courses eligible for
220 dual credit shall be approved by the superintendent of the local
221 school district and the chief instructional officer at the
222 participating community college in order for college credit to be



223 awarded. A community college shall make the final decision on
224 what courses are eligible for semester hour credits and the local
225 school superintendent, subject to approval by the Mississippi
226 Department of Education, shall make the final decision on the
227 transfer of college courses credited to the student's high school
228 transcript.

229 **SECTION 2.** Section 37-151-7, Mississippi Code of 1972, is
230 amended as follows:

231 37-151-7. The annual allocation to each school district for
232 the operation of the adequate education program shall be
233 determined as follows:

234 (1) **Computation of the basic amount to be included for**
235 **current operation in the adequate education program.** The
236 following procedure shall be followed in determining the annual
237 allocation to each school district:

238 (a) **Determination of average daily attendance.**
239 Effective with fiscal year 2011, the State Department of Education
240 shall determine the percentage change from the prior year of each
241 year of each school district's average of months two (2) and three
242 (3) average daily attendance (ADA) for the three (3) immediately
243 preceding school years of the year for which funds are being
244 appropriated. For any school district that experiences a positive
245 growth in the average of months two (2) and three (3) ADA each
246 year of the three (3) years, the average percentage growth over
247 the three-year period shall be multiplied times the school



248 district's average of months two (2) and three (3) ADA for the
249 year immediately preceding the year for which MAEP funds are being
250 appropriated. The resulting amount shall be added to the school
251 district's average of months two (2) and three (3) ADA for the
252 year immediately preceding the year for which MAEP funds are being
253 appropriated to arrive at the ADA to be used in determining a
254 school district's MAEP allocation. Otherwise, months two (2) and
255 three (3) ADA for the year immediately preceding the year for
256 which MAEP funds are being appropriated will be used in
257 determining a school district's MAEP allocation. In any fiscal
258 year prior to 2010 in which the MAEP formula is not fully funded,
259 for those districts that do not demonstrate a three-year positive
260 growth in months two (2) and three (3) ADA, months one (1) through
261 nine (9) ADA of the second preceding year for which funds are
262 being appropriated or months two (2) and three (3) ADA of the
263 preceding year for which funds are being appropriated, whichever
264 is greater, shall be used to calculate the district's MAEP
265 allocation. The district's average daily attendance shall be
266 computed and currently maintained in accordance with regulations
267 promulgated by the State Board of Education. The district's
268 average daily attendance shall include any student enrolled in a
269 Mississippi Works Dual Enrollment-Dual Credit Option Program as
270 defined and provided in Section 37-15-38(19). For those students
271 enrolled in a program under Section 37-15-38(19), the State
272 Department of Education shall make payments for Dual



273 Enrollment-Dual Credit Programs to the home school in which the
274 student is enrolled, in accordance with regulations promulgated by
275 the State Board of Education. * * * All MAEP/state funding for
276 each dually enrolled student shall cease upon completion of high
277 school graduation requirements.

278 (b) **Determination of base student cost.** Effective with
279 fiscal year 2011 and every fourth fiscal year thereafter, the
280 State Board of Education, on or before August 1, with adjusted
281 estimate no later than January 2, shall submit to the Legislative
282 Budget Office and the Governor a proposed base student cost
283 adequate to provide the following cost components of educating a
284 pupil in a successful school district: (i) instructional cost;
285 (ii) administrative cost; (iii) operation and maintenance of
286 plant; and (iv) ancillary support cost. For purposes of these
287 calculations, the State Department of Education shall utilize
288 financial data from the second preceding year of the year for
289 which funds are being appropriated.

290 For the instructional cost component, the State Department of
291 Education shall select districts that have been identified as
292 instructionally successful and have a ratio of a number of
293 teachers per one thousand (1,000) students that is between one (1)
294 standard deviation above the mean and two (2) standard deviations
295 below the mean of the statewide average of teachers per one
296 thousand (1,000) students. The instructional cost component shall
297 be calculated by dividing the latest available months one (1)



298 through nine (9) ADA into the instructional expenditures of these
299 selected districts. For the purpose of this calculation, the
300 State Department of Education shall use the following funds,
301 functions and objects:

302 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
303 1210, 1220, 2150-2159 Objects 210 and 215;
304 Fund 1130 All Functions, Object Code 210 and 215;
305 Fund 2001 Functions 1110-1199 Objects 100-999;
306 Fund 2070 Functions 1110-1199 Objects 100-999;
307 Fund 2420 Functions 1110-1199 Objects 100-999;
308 Fund 2711 All Functions, Object Code 210 and 215.

309 Prior to the calculation of the instructional cost component,
310 there shall be subtracted from the above expenditures any revenue
311 received for Chickasaw Cession payments, Master Teacher
312 Certification payments and the district's portion of state revenue
313 received from the MAEP at-risk allocation.

314 For the administrative cost component, the State Department
315 of Education shall select districts that have been identified as
316 instructionally successful and have a ratio of an administrative
317 staff to nonadministrative staff between one (1) standard
318 deviation above the mean and two (2) standard deviations below the
319 mean of the statewide average administrative staff to
320 nonadministrative staff. The administrative cost component shall
321 be calculated by dividing the latest available months one (1)
322 through nine (9) ADA of the selected districts into the



323 administrative expenditures of these selected districts. For the
324 purpose of this calculation, the State Department of Education
325 shall use the following funds, functions and objects:

326 Fund 1120 Functions 2300-2599, Functions 2800-2899,
327 Objects 100-999;

328 Fund 2711 Functions 2300-2599, Functions 2800-2899,
329 Objects 100-999.

330 For the plant and maintenance cost component, the State
331 Department of Education shall select districts that have been
332 identified as instructionally successful and have a ratio of plant
333 and maintenance expenditures per one hundred thousand (100,000)
334 square feet of building space and a ratio of maintenance workers
335 per one hundred thousand (100,000) square feet of building space
336 that are both between one (1) standard deviation above the mean
337 and two (2) standard deviations below the mean of the statewide
338 average. The plant and maintenance cost component shall be
339 calculated by dividing the latest available months one (1) through
340 nine (9) ADA of the selected districts into the plant and
341 maintenance expenditures of these selected districts. For the
342 purpose of this calculation, the State Department of Education
343 shall use the following funds, functions and objects:

344 Fund 1120 Functions 2600-2699, Objects 100-699
345 and Objects 800-999;

346 Fund 2711 Functions 2600-2699, Objects 100-699
347 and Objects 800-999;



348 Fund 2430 Functions 2600-2699, Objects 100-699

349 and Objects 800-999.

350 For the ancillary support cost component, the State
351 Department of Education shall select districts that have been
352 identified as instructionally successful and have a ratio of a
353 number of librarians, media specialists, guidance counselors and
354 psychologists per one thousand (1,000) students that is between
355 one (1) standard deviation above the mean and two (2) standard
356 deviations below the mean of the statewide average of librarians,
357 media specialists, guidance counselors and psychologists per one
358 thousand (1,000) students. The ancillary cost component shall be
359 calculated by dividing the latest available months one (1) through
360 nine (9) ADA into the ancillary expenditures instructional
361 expenditures of these selected districts. For the purpose of this
362 calculation, the State Department of Education shall use the
363 following funds, functions and objects:

364 Fund 1120 Functions 2110-2129, Objects 100-999;

365 Fund 1120 Functions 2140-2149, Objects 100-999;

366 Fund 1120 Functions 2220-2229, Objects 100-999;

367 Fund 2001 Functions 2100-2129, Objects 100-999;

368 Fund 2001 Functions 2140-2149, Objects 100-999;

369 Fund 2001 Functions 2220-2229, Objects 100-999.

370 The total base cost for each year shall be the sum of the
371 instructional cost component, administrative cost component, plant
372 and maintenance cost component and ancillary support cost



373 component, and any estimated adjustments for additional state
374 requirements as determined by the State Board of Education. * * *
375 However, * * * the base student cost in fiscal year 1998 shall be
376 Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

377 For each of the fiscal years between the recalculation of the
378 base student cost under the provisions of this paragraph (b), the
379 base student cost shall be increased by an amount equal to forty
380 percent (40%) of the base student cost for the previous fiscal
381 year, multiplied by the latest annual rate of inflation for the
382 State of Mississippi as determined by the State Economist, plus
383 any adjustments for additional state requirements such as, but not
384 limited to, teacher pay raises and health insurance premium
385 increases.

386 (c) **Determination of the basic adequate education**
387 **program cost.** The basic amount for current operation to be
388 included in the Mississippi Adequate Education Program for each
389 school district shall be computed as follows:

390 Multiply the average daily attendance of the district by the
391 base student cost as established by the Legislature, which yields
392 the total base program cost for each school district.

393 (d) **Adjustment to the base student cost for at-risk**
394 **pupils.** The amount to be included for at-risk pupil programs for
395 each school district shall be computed as follows: Multiply the
396 base student cost for the appropriate fiscal year as determined
397 under paragraph (b) by five percent (5%), and multiply that



398 product by the number of pupils participating in the federal free
399 school lunch program in such school district, which yields the
400 total adjustment for at-risk pupil programs for such school
401 district.

402 (e) **Add-on program cost.** The amount to be allocated to
403 school districts in addition to the adequate education program
404 cost for add-on programs for each school district shall be
405 computed as follows:

406 (i) Transportation cost shall be the amount
407 allocated to such school district for the operational support of
408 the district transportation system from state funds.

409 (ii) Vocational or technical education program
410 cost shall be the amount allocated to such school district from
411 state funds for the operational support of such programs.

412 (iii) Special education program cost shall be the
413 amount allocated to such school district from state funds for the
414 operational support of such programs.

415 (iv) Gifted education program cost shall be the
416 amount allocated to such school district from state funds for the
417 operational support of such programs.

418 (v) Alternative school program cost shall be the
419 amount allocated to such school district from state funds for the
420 operational support of such programs.



421 (vi) Extended school year programs shall be the
422 amount allocated to school districts for those programs authorized
423 by law which extend beyond the normal school year.

424 (vii) University-based programs shall be the
425 amount allocated to school districts for those university-based
426 programs for handicapped children as defined and provided for in
427 Section 37-23-131 et seq., Mississippi Code of 1972.

428 (viii) Bus driver training programs shall be the
429 amount provided for those driver training programs as provided for
430 in Section 37-41-1 * * *.

431 The sum of the items listed above (i) transportation, (ii)
432 vocational or technical education, (iii) special education, (iv)
433 gifted education, (v) alternative school, (vi) extended school
434 year, (vii) university-based, and (viii) bus driver training shall
435 yield the add-on cost for each school district.

436 (f) **Total projected adequate education program cost.**

437 The total Mississippi Adequate Education Program cost shall be the
438 sum of the total basic adequate education program cost (paragraph
439 (c)), and the adjustment to the base student cost for at-risk
440 pupils (paragraph (d)) for each school district. In any year in
441 which the MAEP is not fully funded, the Legislature shall direct
442 the Department of Education in the K-12 appropriation bill as to
443 how to allocate MAEP funds to school districts for that year.

444 (g) The State Auditor shall annually verify the State
445 Board of Education's estimated calculations for the Mississippi



446 Adequate Education Program that are submitted each year to the
447 Legislative Budget Office on August 1 and the final calculation
448 that is submitted on January 2.

449 (2) **Computation of the required local revenue in support of**
450 **the adequate education program.** The amount that each district
451 shall provide toward the cost of the adequate education program
452 shall be calculated as follows:

453 (a) The State Department of Education shall certify to
454 each school district that twenty-eight (28) mills, less the
455 estimated amount of the yield of the School Ad Valorem Tax
456 Reduction Fund grants as determined by the State Department of
457 Education, is the millage rate required to provide the district
458 required local effort for that year, or twenty-seven percent (27%)
459 of the basic adequate education program cost for such school
460 district as determined under paragraph (c), whichever is a lesser
461 amount. In the case of an agricultural high school, the millage
462 requirement shall be set at a level which generates an equitable
463 amount per pupil to be determined by the State Board of Education.
464 The local contribution amount for school districts in which there
465 is located one or more charter schools will be calculated using
466 the following methodology: using the adequate education program
467 twenty-eight (28) mill value, or the twenty-seven percent (27%)
468 cap amount (whichever is less) for each school district in which a
469 charter school is located, an average per pupil amount will be
470 calculated. This average per pupil amount will be multiplied



471 times the number of students attending the charter school in that
472 school district. The sum becomes the charter school's local
473 contribution to the adequate education program.

474 (b) The State Department of Education shall determine
475 the following from the annual assessment information submitted to
476 the department by the tax assessors of the various counties: (i)
477 the total assessed valuation of nonexempt property for school
478 purposes in each school district; (ii) assessed value of exempt
479 property owned by homeowners aged sixty-five (65) or older or
480 disabled as defined in Section 27-33-67(2) * * *; (iii) the school
481 district's tax loss from exemptions provided to applicants under
482 the age of sixty-five (65) and not disabled as defined in Section
483 27-33-67(1) * * *; and (iv) the school district's homestead
484 reimbursement revenues.

485 (c) The amount of the total adequate education program
486 funding which shall be contributed by each school district shall
487 be the sum of the ad valorem receipts generated by the millage
488 required under this subsection plus the following local revenue
489 sources for the appropriate fiscal year which are or may be
490 available for current expenditure by the school district:

491 One hundred percent (100%) of Grand Gulf income as prescribed
492 in Section 27-35-309.

493 One hundred percent (100%) of any fees in lieu of taxes as
494 prescribed in Section 27-31-104.



495 (3) **Computation of the required state effort in support of**
496 **the adequate education program.**

497 (a) The required state effort in support of the
498 adequate education program shall be determined by subtracting the
499 sum of the required local tax effort as set forth in subsection
500 (2)(a) of this section and the other local revenue sources as set
501 forth in subsection (2)(c) of this section in an amount not to
502 exceed twenty-seven percent (27%) of the total projected adequate
503 education program cost as set forth in subsection (1)(f) of this
504 section from the total projected adequate education program cost
505 as set forth in subsection (1)(f) of this section.

506 (b) * * * However, * * * in fiscal year 2015, any
507 increase in the * * * state contribution to any district
508 calculated under this section shall be not less than six percent
509 (6%) in excess of the amount received by * * * that district from
510 state funds for fiscal year 2002; in fiscal year 2016, any
511 increase in the * * * state contribution to any district
512 calculated under this section shall be not less than four percent
513 (4%) in excess of the amount received by * * * that district from
514 state funds for fiscal year 2002; in fiscal year 2017, any
515 increase in the * * * state contribution to any district
516 calculated under this section shall be not less than two percent
517 (2%) in excess of the amount received by * * * that district from
518 state funds for fiscal year 2002; and in fiscal year 2018 and
519 thereafter, any increase in the * * * state contribution to any



520 district calculated under this section shall be zero percent (0%).
521 For purposes of this paragraph (b), state funds shall include
522 minimum program funds less the add-on programs, State Uniform
523 Millage Assistance Grant Funds, Education Enhancement Funds
524 appropriated for Uniform Millage Assistance Grants and state
525 textbook allocations, and State General Funds allocated for
526 textbooks.

527 (c) If the school board of any school district shall
528 determine that it is not economically feasible or practicable to
529 operate any school within the district for the full one hundred
530 eighty (180) days required for a school term of a scholastic year,
531 as required in Section 37-13-63, * * * due to an enemy attack, a
532 man-made, technological or natural disaster in which the Governor
533 has declared a disaster emergency under the laws of this state or
534 the President of the United States has declared an emergency or
535 major disaster to exist in this state, * * * the school board may
536 notify the State Department of Education of such disaster and
537 submit a plan for altering the school term. If the State Board of
538 Education finds such disaster to be the cause of the school not
539 operating for the contemplated school term and that such school
540 was in a school district covered by the Governor's or President's
541 disaster declaration, it may permit * * * the school board to
542 operate the schools in its district for less than one hundred
543 eighty (180) days and, in such case, the State Department of
544 Education shall not reduce the state contributions to the adequate



545 education program allotment for such district, because of the
546 failure to operate * * * those schools for one hundred eighty
547 (180) days.

548 (4) The Interim School District Capital Expenditure Fund is
549 hereby established in the State Treasury which shall be used to
550 distribute any funds specifically appropriated by the Legislature
551 to such fund to school districts entitled to increased allocations
552 of state funds under the adequate education program funding
553 formula prescribed in Sections 37-151-3 through * * * this section
554 until such time as the * * * adequate education program is fully
555 funded by the Legislature. The following percentages of the total
556 state cost of increased allocations of funds under the adequate
557 education program funding formula shall be appropriated by the
558 Legislature into the Interim School District Capital Expenditure
559 Fund to be distributed to all school districts under the formula:
560 Nine and two-tenths percent (9.2%) shall be appropriated in fiscal
561 year 1998, twenty percent (20%) shall be appropriated in fiscal
562 year 1999, forty percent (40%) shall be appropriated in fiscal
563 year 2000, sixty percent (60%) shall be appropriated in fiscal
564 year 2001, eighty percent (80%) shall be appropriated in fiscal
565 year 2002, and one hundred percent (100%) shall be appropriated in
566 fiscal year 2003 into the State Adequate Education Program Fund.
567 Until July 1, 2002, such money shall be used by school districts
568 for the following purposes:



569 (a) Purchasing, erecting, repairing, equipping,
570 remodeling and enlarging school buildings and related facilities,
571 including gymnasiums, auditoriums, lunchrooms, vocational training
572 buildings, libraries, school barns and garages for transportation
573 vehicles, school athletic fields and necessary facilities
574 connected therewith, and purchasing land therefor. Any such
575 capital improvement project by a school district shall be approved
576 by the State Board of Education, and based on an approved
577 long-range plan. The State Board of Education shall promulgate
578 minimum requirements for the approval of school district capital
579 expenditure plans.

580 (b) Providing necessary water, light, heating,
581 air-conditioning, and sewerage facilities for school buildings,
582 and purchasing land therefor.

583 (c) Paying debt service on existing capital improvement
584 debt of the district or refinancing outstanding debt of a district
585 if such refinancing will result in an interest cost savings to the
586 district.

587 (d) From and after October 1, 1997, through June 30,
588 1998, pursuant to a school district capital expenditure plan
589 approved by the State Department of Education, a school district
590 may pledge such funds until July 1, 2002, plus funds provided for
591 in paragraph (e) of this subsection (4) that are not otherwise
592 permanently pledged under such paragraph (e) to pay all or a
593 portion of the debt service on debt issued by the school district



594 under Sections 37-59-1 through 37-59-45, 37-59-101 through
595 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
596 37-7-301, 37-7-302 and 37-41-81, * * * or debt issued by boards of
597 supervisors for agricultural high schools pursuant to Section
598 37-27-65, * * * or lease-purchase contracts entered into pursuant
599 to Section 31-7-13, * * * or to retire or refinance outstanding
600 debt of a district, if such pledge is accomplished pursuant to a
601 written contract or resolution approved and spread upon the
602 minutes of an official meeting of the district's school board or
603 board of supervisors. It is the intent of this provision to allow
604 school districts to irrevocably pledge their Interim School
605 District Capital Expenditure Fund allotments as a constant stream
606 of revenue to secure a debt issued under the foregoing code
607 sections. To allow school districts to make such an irrevocable
608 pledge, the state shall take all action necessary to ensure that
609 the amount of a district's Interim School District Capital
610 Expenditure Fund allotments shall not be reduced below the amount
611 certified by the department or the district's total allotment
612 under the Interim Capital Expenditure Fund if fully funded, so
613 long as such debt remains outstanding.

614 (e) [Repealed]

615 (f) [Repealed]

616 (g) The State Board of Education may authorize the
617 school district to expend not more than twenty percent (20%) of
618 its annual allotment of such funds or Twenty Thousand Dollars



619 (\$20,000.00), whichever is greater, for technology needs of the
620 school district, including computers, software,
621 telecommunications, cable television, interactive video, film,
622 low-power television, satellite communications, microwave
623 communications, technology-based equipment installation and
624 maintenance, and the training of staff in the use of such
625 technology-based instruction. Any such technology expenditure
626 shall be reflected in the local district technology plan approved
627 by the State Board of Education under Section 37-151-17 * * *.

628 (h) To the extent a school district has not utilized
629 twenty percent (20%) of its annual allotment for technology
630 purposes under paragraph (g), a school district may expend not
631 more than twenty percent (20%) of its annual allotment or Twenty
632 Thousand Dollars (\$20,000.00), whichever is greater, for
633 instructional purposes. The State Board of Education may
634 authorize a school district to expend more than said twenty
635 percent (20%) of its annual allotment for instructional purposes
636 if it determines that such expenditures are needed for
637 accreditation purposes.

638 (i) The State Department of Education or the State
639 Board of Education may require that any project commenced under
640 this section with an estimated project cost of not less than Five
641 Million Dollars (\$5,000,000.00) shall be done only pursuant to
642 program management of the process with respect to design and
643 construction. Any individuals, partnerships, companies or other



644 entities acting as a program manager on behalf of a local school
645 district and performing program management services for projects
646 covered under this subsection shall be approved by the State
647 Department of Education.

648 Any interest accruing on any unexpended balance in the
649 Interim School District Capital Expenditure Fund shall be invested
650 by the State Treasurer and placed to the credit of each school
651 district participating in such fund in its proportionate share.

652 The provisions of this subsection (4) shall be cumulative and
653 supplemental to any existing funding programs or other authority
654 conferred upon school districts or school boards.

655 (5) The State Department of Education shall make payments to
656 charter schools for each student in average daily attendance at
657 the charter school equal to the state share of the adequate
658 education program payments for each student in average daily
659 attendance at the school district in which the public charter
660 school is located. In calculating the local contribution for
661 purposes of determining the state share of the adequate education
662 program payments, the department shall deduct the pro rata local
663 contribution of the school district in which the student resides
664 as determined in subsection (2)(a) of this section.

665 **SECTION 3.** Section 37-17-6, Mississippi Code of 1972, is
666 amended as follows:

667 37-17-6. (1) The State Board of Education, acting through
668 the Commission on School Accreditation, shall establish and



669 implement a permanent performance-based accreditation system, and
670 all noncharter public elementary and secondary schools shall be
671 accredited under this system.

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

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

680	Number of Students	Number of Certified
681	Per School Library	School Librarians
682	0 - 499 Students	1/2 Full-time Equivalent
683		Certified Librarian
684	500 or More Students	1 Full-time Certified
685		Librarian

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

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



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

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

700 (f) Any additional millage levied to fund school
701 librarians required for accreditation under this subsection shall
702 be included in the tax increase limitation set forth in Sections
703 37-57-105 and 37-57-107 and shall not be deemed a new program for
704 purposes of the limitation.

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

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

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

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

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



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

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

723 (g) A determination of which schools are failing to
724 meet their standards and a determination of the appropriate role
725 of the State Board of Education and the State Department of
726 Education in providing assistance and initiating possible
727 intervention. A failing district is a district that fails to meet
728 both the absolute student achievement standards and the rate of
729 annual growth expectation standards as set by the State Board of
730 Education for two (2) consecutive years. The State Board of
731 Education shall establish the level of benchmarks by which
732 absolute student achievement and growth expectations shall be
733 assessed. In setting the benchmarks for school districts, the
734 State Board of Education may also take into account such factors
735 as graduation rates, dropout rates, completion rates, the extent
736 to which the school or district employs qualified teachers in
737 every classroom, and any other factors deemed appropriate by the
738 State Board of Education. The State Board of Education, acting
739 through the State Department of Education, shall apply a simple
740 "A," "B," "C," "D" and "F" designation to the current school and
741 school district statewide accountability performance



742 classification labels beginning with the State Accountability
743 Results for the 2011-2012 school year and following, and in the
744 school, district and state report cards required under state and
745 federal law. Under the new designations, a school or school
746 district that has earned a "Star" rating shall be designated an
747 "A" school or school district; a school or school district that
748 has earned a "High-Performing" rating shall be designated a "B"
749 school or school district; a school or school district that has
750 earned a "Successful" rating shall be designated a "C" school or
751 school district; a school or school district that has earned an
752 "Academic Watch" rating shall be designated a "D" school or school
753 district; a school or school district that has earned a
754 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
755 be designated an "F" school or school district. Effective with
756 the implementation of any new curriculum and assessment standards,
757 the State Board of Education, acting through the State Department
758 of Education, is further authorized and directed to change the
759 school and school district accreditation rating system to a simple
760 "A," "B," "C," "D," and "F" designation based on a combination of
761 student achievement scores and student growth as measured by the
762 statewide testing programs developed by the State Board of
763 Education pursuant to Chapter 16, Title 37, Mississippi Code of
764 1972. In any statute or regulation containing the former
765 accreditation designations, the new designations shall be
766 applicable;



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

769 (i) The State Board of Education may, based on a
770 written request that contains specific reasons for requesting a
771 waiver from the school districts affected by Hurricane Katrina of
772 2005, hold harmless school districts from assignment of district
773 and school level accountability ratings for the 2005-2006 school
774 year. The State Board of Education upon finding an extreme
775 hardship in the school district may grant the request. It is the
776 intent of the Legislature that all school districts maintain the
777 highest possible academic standards and instructional programs in
778 all schools as required by law and the State Board of Education.

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

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

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

789 (iii) To have sixty percent (60%) of students
790 scoring proficient and advanced on the assessments of the Common



791 Core State Standards by 2016 with incremental increases of three
792 percent (3%) each year thereafter.

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

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

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

801 (ii) Individual student growth: the percent of
802 students making one (1) year's progress in one (1) year's time on
803 the state assessment, with an emphasis on the progress of the
804 lowest twenty-five percent (25%) of students in the school or
805 district;

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

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



815 schools, the lowest ten percent (10%) of school grade point
816 designees will be identified as Focus schools;

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

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

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

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

833 (ix) The State Department of Education shall
834 determine feeder patterns of schools that do not earn a school
835 grade because the grades and subjects taught at the school do not
836 have statewide standardized assessments needed to calculate a
837 school grade. Upon determination of the feeder pattern, the
838 department shall notify schools and school districts prior to the
839 release of the school grades beginning in 2013. Feeder schools



840 will be assigned the accountability designation of the school to
841 which they provide students;

842 (x) Standards for student, school and school
843 district performance will be increased when student proficiency is
844 at a seventy-five percent (75%) and/or when sixty-five percent
845 (65%) of the schools and/or school districts are earning a grade
846 of "B" or higher, in order to raise the standard on performance
847 after targets are met.

848 (xi) Beginning in the 2019-2020 school year, any
849 component of the school and school district accountability system
850 which includes the participation rate and performance of students
851 in dual enrollment-dual credit courses may include consideration
852 of no more than the first fifteen (15) semester credit hours
853 earned by an individual student through a dual enrollment-dual
854 credit program in the calculation of a school and school
855 district's accountability rating.

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

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

863 (8) The State Board of Education shall be specifically
864 authorized and empowered to withhold adequate education program



865 fund allocations * * * to any public school district for failure
866 to timely report student, school personnel and fiscal data
867 necessary to meet state and/or federal requirements.

868 (9) [Deleted]

869 (10) The State Board of Education shall establish, for those
870 school districts failing to meet accreditation standards, a
871 program of development to be complied with in order to receive
872 state funds, except as otherwise provided in subsection (15) of
873 this section when the Governor has declared a state of emergency
874 in a school district or as otherwise provided in Section 206,
875 Mississippi Constitution of 1890. The state board, in
876 establishing these standards, shall provide for notice to schools
877 and sufficient time and aid to enable schools to attempt to meet
878 these standards, unless procedures under subsection (15) of this
879 section have been invoked.

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

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

886 (b) Notify any applicable school district failing to
887 meet accreditation standards that it is on probation until
888 corrective actions are taken or until the deficiencies have been
889 removed. The local school district shall develop a corrective



890 action plan to improve its deficiencies. For district academic
891 deficiencies, the corrective action plan for each such school
892 district shall be based upon a complete analysis of the following:
893 student test data, student grades, student attendance reports,
894 student dropout data, existence and other relevant data. The
895 corrective action plan shall describe the specific measures to be
896 taken by the particular school district and school to improve:
897 (i) instruction; (ii) curriculum; (iii) professional development;
898 (iv) personnel and classroom organization; (v) student incentives
899 for performance; (vi) process deficiencies; and (vii) reporting to
900 the local school board, parents and the community. The corrective
901 action plan shall describe the specific individuals responsible
902 for implementing each component of the recommendation and how each
903 will be evaluated. All corrective action plans shall be provided
904 to the State Board of Education as may be required. The decision
905 of the State Board of Education establishing the probationary
906 period of time shall be final;

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

909 * * * Subject to the availability of funds, the State Department
910 of Education shall provide technical and/or financial assistance
911 to all such school districts in order to implement each measure
912 identified in that district's corrective action plan through
913 professional development and on-site assistance. Each such school
914 district shall apply for and utilize all available federal funding



915 in order to support its corrective action plan in addition to
916 state funds made available under this paragraph;

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

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

933 (12) (a) If the recommendations for corrective action are
934 not taken by the local school district or if the deficiencies are
935 not removed by the end of the probationary period, the Commission
936 on School Accreditation shall conduct a hearing to allow the
937 affected school district to present evidence or other reasons why
938 its accreditation should not be withdrawn. Additionally, if the
939 local school district violates accreditation standards that have



940 been determined by the policies and procedures of the State Board
941 of Education to be a basis for withdrawal of school district's
942 accreditation without a probationary period, the Commission on
943 School Accreditation shall conduct a hearing to allow the affected
944 school district to present evidence or other reasons why its
945 accreditation should not be withdrawn. After its consideration of
946 the results of the hearing, the Commission on School Accreditation
947 shall be authorized, with the approval of the State Board of
948 Education, to withdraw the accreditation of a public school
949 district, and issue a request to the Governor that a state of
950 emergency be declared in that district.

951 (b) If the State Board of Education and the Commission
952 on School Accreditation determine that an extreme emergency
953 situation exists in a school district that jeopardizes the safety,
954 security or educational interests of the children enrolled in the
955 schools in that district and that emergency situation is believed
956 to be related to a serious violation or violations of
957 accreditation standards or state or federal law, or when a school
958 district meets the State Board of Education's definition of a
959 failing school district for two (2) consecutive full school years,
960 or if more than fifty percent (50%) of the schools within the
961 school district are designated as Schools At-Risk in any one (1)
962 year, the State Board of Education may request the Governor to
963 declare a state of emergency in that school district. For
964 purposes of this paragraph, the declarations of a state of



965 emergency shall not be limited to those instances when a school
966 district's impairments are related to a lack of financial
967 resources, but also shall include serious failure to meet minimum
968 academic standards, as evidenced by a continued pattern of poor
969 student performance.

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

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

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

988 (iii) Assign an interim superintendent, or in its
989 discretion, contract with a private entity with experience in the



990 academic, finance and other operational functions of schools and
991 school districts, who will have those powers and duties prescribed
992 in subsection (15) of this section;

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

997 (v) For states of emergency declared under
998 paragraph (a) only, if the accreditation deficiencies are related
999 to the fact that the school district is too small, with too few
1000 resources, to meet the required standards and if another school
1001 district is willing to accept those students, abolish that
1002 district and assign that territory to another school district or
1003 districts. If the school district has proposed a voluntary
1004 consolidation with another school district or districts, then if
1005 the State Board of Education finds that it is in the best interest
1006 of the pupils of the district for the consolidation to proceed,
1007 the voluntary consolidation shall have priority over any such
1008 assignment of territory by the State Board of Education;

1009 (vi) For states of emergency declared under
1010 paragraph (b) only, reduce local supplements paid to school
1011 district employees, including, but not limited to, instructional
1012 personnel, assistant teachers and extracurricular activities
1013 personnel, if the district's impairment is related to a lack of
1014 financial resources, but only to an extent that will result in the



1015 salaries being comparable to districts similarly situated, as
1016 determined by the State Board of Education;

1017 (vii) For states of emergency declared under
1018 paragraph (b) only, the State Board of Education may take any
1019 action as prescribed in Section 37-17-13.

1020 (d) At the time that satisfactory corrective action has
1021 been taken in a school district in which a state of emergency has
1022 been declared, the State Board of Education may request the
1023 Governor to declare that the state of emergency no longer exists
1024 in the district.

1025 (e) The parent or legal guardian of a school-age child
1026 who is enrolled in a school district whose accreditation has been
1027 withdrawn by the Commission on School Accreditation and without
1028 approval of that school district may file a petition in writing to
1029 a school district accredited by the Commission on School
1030 Accreditation for a legal transfer. The school district
1031 accredited by the Commission on School Accreditation may grant the
1032 transfer according to the procedures of Section 37-15-31(1)(b).
1033 In the event the accreditation of the student's home district is
1034 restored after a transfer has been approved, the student may
1035 continue to attend the transferee school district. The per-pupil
1036 amount of the adequate education program allotment, including the
1037 collective "add-on program" costs for the student's home school
1038 district shall be transferred monthly to the school district



1039 accredited by the Commission on School Accreditation that has
1040 granted the transfer of the school-age child.

1041 (f) Upon the declaration of a state of emergency for
1042 any school district in which the Governor has previously declared
1043 a state of emergency, the State Board of Education may either:

1044 (i) Place the school district into district
1045 transformation, in which the school district shall remain until it
1046 has fulfilled all conditions related to district transformation.
1047 If the district was assigned an accreditation rating of "D" or "F"
1048 when placed into district transformation, the district shall be
1049 eligible to return to local control when the school district has
1050 attained a "C" rating or higher for five (5) consecutive years,
1051 unless the State Board of Education determines that the district
1052 is eligible to return to local control in less than the five-year
1053 period;

1054 (ii) Abolish the school district and
1055 administratively consolidate the school district with one or more
1056 existing school districts;

1057 (iii) Reduce the size of the district and
1058 administratively consolidate parts of the district, as determined
1059 by the State Board of Education. However, no school district
1060 which is not in district transformation shall be required to
1061 accept additional territory over the objection of the district; or

1062 (iv) Require the school district to develop and
1063 implement a district improvement plan with prescriptive guidance



1064 and support from the State Department of Education, with the goal
1065 of helping the district improve student achievement. Failure of
1066 the school board, superintendent and school district staff to
1067 implement the plan with fidelity and participate in the activities
1068 provided as support by the department shall result in the school
1069 district retaining its eligibility for district transformation.

1070 (g) There is established a Mississippi Recovery School
1071 District within the State Department of Education under the
1072 supervision of a deputy superintendent appointed by the State
1073 Superintendent of Public Education, who is subject to the approval
1074 by the State Board of Education. The Mississippi Recovery School
1075 District shall provide leadership and oversight of all school
1076 districts that are subject to district transformation status, as
1077 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1078 and shall have all the authority granted under these two (2)
1079 chapters. The * * * State Department of Education, with the
1080 approval of the State Board of Education, shall develop policies
1081 for the operation and management of the Mississippi Recovery
1082 School District. The deputy state superintendent is responsible
1083 for the Mississippi Recovery School District and shall be
1084 authorized to oversee the administration of the Mississippi
1085 Recovery School District, oversee the interim superintendent
1086 assigned by the State Board of Education to a local school
1087 district, hear appeals that would normally be filed by students,
1088 parents or employees and heard by a local school board, which



1089 hearings on appeal shall be conducted in a prompt and timely
1090 manner in the school district from which the appeal originated in
1091 order to ensure the ability of appellants, other parties and
1092 witnesses to appeal without undue burden of travel costs or loss
1093 of time from work, and perform other related duties as assigned by
1094 the State Superintendent of Public Education. The deputy state
1095 superintendent is responsible for the Mississippi Recovery School
1096 District and shall determine, based on rigorous professional
1097 qualifications set by the State Board of Education, the
1098 appropriate individuals to be engaged to be interim
1099 superintendents and financial advisors, if applicable, of all
1100 school districts subject to district transformation status. After
1101 State Board of Education approval, these individuals shall be
1102 deemed independent contractors.

1103 (13) Upon the declaration of a state of emergency in a
1104 school district under subsection (12) of this section, the
1105 Commission on School Accreditation shall be responsible for public
1106 notice at least once a week for at least three (3) consecutive
1107 weeks in a newspaper published within the jurisdiction of the
1108 school district failing to meet accreditation standards, or if no
1109 newspaper is published therein, then in a newspaper having a
1110 general circulation therein. The size of the notice shall be no
1111 smaller than one-fourth (1/4) of a standard newspaper page and
1112 shall be printed in bold print. If an interim superintendent has
1113 been appointed for the school district, the notice shall begin as



1114 follows: "By authority of Section 37-17-6, Mississippi Code of
1115 1972, as amended, adopted by the Mississippi Legislature during
1116 the 1991 Regular Session, this school district (name of school
1117 district) is hereby placed under the jurisdiction of the State
1118 Department of Education acting through its appointed interim
1119 superintendent (name of interim superintendent)."

1120 The notice also shall include, in the discretion of the State
1121 Board of Education, any or all details relating to the school
1122 district's emergency status, including the declaration of a state
1123 of emergency in the school district and a description of the
1124 district's impairment deficiencies, conditions of any district
1125 transformation status and corrective actions recommended and being
1126 taken. Public notices issued under this section shall be subject
1127 to Section 13-3-31 and not contrary to other laws regarding
1128 newspaper publication.

1129 Upon termination of the state of emergency in a school
1130 district, the Commission on School Accreditation shall cause
1131 notice to be published in the school district in the same manner
1132 provided in this section, to include any or all details relating
1133 to the corrective action taken in the school district that
1134 resulted in the termination of the state of emergency.

1135 (14) The State Board of Education or the Commission on
1136 School Accreditation shall have the authority to require school
1137 districts to produce the necessary reports, correspondence,



1138 financial statements, and any other documents and information
1139 necessary to fulfill the requirements of this section.

1140 Nothing in this section shall be construed to grant any
1141 individual, corporation, board or interim superintendent the
1142 authority to levy taxes except in accordance with presently
1143 existing statutory provisions.

1144 (15) (a) Whenever the Governor declares a state of
1145 emergency in a school district in response to a request made under
1146 subsection (12) of this section, the State Board of Education, in
1147 its discretion, may assign an interim superintendent to the school
1148 district, or in its discretion, may contract with an appropriate
1149 private entity with experience in the academic, finance and other
1150 operational functions of schools and school districts, who will be
1151 responsible for the administration, management and operation of
1152 the school district, including, but not limited to, the following
1153 activities:

1154 (i) Approving or disapproving all financial
1155 obligations of the district, including, but not limited to, the
1156 employment, termination, nonrenewal and reassignment of all
1157 licensed and nonlicensed personnel, contractual agreements and
1158 purchase orders, and approving or disapproving all claim dockets
1159 and the issuance of checks; in approving or disapproving
1160 employment contracts of superintendents, assistant superintendents
1161 or principals, the interim superintendent shall not be required to



1162 comply with the time limitations prescribed in Sections 37-9-15
1163 and 37-9-105;

1164 (ii) Supervising the day-to-day activities of the
1165 district's staff, including reassigning the duties and
1166 responsibilities of personnel in a manner which, in the
1167 determination of the interim superintendent, will best suit the
1168 needs of the district;

1169 (iii) Reviewing the district's total financial
1170 obligations and operations and making recommendations to the
1171 district for cost savings, including, but not limited to,
1172 reassigning the duties and responsibilities of staff;

1173 (iv) Attending all meetings of the district's
1174 school board and administrative staff;

1175 (v) Approving or disapproving all athletic, band
1176 and other extracurricular activities and any matters related to
1177 those activities;

1178 (vi) Maintaining a detailed account of
1179 recommendations made to the district and actions taken in response
1180 to those recommendations;

1181 (vii) Reporting periodically to the State Board of
1182 Education on the progress or lack of progress being made in the
1183 district to improve the district's impairments during the state of
1184 emergency; and

1185 (viii) Appointing a parent advisory committee,
1186 comprised of parents of students in the school district that may



1187 make recommendations to the interim superintendent concerning the
1188 administration, management and operation of the school district.

1189 The cost of the salary of the interim superintendent and any
1190 other actual and necessary costs related to district
1191 transformation status paid by the State Department of Education
1192 shall be reimbursed by the local school district from funds other
1193 than adequate education program funds. The department shall
1194 submit an itemized statement to the superintendent of the local
1195 school district for reimbursement purposes, and any unpaid balance
1196 may be withheld from the district's adequate education program
1197 funds.

1198 At the time that the Governor, in accordance with the request
1199 of the State Board of Education, declares that the state of
1200 emergency no longer exists in a school district, the powers and
1201 responsibilities of the interim superintendent assigned to the
1202 district shall cease.

1203 (b) In order to provide loans to school districts under
1204 a state of emergency or in district transformation status that
1205 have impairments related to a lack of financial resources, the
1206 School District Emergency Assistance Fund is created as a special
1207 fund in the State Treasury into which monies may be transferred or
1208 appropriated by the Legislature from any available public
1209 education funds. Funds in the School District Emergency
1210 Assistance Fund up to a maximum balance of Three Million Dollars
1211 (\$3,000,000.00) annually shall not lapse but shall be available



1212 for expenditure in subsequent years subject to approval of the
1213 State Board of Education. Any amount in the fund in excess of
1214 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1215 year shall lapse into the State General Fund or the Education
1216 Enhancement Fund, depending on the source of the fund.

1217 The State Board of Education may loan monies from the School
1218 District Emergency Assistance Fund to a school district that is
1219 under a state of emergency or in district transformation status,
1220 in those amounts, as determined by the board, that are necessary
1221 to correct the district's impairments related to a lack of
1222 financial resources. The loans shall be evidenced by an agreement
1223 between the school district and the State Board of Education and
1224 shall be repayable in principal, without necessity of interest, to
1225 the School District Emergency Assistance Fund by the school
1226 district from any allowable funds that are available. The total
1227 amount loaned to the district shall be due and payable within five
1228 (5) years after the impairments related to a lack of financial
1229 resources are corrected. If a school district fails to make
1230 payments on the loan in accordance with the terms of the agreement
1231 between the district and the State Board of Education, the State
1232 Department of Education, in accordance with rules and regulations
1233 established by the State Board of Education, may withhold that
1234 district's adequate education program funds in an amount and
1235 manner that will effectuate repayment consistent with the terms of



1236 the agreement; the funds withheld by the department shall be
1237 deposited into the School District Emergency Assistance Fund.

1238 The State Board of Education shall develop a protocol that
1239 will outline the performance standards and requisite timeline
1240 deemed necessary for extreme emergency measures. If the State
1241 Board of Education determines that an extreme emergency exists,
1242 simultaneous with the powers exercised in this subsection, it
1243 shall take immediate action against all parties responsible for
1244 the affected school districts having been determined to be in an
1245 extreme emergency. The action shall include, but not be limited
1246 to, initiating civil actions to recover funds and criminal actions
1247 to account for criminal activity. Any funds recovered by the
1248 State Auditor or the State Board of Education from the surety
1249 bonds of school officials or from any civil action brought under
1250 this subsection shall be applied toward the repayment of any loan
1251 made to a school district hereunder.

1252 (16) If a majority of the membership of the school board of
1253 any school district resigns from office, the State Board of
1254 Education shall be authorized to assign an interim superintendent,
1255 who shall be responsible for the administration, management and
1256 operation of the school district until the time as new board
1257 members are selected or the Governor declares a state of emergency
1258 in that school district under subsection (12), whichever occurs
1259 first. In that case, the State Board of Education, acting through
1260 the interim superintendent, shall have all powers which were held



1261 by the previously existing school board, and may take any action
1262 as prescribed in Section 37-17-13 and/or one or more of the
1263 actions authorized in this section.

1264 (17) (a) If the Governor declares a state of emergency in a
1265 school district, the State Board of Education may take all such
1266 action pertaining to that school district as is authorized under
1267 subsection (12) or (15) of this section, including the appointment
1268 of an interim superintendent. The State Board of Education shall
1269 also have the authority to issue a written request with
1270 documentation to the Governor asking that the office of the
1271 superintendent of the school district be subject to recall. If
1272 the Governor declares that the office of the superintendent of the
1273 school district is subject to recall, the local school board or
1274 the county election commission, as the case may be, shall take the
1275 following action:

1276 (i) If the office of superintendent is an elected
1277 office, in those years in which there is no general election, the
1278 name shall be submitted by the State Board of Education to the
1279 county election commission, and the county election commission
1280 shall submit the question at a special election to the voters
1281 eligible to vote for the office of superintendent within the
1282 county, and the special election shall be held within sixty (60)
1283 days from notification by the State Board of Education. The
1284 ballot shall read substantially as follows:



1285 "Shall County Superintendent of Education _____ (here the
1286 name of the superintendent shall be inserted) of the _____
1287 (here the title of the school district shall be inserted) be
1288 retained in office? Yes _____ No _____"

1289 If a majority of those voting on the question votes against
1290 retaining the superintendent in office, a vacancy shall exist
1291 which shall be filled in the manner provided by law; otherwise,
1292 the superintendent shall remain in office for the term of that
1293 office, and at the expiration of the term shall be eligible for
1294 qualification and election to another term or terms.

1295 (ii) If the office of superintendent is an
1296 appointive office, the name of the superintendent shall be
1297 submitted by the president of the local school board at the next
1298 regular meeting of the school board for retention in office or
1299 dismissal from office. If a majority of the school board voting
1300 on the question vote against retaining the superintendent in
1301 office, a vacancy shall exist which shall be filled as provided by
1302 law, otherwise the superintendent shall remain in office for the
1303 duration of his employment contract.

1304 (b) The State Board of Education may issue a written
1305 request with documentation to the Governor asking that the
1306 membership of the school board of the school district shall be
1307 subject to recall. Whenever the Governor declares that the
1308 membership of the school board is subject to recall, the county



1309 election commission or the local governing authorities, as the
1310 case may be, shall take the following action:

1311 (i) If the members of the local school board are
1312 elected to office, in those years in which the specific member's
1313 office is not up for election, the name of the school board member
1314 shall be submitted by the State Board of Education to the county
1315 election commission, and the county election commission at a
1316 special election shall submit the question to the voters eligible
1317 to vote for the particular member's office within the county or
1318 school district, as the case may be, and the special election
1319 shall be held within sixty (60) days from notification by the
1320 State Board of Education. The ballot shall read substantially as
1321 follows:

1322 "Members of the _____ (here the title of the school
1323 district shall be inserted) School Board who are not up for
1324 election this year are subject to recall because of the school
1325 district's failure to meet critical accountability standards as
1326 defined in the letter of notification to the Governor from the
1327 State Board of Education. Shall the member of the school board
1328 representing this area, _____ (here the name of the school
1329 board member holding the office shall be inserted), be retained in
1330 office? Yes _____ No _____"

1331 If a majority of those voting on the question vote against
1332 retaining the member of the school board in office, a vacancy in
1333 that board member's office shall exist, which shall be filled in



1334 the manner provided by law; otherwise, the school board member
1335 shall remain in office for the term of that office, and at the
1336 expiration of the term of office, the member shall be eligible for
1337 qualification and election to another term or terms of office.
1338 However, if a majority of the school board members are recalled in
1339 the special election, the Governor shall authorize the board of
1340 supervisors of the county in which the school district is situated
1341 to appoint members to fill the offices of the members recalled.
1342 The board of supervisors shall make those appointments in the
1343 manner provided by law for filling vacancies on the school board,
1344 and the appointed members shall serve until the office is filled
1345 at the next regular special election or general election.

1346 (ii) If the local school board is an appointed
1347 school board, the name of all school board members shall be
1348 submitted as a collective board by the president of the municipal
1349 or county governing authority, as the case may be, at the next
1350 regular meeting of the governing authority for retention in office
1351 or dismissal from office. If a majority of the governing
1352 authority voting on the question vote against retaining the board
1353 in office, a vacancy shall exist in each school board member's
1354 office, which shall be filled as provided by law; otherwise, the
1355 members of the appointed school board shall remain in office for
1356 the duration of their term of appointment, and those members may
1357 be reappointed.



1358 (iii) If the local school board is comprised of
1359 both elected and appointed members, the elected members shall be
1360 subject to recall in the manner provided in subparagraph (i) of
1361 this paragraph (b), and the appointed members shall be subject to
1362 recall in the manner provided in subparagraph (ii).

1363 (18) * * * The State Board of Education, acting through the
1364 Commission on School Accreditation, shall require each school
1365 district to comply with standards established by the State
1366 Department of Audit for the verification of fixed assets and the
1367 auditing of fixed assets records as a minimum requirement for
1368 accreditation.

1369 (19) * * * The State Superintendent of Public Education and
1370 the State Board of Education also shall develop a comprehensive
1371 accountability plan to ensure that local school boards,
1372 superintendents, principals and teachers are held accountable for
1373 student achievement. * * *

1374 (20) * * * [Deleted]

1375 (21) If a local school district is determined as failing and
1376 placed into district transformation status for reasons authorized
1377 by the provisions of this section, the interim superintendent
1378 appointed to the district shall, within forty-five (45) days after
1379 being appointed, present a detailed and structured corrective
1380 action plan to move the local school district out of district
1381 transformation status to the deputy superintendent. A copy of the



1382 interim superintendent's corrective action plan shall also be
1383 filed with the State Board of Education.

1384 **SECTION 4.** This act shall take effect and be in force from
1385 and after its July 1, 2019, and shall stand repealed on June 30,
1386 2019.

