

By: Senator(s) Parks

To: Education

SENATE BILL NO. 2866

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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



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



124 containing the former accreditation designations, the new  
125 designations shall be applicable;

126 (h) Development of a comprehensive student assessment  
127 system to implement these requirements and a procedure for the  
128 acceptance of the Cambridge Assessment or other nationally  
129 recognized assessments used by a school within districts of  
130 innovation in lieu of the MAP assessments and subject area testing  
131 program; and

132 (i) The State Board of Education may, based on a  
133 written request that contains specific reasons for requesting a  
134 waiver from the school districts affected by Hurricane Katrina of  
135 2005, hold harmless school districts from assignment of district  
136 and school level accountability ratings for the 2005-2006 school  
137 year. The State Board of Education upon finding an extreme  
138 hardship in the school district may grant the request. It is the  
139 intent of the Legislature that all school districts maintain the  
140 highest possible academic standards and instructional programs in  
141 all schools as required by law and the State Board of Education.

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



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

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

152 (iii) To have sixty percent (60%) of students  
153 scoring proficient and advanced on the assessments of the Common  
154 Core State Standards or on the Cambridge curriculum or other  
155 nationally recognized assessment used by a school within districts  
156 of innovation in lieu of the Mississippi Assessment Program (MAP)  
157 and the state subject area testing program by 2016 with  
158 incremental increases of three percent (3%) each year thereafter.

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

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

165 (i) Student Achievement: the percent of students  
166 proficient and advanced on the current state assessments or other  
167 nationally recognized assessments administered in lieu of the  
168 state assessments, including, but not limited to, the Cambridge  
169 Assessment;

170 (ii) Individual student growth: the percent of  
171 students making one (1) year's progress in one (1) year's time on  
172 the state assessment or other nationally recognized assessment



173 administered in lieu of the state assessments, including, but not  
174 limited to, the Cambridge Assessment, with an emphasis on the  
175 progress of the lowest twenty-five percent (25%) of students in  
176 the school or district;

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

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

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

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





198 (vii) The school and school district  
199 accountability system shall incorporate a standards-based growth  
200 model, in order to support improvement of individual student  
201 learning;

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

204 (ix) The State Department of Education shall  
205 determine feeder patterns of schools that:

206 1. Do not earn a school grade because the  
207 grades and subjects taught at the school do not have statewide  
208 standardized assessments needed to calculate a school grade \* \* \*;

209 or

210 2. Have not previously earned a school grade  
211 because the school is within a district of innovation which  
212 determines student proficiency through the use of the Cambridge  
213 Assessment or other nationally recognized assessment administered  
214 in lieu of the state assessments.

215 Upon determination of the feeder pattern, the department  
216 shall notify schools and school districts prior to the release of  
217 the school grades beginning in 2013. Feeder schools will be  
218 assigned the accountability designation of the school to which  
219 they provide students. However, if the feeder school is within a  
220 district of innovation the department shall assign the school an  
221 accountability designation based upon student performance on the  
222 selected nationally recognized assessment administered by the



223 school, in comparison to the student performance cut scores used  
224 for each accountability designation on the statewide assessment  
225 system;

226 (x) Standards for student, school and school  
227 district performance will be increased when student proficiency is  
228 at a seventy-five percent (75%) and/or when sixty-five percent  
229 (65%) of the schools and/or school districts are earning a grade  
230 of "B" or higher, in order to raise the standard on performance  
231 after targets are met.

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

235 (7) The State Board of Education shall create an  
236 accreditation audit unit under the Commission on School  
237 Accreditation to determine whether schools are complying with  
238 accreditation standards.

239 (8) The State Board of Education shall be specifically  
240 authorized and empowered to withhold adequate education program  
241 fund allocations, whichever is applicable, to any public school  
242 district for failure to timely report student, school personnel  
243 and fiscal data necessary to meet state and/or federal  
244 requirements.

245 (9) [Deleted]

246 (10) The State Board of Education shall establish, for those  
247 school districts failing to meet accreditation standards, a



248 program of development to be complied with in order to receive  
249 state funds, except as otherwise provided in subsection (15) of  
250 this section when the Governor has declared a state of emergency  
251 in a school district or as otherwise provided in Section 206,  
252 Mississippi Constitution of 1890. The state board, in  
253 establishing these standards, shall provide for notice to schools  
254 and sufficient time and aid to enable schools to attempt to meet  
255 these standards, unless procedures under subsection (15) of this  
256 section have been invoked.

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

260 (a) Develop an impairment report for each district  
261 failing to meet accreditation standards in conjunction with school  
262 district officials;

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



273 taken by the particular school district and school to improve:  
274 (i) instruction; (ii) curriculum; (iii) professional development;  
275 (iv) personnel and classroom organization; (v) student incentives  
276 for performance; (vi) process deficiencies; and (vii) reporting to  
277 the local school board, parents and the community. The corrective  
278 action plan shall describe the specific individuals responsible  
279 for implementing each component of the recommendation and how each  
280 will be evaluated. All corrective action plans shall be provided  
281 to the State Board of Education as may be required. The decision  
282 of the State Board of Education establishing the probationary  
283 period of time shall be final;

284 (c) Offer, during the probationary period, technical  
285 assistance to the school district in making corrective actions.  
286 Beginning July 1, 1998, subject to the availability of funds, the  
287 State Department of Education shall provide technical and/or  
288 financial assistance to all such school districts in order to  
289 implement each measure identified in that district's corrective  
290 action plan through professional development and on-site  
291 assistance. Each such school district shall apply for and utilize  
292 all available federal funding in order to support its corrective  
293 action plan in addition to state funds made available under this  
294 paragraph;

295 (d) Assign department personnel or contract, in its  
296 discretion, with the institutions of higher learning or other  
297 appropriate private entities with experience in the academic,



298 finance and other operational functions of schools to assist  
299 school districts;

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

311 (12) (a) If the recommendations for corrective action are  
312 not taken by the local school district or if the deficiencies are  
313 not removed by the end of the probationary period, the Commission  
314 on School Accreditation shall conduct a hearing to allow the  
315 affected school district to present evidence or other reasons why  
316 its accreditation should not be withdrawn. Additionally, if the  
317 local school district violates accreditation standards that have  
318 been determined by the policies and procedures of the State Board  
319 of Education to be a basis for withdrawal of school district's  
320 accreditation without a probationary period, the Commission on  
321 School Accreditation shall conduct a hearing to allow the affected  
322 school district to present evidence or other reasons why its



323 accreditation should not be withdrawn. After its consideration of  
324 the results of the hearing, the Commission on School Accreditation  
325 shall be authorized, with the approval of the State Board of  
326 Education, to withdraw the accreditation of a public school  
327 district, and issue a request to the Governor that a state of  
328 emergency be declared in that district.

329 (b) If the State Board of Education and the Commission  
330 on School Accreditation determine that an extreme emergency  
331 situation exists in a school district that jeopardizes the safety,  
332 security or educational interests of the children enrolled in the  
333 schools in that district and that emergency situation is believed  
334 to be related to a serious violation or violations of  
335 accreditation standards or state or federal law, or when a school  
336 district meets the State Board of Education's definition of a  
337 failing school district for two (2) consecutive full school years,  
338 or if more than fifty percent (50%) of the schools within the  
339 school district are designated as Schools At-Risk in any one (1)  
340 year, the State Board of Education may request the Governor to  
341 declare a state of emergency in that school district. For  
342 purposes of this paragraph, the declarations of a state of  
343 emergency shall not be limited to those instances when a school  
344 district's impairments are related to a lack of financial  
345 resources, but also shall include serious failure to meet minimum  
346 academic standards, as evidenced by a continued pattern of poor  
347 student performance.



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

352 (i) Declare a state of emergency, under which some  
353 or all of state funds can be escrowed except as otherwise provided  
354 in Section 206, Constitution of 1890, until the board determines  
355 corrective actions are being taken or the deficiencies have been  
356 removed, or that the needs of students warrant the release of  
357 funds. The funds may be released from escrow for any program  
358 which the board determines to have been restored to standard even  
359 though the state of emergency may not as yet be terminated for the  
360 district as a whole;

361 (ii) Override any decision of the local school  
362 board or superintendent of education, or both, concerning the  
363 management and operation of the school district, or initiate and  
364 make decisions concerning the management and operation of the  
365 school district;

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

371 (iv) Grant transfers to students who attend this  
372 school district so that they may attend other accredited schools



373 or districts in a manner that is not in violation of state or  
374 federal law;

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

387 (vi) For states of emergency declared under  
388 paragraph (b) only, reduce local supplements paid to school  
389 district employees, including, but not limited to, instructional  
390 personnel, assistant teachers and extracurricular activities  
391 personnel, if the district's impairment is related to a lack of  
392 financial resources, but only to an extent that will result in the  
393 salaries being comparable to districts similarly situated, as  
394 determined by the State Board of Education;

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





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

403           (e) The parent or legal guardian of a school-age child  
404 who is enrolled in a school district whose accreditation has been  
405 withdrawn by the Commission on School Accreditation and without  
406 approval of that school district may file a petition in writing to  
407 a school district accredited by the Commission on School  
408 Accreditation for a legal transfer. The school district  
409 accredited by the Commission on School Accreditation may grant the  
410 transfer according to the procedures of Section 37-15-31(1)(b).  
411 In the event the accreditation of the student's home district is  
412 restored after a transfer has been approved, the student may  
413 continue to attend the transferee school district. The per-pupil  
414 amount of the adequate education program allotment, including the  
415 collective "add-on program" costs for the student's home school  
416 district shall be transferred monthly to the school district  
417 accredited by the Commission on School Accreditation that has  
418 granted the transfer of the school-age child.

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



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

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

435                   (iii) Reduce the size of the district and  
436 administratively consolidate parts of the district, as determined  
437 by the State Board of Education. However, no school district  
438 which is not in district transformation shall be required to  
439 accept additional territory over the objection of the district; or

440                   (iv) Require the school district to develop and  
441 implement a district improvement plan with prescriptive guidance  
442 and support from the State Department of Education, with the goal  
443 of helping the district improve student achievement. Failure of  
444 the school board, superintendent and school district staff to  
445 implement the plan with fidelity and participate in the activities



446 provided as support by the department shall result in the school  
447 district retaining its eligibility for district transformation.

448 (g) There is established a Mississippi Recovery School  
449 District within the State Department of Education under the  
450 supervision of a deputy superintendent appointed by the State  
451 Superintendent of Public Education, who is subject to the approval  
452 by the State Board of Education. The Mississippi Recovery School  
453 District shall provide leadership and oversight of all school  
454 districts that are subject to district transformation status, as  
455 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
456 and shall have all the authority granted under these two (2)  
457 chapters. The Mississippi Department of Education, with the  
458 approval of the State Board of Education, shall develop policies  
459 for the operation and management of the Mississippi Recovery  
460 School District. The deputy state superintendent is responsible  
461 for the Mississippi Recovery School District and shall be  
462 authorized to oversee the administration of the Mississippi  
463 Recovery School District, oversee the interim superintendent  
464 assigned by the State Board of Education to a local school  
465 district, hear appeals that would normally be filed by students,  
466 parents or employees and heard by a local school board, which  
467 hearings on appeal shall be conducted in a prompt and timely  
468 manner in the school district from which the appeal originated in  
469 order to ensure the ability of appellants, other parties and  
470 witnesses to appeal without undue burden of travel costs or loss



471 of time from work, and perform other related duties as assigned by  
472 the State Superintendent of Public Education. The deputy state  
473 superintendent is responsible for the Mississippi Recovery School  
474 District and shall determine, based on rigorous professional  
475 qualifications set by the State Board of Education, the  
476 appropriate individuals to be engaged to be interim  
477 superintendents and financial advisors, if applicable, of all  
478 school districts subject to district transformation status. After  
479 State Board of Education approval, these individuals shall be  
480 deemed independent contractors.

481 (13) Upon the declaration of a state of emergency in a  
482 school district under subsection (12) of this section, the  
483 Commission on School Accreditation shall be responsible for public  
484 notice at least once a week for at least three (3) consecutive  
485 weeks in a newspaper published within the jurisdiction of the  
486 school district failing to meet accreditation standards, or if no  
487 newspaper is published therein, then in a newspaper having a  
488 general circulation therein. The size of the notice shall be no  
489 smaller than one-fourth (1/4) of a standard newspaper page and  
490 shall be printed in bold print. If an interim superintendent has  
491 been appointed for the school district, the notice shall begin as  
492 follows: "By authority of Section 37-17-6, Mississippi Code of  
493 1972, as amended, adopted by the Mississippi Legislature during  
494 the 1991 Regular Session, this school district (name of school  
495 district) is hereby placed under the jurisdiction of the State



496 Department of Education acting through its appointed interim  
497 superintendent (name of interim superintendent)."

498         The notice also shall include, in the discretion of the State  
499 Board of Education, any or all details relating to the school  
500 district's emergency status, including the declaration of a state  
501 of emergency in the school district and a description of the  
502 district's impairment deficiencies, conditions of any district  
503 transformation status and corrective actions recommended and being  
504 taken. Public notices issued under this section shall be subject  
505 to Section 13-3-31 and not contrary to other laws regarding  
506 newspaper publication.

507         Upon termination of the state of emergency in a school  
508 district, the Commission on School Accreditation shall cause  
509 notice to be published in the school district in the same manner  
510 provided in this section, to include any or all details relating  
511 to the corrective action taken in the school district that  
512 resulted in the termination of the state of emergency.

513         (14) The State Board of Education or the Commission on  
514 School Accreditation shall have the authority to require school  
515 districts to produce the necessary reports, correspondence,  
516 financial statements, and any other documents and information  
517 necessary to fulfill the requirements of this section.

518         Nothing in this section shall be construed to grant any  
519 individual, corporation, board or interim superintendent the



520 authority to levy taxes except in accordance with presently  
521 existing statutory provisions.

522 (15) (a) Whenever the Governor declares a state of  
523 emergency in a school district in response to a request made under  
524 subsection (12) of this section, the State Board of Education, in  
525 its discretion, may assign an interim superintendent to the school  
526 district, or in its discretion, may contract with an appropriate  
527 private entity with experience in the academic, finance and other  
528 operational functions of schools and school districts, who will be  
529 responsible for the administration, management and operation of  
530 the school district, including, but not limited to, the following  
531 activities:

532 (i) Approving or disapproving all financial  
533 obligations of the district, including, but not limited to, the  
534 employment, termination, nonrenewal and reassignment of all  
535 licensed and nonlicensed personnel, contractual agreements and  
536 purchase orders, and approving or disapproving all claim dockets  
537 and the issuance of checks; in approving or disapproving  
538 employment contracts of superintendents, assistant superintendents  
539 or principals, the interim superintendent shall not be required to  
540 comply with the time limitations prescribed in Sections 37-9-15  
541 and 37-9-105;

542 (ii) Supervising the day-to-day activities of the  
543 district's staff, including reassigning the duties and  
544 responsibilities of personnel in a manner which, in the



545 determination of the interim superintendent, will best suit the  
546 needs of the district;

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

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

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

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

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

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

567 The cost of the salary of the interim superintendent and any  
568 other actual and necessary costs related to district  
569 transformation status paid by the State Department of Education



570 shall be reimbursed by the local school district from funds other  
571 than adequate education program funds. The department shall  
572 submit an itemized statement to the superintendent of the local  
573 school district for reimbursement purposes, and any unpaid balance  
574 may be withheld from the district's adequate education program  
575 funds.

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

581 (b) In order to provide loans to school districts under  
582 a state of emergency or in district transformation status that  
583 have impairments related to a lack of financial resources, the  
584 School District Emergency Assistance Fund is created as a special  
585 fund in the State Treasury into which monies may be transferred or  
586 appropriated by the Legislature from any available public  
587 education funds. Funds in the School District Emergency  
588 Assistance Fund up to a maximum balance of Three Million Dollars  
589 (\$3,000,000.00) annually shall not lapse but shall be available  
590 for expenditure in subsequent years subject to approval of the  
591 State Board of Education. Any amount in the fund in excess of  
592 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
593 year shall lapse into the State General Fund or the Education  
594 Enhancement Fund, depending on the source of the fund.





595           The State Board of Education may loan monies from the School  
596 District Emergency Assistance Fund to a school district that is  
597 under a state of emergency or in district transformation status,  
598 in those amounts, as determined by the board, that are necessary  
599 to correct the district's impairments related to a lack of  
600 financial resources. The loans shall be evidenced by an agreement  
601 between the school district and the State Board of Education and  
602 shall be repayable in principal, without necessity of interest, to  
603 the School District Emergency Assistance Fund by the school  
604 district from any allowable funds that are available. The total  
605 amount loaned to the district shall be due and payable within five  
606 (5) years after the impairments related to a lack of financial  
607 resources are corrected. If a school district fails to make  
608 payments on the loan in accordance with the terms of the agreement  
609 between the district and the State Board of Education, the State  
610 Department of Education, in accordance with rules and regulations  
611 established by the State Board of Education, may withhold that  
612 district's adequate education program funds in an amount and  
613 manner that will effectuate repayment consistent with the terms of  
614 the agreement; the funds withheld by the department shall be  
615 deposited into the School District Emergency Assistance Fund.

616           The State Board of Education shall develop a protocol that  
617 will outline the performance standards and requisite timeline  
618 deemed necessary for extreme emergency measures. If the State  
619 Board of Education determines that an extreme emergency exists,



620 simultaneous with the powers exercised in this subsection, it  
621 shall take immediate action against all parties responsible for  
622 the affected school districts having been determined to be in an  
623 extreme emergency. The action shall include, but not be limited  
624 to, initiating civil actions to recover funds and criminal actions  
625 to account for criminal activity. Any funds recovered by the  
626 State Auditor or the State Board of Education from the surety  
627 bonds of school officials or from any civil action brought under  
628 this subsection shall be applied toward the repayment of any loan  
629 made to a school district hereunder.

630 (16) If a majority of the membership of the school board of  
631 any school district resigns from office, the State Board of  
632 Education shall be authorized to assign an interim superintendent,  
633 who shall be responsible for the administration, management and  
634 operation of the school district until the time as new board  
635 members are selected or the Governor declares a state of emergency  
636 in that school district under subsection (12), whichever occurs  
637 first. In that case, the State Board of Education, acting through  
638 the interim superintendent, shall have all powers which were held  
639 by the previously existing school board, and may take any action  
640 as prescribed in Section 37-17-13 and/or one or more of the  
641 actions authorized in this section.

642 (17) (a) If the Governor declares a state of emergency in a  
643 school district, the State Board of Education may take all such  
644 action pertaining to that school district as is authorized under



645 subsection (12) or (15) of this section, including the appointment  
646 of an interim superintendent. The State Board of Education shall  
647 also have the authority to issue a written request with  
648 documentation to the Governor asking that the office of the  
649 superintendent of the school district be subject to recall. If  
650 the Governor declares that the office of the superintendent of the  
651 school district is subject to recall, the local school board or  
652 the county election commission, as the case may be, shall take the  
653 following action:

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

663 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
664 name of the superintendent shall be inserted) of the \_\_\_\_\_  
665 (here the title of the school district shall be inserted) be  
666 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

667 If a majority of those voting on the question votes against  
668 retaining the superintendent in office, a vacancy shall exist  
669 which shall be filled in the manner provided by law; otherwise,



670 the superintendent shall remain in office for the term of that  
671 office, and at the expiration of the term shall be eligible for  
672 qualification and election to another term or terms.

673 (ii) If the office of superintendent is an  
674 appointive office, the name of the superintendent shall be  
675 submitted by the president of the local school board at the next  
676 regular meeting of the school board for retention in office or  
677 dismissal from office. If a majority of the school board voting  
678 on the question vote against retaining the superintendent in  
679 office, a vacancy shall exist which shall be filled as provided by  
680 law, otherwise the superintendent shall remain in office for the  
681 duration of his employment contract.

682 (b) The State Board of Education may issue a written  
683 request with documentation to the Governor asking that the  
684 membership of the school board of the school district shall be  
685 subject to recall. Whenever the Governor declares that the  
686 membership of the school board is subject to recall, the county  
687 election commission or the local governing authorities, as the  
688 case may be, shall take the following action:

689 (i) If the members of the local school board are  
690 elected to office, in those years in which the specific member's  
691 office is not up for election, the name of the school board member  
692 shall be submitted by the State Board of Education to the county  
693 election commission, and the county election commission at a  
694 special election shall submit the question to the voters eligible



695 to vote for the particular member's office within the county or  
696 school district, as the case may be, and the special election  
697 shall be held within sixty (60) days from notification by the  
698 State Board of Education. The ballot shall read substantially as  
699 follows:

700 "Members of the \_\_\_\_\_ (here the title of the school  
701 district shall be inserted) School Board who are not up for  
702 election this year are subject to recall because of the school  
703 district's failure to meet critical accountability standards as  
704 defined in the letter of notification to the Governor from the  
705 State Board of Education. Shall the member of the school board  
706 representing this area, \_\_\_\_\_ (here the name of the school  
707 board member holding the office shall be inserted), be retained in  
708 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

709 If a majority of those voting on the question vote against  
710 retaining the member of the school board in office, a vacancy in  
711 that board member's office shall exist, which shall be filled in  
712 the manner provided by law; otherwise, the school board member  
713 shall remain in office for the term of that office, and at the  
714 expiration of the term of office, the member shall be eligible for  
715 qualification and election to another term or terms of office.  
716 However, if a majority of the school board members are recalled in  
717 the special election, the Governor shall authorize the board of  
718 supervisors of the county in which the school district is situated  
719 to appoint members to fill the offices of the members recalled.



720 The board of supervisors shall make those appointments in the  
721 manner provided by law for filling vacancies on the school board,  
722 and the appointed members shall serve until the office is filled  
723 at the next regular special election or general election.

724 (ii) If the local school board is an appointed  
725 school board, the name of all school board members shall be  
726 submitted as a collective board by the president of the municipal  
727 or county governing authority, as the case may be, at the next  
728 regular meeting of the governing authority for retention in office  
729 or dismissal from office. If a majority of the governing  
730 authority voting on the question vote against retaining the board  
731 in office, a vacancy shall exist in each school board member's  
732 office, which shall be filled as provided by law; otherwise, the  
733 members of the appointed school board shall remain in office for  
734 the duration of their term of appointment, and those members may  
735 be reappointed.

736 (iii) If the local school board is comprised of  
737 both elected and appointed members, the elected members shall be  
738 subject to recall in the manner provided in subparagraph (i) of  
739 this paragraph (b), and the appointed members shall be subject to  
740 recall in the manner provided in subparagraph (ii).

741 (18) Beginning with the school district audits conducted for  
742 the 1997-1998 fiscal year, the State Board of Education, acting  
743 through the Commission on School Accreditation, shall require each  
744 school district to comply with standards established by the State



745 Department of Audit for the verification of fixed assets and the  
746 auditing of fixed assets records as a minimum requirement for  
747 accreditation.

748 (19) Before December 1, 1999, the State Board of Education  
749 shall recommend a program to the Education Committees of the House  
750 of Representatives and the Senate for identifying and rewarding  
751 public schools that improve or are high performing. The program  
752 shall be described by the board in a written report, which shall  
753 include criteria and a process through which improving schools and  
754 high-performing schools will be identified and rewarded.

755 The State Superintendent of Public Education and the State  
756 Board of Education also shall develop a comprehensive  
757 accountability plan to ensure that local school boards,  
758 superintendents, principals and teachers are held accountable for  
759 student achievement. A written report on the accountability plan  
760 shall be submitted to the Education Committees of both houses of  
761 the Legislature before December 1, 1999, with any necessary  
762 legislative recommendations.

763 (20) Before January 1, 2008, the State Board of Education  
764 shall evaluate and submit a recommendation to the Education  
765 Committees of the House of Representatives and the Senate on  
766 inclusion of graduation rate and dropout rate in the school level  
767 accountability system.

768 (21) If a local school district is determined as failing and  
769 placed into district transformation status for reasons authorized



770 by the provisions of this section, the interim superintendent  
771 appointed to the district shall, within forty-five (45) days after  
772 being appointed, present a detailed and structured corrective  
773 action plan to move the local school district out of district  
774 transformation status to the deputy superintendent. A copy of the  
775 interim superintendent's corrective action plan shall also be  
776 filed with the State Board of Education.

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

779         37-179-1. (1) For purposes of this chapter, the following  
780 terms shall have the meaning ascribed herein, unless the context  
781 clearly indicates otherwise:

782                 (a) "District of innovation" means a district that has  
783 developed a plan of innovation in compliance with this section and  
784 has been approved by the State Board of Education to be exempted  
785 from certain administrative regulations and statutory provisions  
786 to improve the educational performance of students within the  
787 district;

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

791                 (c) "School of innovation" means a school that  
792 voluntarily participates in a district of innovation plan to  
793 improve instruction, including waivers and exemptions from local  
794 school board policies, selected provisions of rules and





795 regulations promulgated by the State Board of Education, and  
796 selected sections of the Mississippi Code of 1972, as permitted  
797 under this section and Section \* \* \* 37-179-3;

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

799 (e) "Department" means the State Department of  
800 Education.

801 (2) The State Board of Education is authorized to approve  
802 districts of innovation for the purposes of improving students'  
803 educational performance. Districts of innovation shall be  
804 provided flexibility from selected board regulations, Title 37,  
805 Mississippi Code of 1972, and local school board policies for  
806 school administrators, teachers and staff to meet the diverse  
807 needs of students. The initial approval of a district of  
808 innovation shall be for a five-year period. Each renewal of a  
809 district of innovation shall not exceed five (5) years and shall  
810 comply with administrative regulations promulgated by the board  
811 pursuant to subsection (4) of this section.

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

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

818 (a) The regulatory areas which may be exempted or  
819 modified if approved by the board, except as provided in Section



820 37-179-3(2), and in addition to those areas identified in Section  
821 37-179-3(3);

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

824 (c) Timelines for initial approval as a district of  
825 innovation, the renewal process and ongoing evaluative procedures  
826 required of the district;

827 (d) Acceptable documentation of a critical mass of  
828 parental, community, educator and business support and capacity to  
829 effect a change;

830 (e) Evidence of teacher collaboration and shared  
831 leadership within the district and the schools to be designated as  
832 schools of innovation;

833 (f) The process of revocation of the designation of  
834 district of innovation or school of innovation;

835 (g) Reporting and oversight responsibilities of the  
836 district and the State Department of Education;

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

839 (i) Acceptable areas of emphasis for innovation;

840 (j) Acceptable documentation of job-embedded  
841 professional development within the proposed innovation  
842 design; \* \* \*

843 (k) Other components deemed necessary to implement this  
844 section and Section 37-179-3 \* \* \*; and



845           (1) Acceptable performance to demonstrate proficiency  
846 on the Cambridge Assessment or other nationally recognized  
847 assessments administered in lieu of the state assessments under  
848 the Mississippi Assessment Program (MAP) or the state subject area  
849 testing program.

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

852           37-179-3. (1) A district which is an applicant to be  
853 designated as a district of innovation under Section 37-179-1  
854 shall:

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

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

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

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

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

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



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

872 (c) Have a districtwide plan of innovation that  
873 describes and justifies which schools and innovative practices  
874 will be incorporated;

875 (d) Provide documentation of community, educator,  
876 parental, and the local board's support of the proposed  
877 innovations;

878 (e) Provide detailed information regarding the  
879 rationale of requests for waivers from Title 37, Mississippi Code  
880 of 1972, which relate to the elementary and secondary education of  
881 public school students, and administrative regulations, and  
882 exemptions for selected schools regarding waivers of local school  
883 board policies;

884 (f) Document the fiscal and human resources the board  
885 will provide throughout the term of the implementation of the  
886 innovations within its plan; and

887 (g) Provide other materials as required by the  
888 department in compliance with the board's administrative  
889 regulations and application procedures.

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

892 (a) Ensure the same health, safety, civil rights, and  
893 disability rights requirements as are applied to all public  
894 schools;



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

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

901 (d) Ensure the student performance standards meet or  
902 exceed those adopted by the State Board of Education as required  
903 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance  
904 with the statewide assessment system specified in Chapter 16,  
905 Title 37, Mississippi Code of 1972, or other nationally recognized  
906 assessments administered by districts of innovation in lieu of  
907 those assessments administered under the statewide assessment  
908 system, including, but not limited to, the Cambridge Assessment,  
909 which such assessments shall be used when determining school and  
910 district accountability ratings under Section 37-17-6;

911 (e) Adhere to the same financial audits, audit  
912 procedures, and audit requirements as are applied under Section  
913 7-7-211(e);

914 (f) Require state and criminal background checks for  
915 staff and volunteers as required of all public school employees  
916 and volunteers within the public schools and specified in Section  
917 37-9-17;

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



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

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

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

929 (3) (a) Only schools that choose to be designated as  
930 schools of innovation shall be included in a district's  
931 application;

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

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

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

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



944 (b) Hire persons for classified positions in  
945 nontraditional school and district assignments who have bachelors  
946 and advanced degrees from postsecondary education institutions  
947 accredited by a regional accrediting association (Southern  
948 Association of Colleges and Schools) or by an organization  
949 affiliated with the National Commission on Accrediting;

950 (c) Employ teachers on extended employment contracts or  
951 extra duty contracts and compensate them on a salary schedule  
952 other than the single salary schedule;

953 (d) Extend the school days as is appropriate within the  
954 district with compensation for the employees as determined  
955 locally;

956 (e) Establish alternative education programs and  
957 services that are delivered in nontraditional hours and which may  
958 be jointly provided in cooperation with another school district or  
959 consortia of districts;

960 (f) Establish online classes within the district for  
961 delivering alternative classes in a blended environment to meet  
962 high school graduation requirements;

963 (g) Use a flexible school calendar;

964 (h) Convert existing schools into schools of  
965 innovation; and

966 (i) Modify the formula under Section 37-151-7 for  
967 distributing support education funds for students in average daily  
968 attendance in nontraditional programming time, including



969 alternative programs and virtual programs. Funds granted to a  
970 district shall not exceed those that would have otherwise been  
971 distributed based on average daily attendance during regular  
972 instructional days.

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

