

By: Representative Boyd

To: Education

HOUSE BILL NO. 582

1 AN ACT TO PROHIBIT REQUIRING STUDENTS TO ACHIEVE A PASSING
2 SCORE ON END-OF-COURSE TESTS ADMINISTERED UNDER THE SUBJECT AREA
3 TESTING PROGRAM AS A CONDITION FOR GRADUATION; TO AMEND SECTION
4 37-16-7, MISSISSIPPI CODE OF 1972, TO PROHIBIT LOCAL SCHOOL
5 DISTRICTS FROM USING THE END-OF-COURSE TESTS TO DETERMINE IF
6 STUDENTS HAVE MASTERED MINIMUM ACADEMIC SKILLS REQUIRED FOR
7 GRADUATION; TO AMEND SECTIONS 37-15-38, 37-16-17 AND 37-35-3,
8 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
9 PROVISIONS; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
10 PROHIBIT THE USE OF END-OF-COURSE TEST SCORES FROM THE CALCULATION
11 OF SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY RATINGS DURING THE
12 2020-2021 THROUGH 2023-2024 SCHOOL YEARS; AND FOR RELATED
13 PURPOSES.

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

15 **SECTION 1.** Beginning in the 2020-2021 school year, students
16 enrolled in Mississippi public schools may not be required to pass
17 any end-of-course test administered under the Subject Area Testing
18 Program as a requirement for graduation. The State Board of
19 Education shall adopt a policy requiring the administration of
20 those end-of-course tests mandated under the federal requirements
21 of the Every Student Succeeds Act and Title I. However, the
22 policy must provide that a student who fails to achieve a passing
23 score on an end-of-course test may not be prohibited from



24 graduating from high school if the student has fulfilled the
25 requirements for a standard Mississippi high school diploma, as
26 demonstrated by having achieved the requisite number of academic
27 credits or Carnegie units and successful mastery of each course of
28 instruction with a satisfactory grade.

29 **SECTION 2.** Section 37-16-7, Mississippi Code of 1972, is
30 amended as follows:

31 37-16-7. (1) Each district school board shall establish
32 standards for graduation from its schools which shall include as a
33 minimum:

34 (a) Mastery of minimum academic skills as measured by
35 assessments developed and administered by the State Board of
36 Education. However, passage of end-of-course assessments
37 administered under the Subject Area Testing Program may not be
38 required for graduation.

39 (b) Completion of a minimum number of academic credits,
40 and all other applicable requirements prescribed by the district
41 school board.

42 (c) By school, information on high school graduation
43 rates. High schools with graduation rates lower than eighty
44 percent (80%) must submit a detailed plan to the Mississippi
45 Department of Education to restructure the high school experience
46 to improve graduation rates.



(2) A student who meets all requirements prescribed in subsection (1) of this section shall be awarded a standard diploma in a form prescribed by the State Board of Education.

(3) The State Board of Education may establish student proficiency standards for promotion to grade levels leading to graduation.

SECTION 3. Section 37-15-38, Mississippi Code of 1972, is amended as follows:

37-15-38. (1) The following phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

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

(b) A dual credit student is a student who is enrolled in a community or junior college or state institution of higher learning while enrolled in high school and who is receiving high school and college credit for postsecondary coursework.

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



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

76 (4) **Admission criteria for dual enrollment in community and**
77 **junior college or university programs.** The Mississippi Community
78 College Board and the Board of Trustees of State Institutions of
79 Higher Learning may recommend to the State Board of Education
80 admission criteria for dual enrollment programs under which high
81 school students may enroll at a community or junior college or
82 university while they are still attending high school and enrolled
83 in high school courses. Students may be admitted to enroll in
84 community or junior college courses under the dual enrollment
85 programs if they meet that individual institution's stated dual
86 enrollment admission requirements.

87 (5) **Tuition and cost responsibility.** Tuition and costs for
88 university-level courses and community and junior college courses
89 offered under a dual enrollment program may be paid for by the
90 postsecondary institution, the local school district, the parents
91 or legal guardians of the student, or by grants, foundations or
92 other private or public sources. Payment for tuition and any
93 other costs must be made directly to the credit-granting
94 institution.



95 (6) **Transportation responsibility.** Any transportation
96 required by a student to participate in the dual enrollment
97 program is the responsibility of the parent, custodian or legal
98 guardian of the student. Transportation costs may be paid from
99 any available public or private sources, including the local
100 school district.

101 (7) **School district average daily attendance credit.** When
102 dually enrolled, the student may be counted, for adequate
103 education program funding purposes, in the average daily
104 attendance of the public school district in which the student
105 attends high school.

106 (8) **High school student transcript transfer requirements.**
107 Grades and college credits earned by a student admitted to a dual
108 credit program must be recorded on the high school student record
109 and on the college transcript at the university or community or
110 junior college where the student attends classes. The transcript
111 of the university or community or junior college coursework may be
112 released to another institution or applied toward college
113 graduation requirements.

114 (9) **Determining factor of prerequisites for dual enrollment**
115 **courses.** Each university and community or junior college
116 participating in a dual enrollment program shall determine course
117 prerequisites. Course prerequisites shall be the same for dual
118 enrolled students as for regularly enrolled students at that
119 university or community or junior college.



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

(11) [Deleted]

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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



218 counted for adequate education program funding purposes, in the
219 average daily attendance of the public school district in which
220 the student attends high school, as provided in Section
221 37-151-7(1)(a). Any transportation required by the student to
222 participate in the Dual Enrollment-Dual Credit Program is the
223 responsibility of the parent or legal guardian of the student, and
224 transportation costs may be paid from any available public or
225 private sources, including the local school district. Grades and
226 college credits earned by a student admitted to this Dual
227 Enrollment-Dual Credit Program shall be recorded on the high
228 school student record and on the college transcript at the
229 community college and high school where the student attends
230 classes. The transcript of the community college coursework may
231 be released to another institution or applied toward college
232 graduation requirements. Any course that is required for subject
233 area testing * * * is eligible for dual credit, and courses
234 eligible for dual credit shall also include career, technical and
235 degree program courses. All courses eligible for dual credit
236 shall be approved by the superintendent of the local school
237 district and the chief instructional officer at the participating
238 community college in order for college credit to be awarded. A
239 community college shall make the final decision on what courses
240 are eligible for semester hour credits and the local school
241 superintendent, subject to approval by the Mississippi Department



of Education, shall make the final decision on the transfer of college courses credited to the student's high school transcript.

SECTION 4. Section 37-16-17, Mississippi Code of 1972, is amended as follows:

37-16-17. (1) Purpose. (a) The purpose of this section is to create a quality option in Mississippi's high schools for students not wishing to pursue a baccalaureate degree, which shall consist of challenging academic courses and modern career-technical studies. The goal for students pursuing the career track is to graduate from high school with a standard diploma and credit toward a community college certification in a career-technical field. These students also shall be encouraged to take the national assessment in the career-technical field in which they become certified.

(b) The State Board of Education shall develop and adopt course and curriculum requirements for career track programs offered by local public school boards in accordance with this section. The Mississippi Community College Board and the State Board of Education jointly shall determine course and curriculum requirements for the career track program.

(2) Alternative career track; description; curriculum. (a) A career track shall provide a student with greater technical skill and a strong academic core and shall be offered to each high school student enrolled in a public school district. The career track program shall be linked to postsecondary options and shall



267 prepare students to pursue either a degree or certification from a
268 postsecondary institution, an industry-based training or
269 certification, an apprenticeship, the military, or immediate
270 entrance into a career field. The career track shall be designed
271 primarily for those students who are not college bound and shall
272 provide them with alternatives to entrance into a four-year
273 university or college after high school graduation.

274 (b) Students pursuing a career track shall be afforded
275 the opportunity to dually enroll in a community or technical
276 college or to participate in a business internship or work-study
277 program, when such opportunities are available and appropriate.

278 (c) Each public school district shall offer a career
279 track program approved by the State Board of Education.

280 (d) Students in a career track program shall complete
281 an academic core of courses and a career and technical sequence of
282 courses.

283 (e) The twenty-one (21) course unit requirements for
284 the career track shall consist of the following:

285 (i) At least four (4) English credits, including
286 English I and English II.

287 (ii) At least three (3) mathematics credits,
288 including Algebra I.

289 (iii) At least three (3) science credits,
290 including one (1) unit of biology.



(iv) At least three (3) social studies credits, including one (1) unit of U.S. History and one (1) unit of Mississippi Studies/U.S. Government.

(v) At least one-half (1/2) credit in health or physical education.

(vi) At least four (4) credits in career and technical education courses in the dual enrollment-dual credit programs authorized under Section 37-15-38.

(vii) At least one (1) credit in integrated technology with optional end-of-course testing.

(viii) At least two and one-half (2-1/2) credits in additional electives or career and technical education courses required by the local school board, as approved by the State Board of Education. Academic courses within the career track of the standard diploma shall provide the knowledge and skill necessary for proficiency on the state subject area tests, which may be used only for purposes of determining proficiency and not as a requirement for graduation.

(3) Nothing in this section shall disallow the development of a dual enrollment program with a technical college so long as an individual school district, with approval from the State Department of Education, agrees to implement such a program in connection with a technical college and the agreement is also approved by the proprietary school's commission.



(4) The career track program for students not pursuing a Baccalaureate Degree shall not be available to any student entering the Ninth Grade in the 2017-2018 school year or thereafter.

SECTION 5. Section 37-35-3, Mississippi Code of 1972, is amended as follows:

37-35-3. (1) The board of trustees of any school district, including any community/junior college, may establish and maintain classes for adults, including general educational development classes, under the regulations authorized in this chapter and pursuant to the standards prescribed in subsection (3). The property and facilities of the public school districts may be used for this purpose where such use does not conflict with uses already established.

(2) The trustees of any school district desiring to establish such program may request the taxing authority of the district to levy additional ad valorem taxes for the support of this program. The board of supervisors, in the case of a county school district, a special municipal separate school district, or a community/junior college district, and the governing authority of any municipality, in the case of a municipal separate school district, is authorized, in its discretion, to levy a tax not exceeding one (1) mill upon all the taxable property of the district for the support of this program. The tax shall be in addition to all other taxes authorized by law to be levied. In



addition to the funds realized from any such levy, the board of trustees of any school district is authorized to use any surplus funds that it may have or that may be made available to it from local sources to supplement this program.

(3) (a) Any student participating in an approved High School Equivalency Diploma Option program administered by a local school district or a local school district with an approved contractual agreement with a community/junior college or other local entity shall not be considered a dropout. Students in such a program administered by a local school district shall be considered as enrolled within the school district of origin for the purpose of enrollment for minimum program funding only. Such students shall not be considered as enrolled in the regular school program for academic or programmatic purposes.

(b) Students participating in an approved High School Equivalency Diploma Option program shall have an individual career plan developed at the time of placement to insure that the student's academic and job skill needs will be met. The Individual Career Plan will address, but is not limited to, the following:

- (i) Academic/instructional needs of the student;
- (ii) Job readiness needs of the student; and
- (iii) Work experience program options available for the student.



364 (c) Students participating in an approved High School
365 Equivalency Diploma Option program may participate in existing job
366 and skills development programs or in similar programs developed
367 in conjunction with the High School Equivalency Diploma Option
368 program and the vocational director.

369 (d) High School Equivalency Diploma Option programs may
370 be operated by local school districts or may be operated by two
371 (2) or more adjacent school districts, pursuant to a contract
372 approved by the State Board of Education. When two (2) or more
373 school districts contract to operate a High School Equivalency
374 Diploma Option program, the school board of a district designated
375 to be the lead district shall serve as the governing board of the
376 High School Equivalency Diploma Option program. Transportation
377 for students placed in the High School Equivalency Diploma Option
378 program shall be the responsibility of the school district of
379 origin. The expense of establishing, maintaining and operating
380 such High School Equivalency Diploma Option programs may be paid
381 from funds made available to the school district through
382 contributions, * * * adequate education program funds or from
383 local district maintenance funds.

384 (e) The State Department of Education will develop
385 procedures and criteria for placement of a student in the High
386 School Equivalency Diploma Option programs. Students placed in
387 High School Equivalency Diploma Option programs shall have



parental approval for such placement and must meet the following criteria:

(i) The student must be at least sixteen (16) years of age;

(ii) The student must be at least one (1) full grade level behind his or her ninth grade cohort or must have acquired less than four (4) Carnegie units;

(iii) The student must have taken every opportunity to continue to participate in coursework leading to a diploma; and

(iv) The student must be certified to be eligible to participate in the GED course by the school district superintendent, based on the developed criteria.

(f) Students participating in an approved High School Equivalency Diploma Option program, who are enrolled in subject area courses through January 31 in a school with a traditional class schedule or who are enrolled in subject area courses through October 31 or through March 31 in a school on a block schedule, shall be required to take the end-of-course subject area tests for those courses in which they are enrolled. However, passage of end-of-course assessments may not be required as a condition of receipt of a High School Equivalency Diploma.

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



412 37-17-6. (1) The State Board of Education, acting through
413 the Commission on School Accreditation, shall establish and
414 implement a permanent performance-based accreditation system, and
415 all noncharter public elementary and secondary schools shall be
416 accredited under this system.

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

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

425	Number of Students	Number of Certified
426	Per School Library	School Librarians
427	0 - 499 Students	1/2 Full-time Equivalent
428		Certified Librarian
429	500 or More Students	1 Full-time Certified
430		Librarian

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

433 (c) The assignment of certified school librarians to
434 the particular schools shall be at the discretion of the local
435 school district. No individual shall be employed as a certified



436 school librarian without appropriate training and certification as
437 a school librarian by the State Department of Education.

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

442 (e) Nothing in this subsection shall prohibit any
443 school district from employing more certified school librarians
444 than are provided for in this section.

445 (f) Any additional millage levied to fund school
446 librarians required for accreditation under this subsection shall
447 be included in the tax increase limitation set forth in Sections
448 37-57-105 and 37-57-107 and shall not be deemed a new program for
449 purposes of the limitation.

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

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

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

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



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

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

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

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple



485 "A," "B," "C," "D" and "F" designation to the current school and
486 school district statewide accountability performance
487 classification labels beginning with the State Accountability
488 Results for the 2011-2012 school year and following, and in the
489 school, district and state report cards required under state and
490 federal law. Under the new designations, a school or school
491 district that has earned a "Star" rating shall be designated an
492 "A" school or school district; a school or school district that
493 has earned a "High-Performing" rating shall be designated a "B"
494 school or school district; a school or school district that has
495 earned a "Successful" rating shall be designated a "C" school or
496 school district; a school or school district that has earned an
497 "Academic Watch" rating shall be designated a "D" school or school
498 district; a school or school district that has earned a
499 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
500 be designated an "F" school or school district. Effective with
501 the implementation of any new curriculum and assessment standards,
502 the State Board of Education, acting through the State Department
503 of Education, is further authorized and directed to change the
504 school and school district accreditation rating system to a simple
505 "A," "B," "C," "D," and "F" designation based on a combination of
506 student achievement scores and student growth as measured by the
507 statewide testing programs developed by the State Board of
508 Education pursuant to Chapter 16, Title 37, Mississippi Code of
509 1972. In any statute or regulation containing the former



510 accreditation designations, the new designations shall be
511 applicable;

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

514 (i) The State Board of Education may, based on a
515 written request that contains specific reasons for requesting a
516 waiver from the school districts affected by Hurricane Katrina of
517 2005, hold harmless school districts from assignment of district
518 and school level accountability ratings for the 2005-2006 school
519 year. The State Board of Education upon finding an extreme
520 hardship in the school district may grant the request. It is the
521 intent of the Legislature that all school districts maintain the
522 highest possible academic standards and instructional programs in
523 all schools as required by law and the State Board of Education.

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

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

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



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

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

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

(i) Student Achievement: the percent of students proficient and advanced on the current state assessments; however, during the 2020-2021, 2021-2022, 2022-2023 and 2023-2024 school years, scores on end-of-course tests administered under the Subject Area Testing Program may not be used in the calculation of school and school district accountability ratings;

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

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



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

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

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

576 (vii) The school and school district
577 accountability system shall incorporate a standards-based growth
578 model, in order to support improvement of individual student
579 learning;

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



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

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

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

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

(8) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations * * * to any public school district for failure



607 to timely report student, school personnel and fiscal data
608 necessary to meet state and/or federal requirements.

609 (9) [Deleted]

610 (10) The State Board of Education shall establish, for those
611 school districts failing to meet accreditation standards, a
612 program of development to be complied with in order to receive
613 state funds, except as otherwise provided in subsection (15) of
614 this section when the Governor has declared a state of emergency
615 in a school district or as otherwise provided in Section 206,
616 Mississippi Constitution of 1890. The state board, in
617 establishing these standards, shall provide for notice to schools
618 and sufficient time and aid to enable schools to attempt to meet
619 these standards, unless procedures under subsection (15) of this
620 section have been invoked.

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

624 (a) Develop an impairment report for each district
625 failing to meet accreditation standards in conjunction with school
626 district officials;

627 (b) Notify any applicable school district failing to
628 meet accreditation standards that it is on probation until
629 corrective actions are taken or until the deficiencies have been
630 removed. The local school district shall develop a corrective
631 action plan to improve its deficiencies. For district academic



deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve:

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

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

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



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

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

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

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



681 been determined by the policies and procedures of the State Board
682 of Education to be a basis for withdrawal of school district's
683 accreditation without a probationary period, the Commission on
684 School Accreditation shall conduct a hearing to allow the affected
685 school district to present evidence or other reasons why its
686 accreditation should not be withdrawn. After its consideration of
687 the results of the hearing, the Commission on School Accreditation
688 shall be authorized, with the approval of the State Board of
689 Education, to withdraw the accreditation of a public school
690 district, and issue a request to the Governor that a state of
691 emergency be declared in that district.

692 (b) If the State Board of Education and the Commission
693 on School Accreditation determine that an extreme emergency
694 situation exists in a school district that jeopardizes the safety,
695 security or educational interests of the children enrolled in the
696 schools in that district and that emergency situation is believed
697 to be related to a serious violation or violations of
698 accreditation standards or state or federal law, or when a school
699 district meets the State Board of Education's definition of a
700 failing school district for two (2) consecutive full school years,
701 or if more than fifty percent (50%) of the schools within the
702 school district are designated as Schools At-Risk in any one (1)
703 year, the State Board of Education may request the Governor to
704 declare a state of emergency in that school district. For
705 purposes of this paragraph, the declarations of a state of



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

798 (iii) Reduce the size of the district and
799 administratively consolidate parts of the district, as determined
800 by the State Board of Education. However, no school district
801 which is not in district transformation shall be required to
802 accept additional territory over the objection of the district; or

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



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

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



830 hearings on appeal shall be conducted in a prompt and timely
831 manner in the school district from which the appeal originated in
832 order to ensure the ability of appellants, other parties and
833 witnesses to appeal without undue burden of travel costs or loss
834 of time from work, and perform other related duties as assigned by
835 the State Superintendent of Public Education. The deputy state
836 superintendent is responsible for the Mississippi Recovery School
837 District and shall determine, based on rigorous professional
838 qualifications set by the State Board of Education, the
839 appropriate individuals to be engaged to be interim
840 superintendents and financial advisors, if applicable, of all
841 school districts subject to district transformation status. After
842 State Board of Education approval, these individuals shall be
843 deemed independent contractors.

844 (13) Upon the declaration of a state of emergency in a
845 school district under subsection (12) of this section, the
846 Commission on School Accreditation shall be responsible for public
847 notice at least once a week for at least three (3) consecutive
848 weeks in a newspaper published within the jurisdiction of the
849 school district failing to meet accreditation standards, or if no
850 newspaper is published therein, then in a newspaper having a
851 general circulation therein. The size of the notice shall be no
852 smaller than one-fourth (1/4) of a standard newspaper page and
853 shall be printed in bold print. If an interim superintendent has
854 been appointed for the school district, the notice shall begin as



855 follows: "By authority of Section 37-17-6, Mississippi Code of
856 1972, as amended, adopted by the Mississippi Legislature during
857 the 1991 Regular Session, this school district (name of school
858 district) is hereby placed under the jurisdiction of the State
859 Department of Education acting through its appointed interim
860 superintendent (name of interim superintendent)."

861 The notice also shall include, in the discretion of the State
862 Board of Education, any or all details relating to the school
863 district's emergency status, including the declaration of a state
864 of emergency in the school district and a description of the
865 district's impairment deficiencies, conditions of any district
866 transformation status and corrective actions recommended and being
867 taken. Public notices issued under this section shall be subject
868 to Section 13-3-31 and not contrary to other laws regarding
869 newspaper publication.

870 Upon termination of the state of emergency in a school
871 district, the Commission on School Accreditation shall cause
872 notice to be published in the school district in the same manner
873 provided in this section, to include any or all details relating
874 to the corrective action taken in the school district that
875 resulted in the termination of the state of emergency.

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



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

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

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

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



903 comply with the time limitations prescribed in Sections 37-9-15
904 and 37-9-105;

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

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

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

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

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

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

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



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

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

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

944 (b) In order to provide loans to school districts under
945 a state of emergency or in district transformation status that
946 have impairments related to a lack of financial resources, the
947 School District Emergency Assistance Fund is created as a special
948 fund in the State Treasury into which monies may be transferred or
949 appropriated by the Legislature from any available public
950 education funds. Funds in the School District Emergency
951 Assistance Fund up to a maximum balance of Three Million Dollars
952 (\$3,000,000.00) annually shall not lapse but shall be available



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

958 The State Board of Education may loan monies from the School
959 District Emergency Assistance Fund to a school district that is
960 under a state of emergency or in district transformation status,
961 in those amounts, as determined by the board, that are necessary
962 to correct the district's impairments related to a lack of
963 financial resources. The loans shall be evidenced by an agreement
964 between the school district and the State Board of Education and
965 shall be repayable in principal, without necessity of interest, to
966 the School District Emergency Assistance Fund by the school
967 district from any allowable funds that are available. The total
968 amount loaned to the district shall be due and payable within five
969 (5) years after the impairments related to a lack of financial
970 resources are corrected. If a school district fails to make
971 payments on the loan in accordance with the terms of the agreement
972 between the district and the State Board of Education, the State
973 Department of Education, in accordance with rules and regulations
974 established by the State Board of Education, may withhold that
975 district's adequate education program funds in an amount and
976 manner that will effectuate repayment consistent with the terms of



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

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

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



1002 by the previously existing school board, and may take any action
1003 as prescribed in Section 37-17-13 and/or one or more of the
1004 actions authorized in this section.

1005 (17) (a) If the Governor declares a state of emergency in a
1006 school district, the State Board of Education may take all such
1007 action pertaining to that school district as is authorized under
1008 subsection (12) or (15) of this section, including the appointment
1009 of an interim superintendent. The State Board of Education shall
1010 also have the authority to issue a written request with
1011 documentation to the Governor asking that the office of the
1012 superintendent of the school district be subject to recall. If
1013 the Governor declares that the office of the superintendent of the
1014 school district is subject to recall, the local school board or
1015 the county election commission, as the case may be, shall take the
1016 following action:

1017 (i) If the office of superintendent is an elected
1018 office, in those years in which there is no general election, the
1019 name shall be submitted by the State Board of Education to the
1020 county election commission, and the county election commission
1021 shall submit the question at a special election to the voters
1022 eligible to vote for the office of superintendent within the
1023 county, and the special election shall be held within sixty (60)
1024 days from notification by the State Board of Education. The
1025 ballot shall read substantially as follows:



1026 "Shall County Superintendent of Education _____ (here the
1027 name of the superintendent shall be inserted) of the _____
1028 (here the title of the school district shall be inserted) be
1029 retained in office? Yes _____ No _____"

1030 If a majority of those voting on the question votes against
1031 retaining the superintendent in office, a vacancy shall exist
1032 which shall be filled in the manner provided by law; otherwise,
1033 the superintendent shall remain in office for the term of that
1034 office, and at the expiration of the term shall be eligible for
1035 qualification and election to another term or terms.

1036 (ii) If the office of superintendent is an
1037 appointive office, the name of the superintendent shall be
1038 submitted by the president of the local school board at the next
1039 regular meeting of the school board for retention in office or
1040 dismissal from office. If a majority of the school board voting
1041 on the question vote against retaining the superintendent in
1042 office, a vacancy shall exist which shall be filled as provided by
1043 law, otherwise the superintendent shall remain in office for the
1044 duration of his employment contract.

1045 (b) The State Board of Education may issue a written
1046 request with documentation to the Governor asking that the
1047 membership of the school board of the school district shall be
1048 subject to recall. Whenever the Governor declares that the
1049 membership of the school board is subject to recall, the county



1050 election commission or the local governing authorities, as the
1051 case may be, shall take the following action:

1052 (i) If the members of the local school board are
1053 elected to office, in those years in which the specific member's
1054 office is not up for election, the name of the school board member
1055 shall be submitted by the State Board of Education to the county
1056 election commission, and the county election commission at a
1057 special election shall submit the question to the voters eligible
1058 to vote for the particular member's office within the county or
1059 school district, as the case may be, and the special election
1060 shall be held within sixty (60) days from notification by the
1061 State Board of Education. The ballot shall read substantially as
1062 follows:

1063 "Members of the _____ (here the title of the school
1064 district shall be inserted) School Board who are not up for
1065 election this year are subject to recall because of the school
1066 district's failure to meet critical accountability standards as
1067 defined in the letter of notification to the Governor from the
1068 State Board of Education. Shall the member of the school board
1069 representing this area, _____ (here the name of the school
1070 board member holding the office shall be inserted), be retained in
1071 office? Yes _____ No _____"

1072 If a majority of those voting on the question vote against
1073 retaining the member of the school board in office, a vacancy in
1074 that board member's office shall exist, which shall be filled in



1075 the manner provided by law; otherwise, the school board member
1076 shall remain in office for the term of that office, and at the
1077 expiration of the term of office, the member shall be eligible for
1078 qualification and election to another term or terms of office.
1079 However, if a majority of the school board members are recalled in
1080 the special election, the Governor shall authorize the board of
1081 supervisors of the county in which the school district is situated
1082 to appoint members to fill the offices of the members recalled.
1083 The board of supervisors shall make those appointments in the
1084 manner provided by law for filling vacancies on the school board,
1085 and the appointed members shall serve until the office is filled
1086 at the next regular special election or general election.

1087 (ii) If the local school board is an appointed
1088 school board, the name of all school board members shall be
1089 submitted as a collective board by the president of the municipal
1090 or county governing authority, as the case may be, at the next
1091 regular meeting of the governing authority for retention in office
1092 or dismissal from office. If a majority of the governing
1093 authority voting on the question vote against retaining the board
1094 in office, a vacancy shall exist in each school board member's
1095 office, which shall be filled as provided by law; otherwise, the
1096 members of the appointed school board shall remain in office for
1097 the duration of their term of appointment, and those members may
1098 be reappointed.



1099 (iii) If the local school board is comprised of
1100 both elected and appointed members, the elected members shall be
1101 subject to recall in the manner provided in subparagraph (i) of
1102 this paragraph (b), and the appointed members shall be subject to
1103 recall in the manner provided in subparagraph (ii).

1104 (18) * * * The State Board of Education, acting through the
1105 Commission on School Accreditation, shall require each school
1106 district to comply with standards established by the State
1107 Department of Audit for the verification of fixed assets and the
1108 auditing of fixed assets records as a minimum requirement for
1109 accreditation.

1110 (19) * * * The State Superintendent of Public Education and
1111 the State Board of Education * * * shall develop a comprehensive
1112 accountability plan to ensure that local school boards,
1113 superintendents, principals and teachers are held accountable for
1114 student achievement. * * *

1115 (20) * * * [Deleted]

1116 (21) If a local school district is determined as failing and
1117 placed into district transformation status for reasons authorized
1118 by the provisions of this section, the interim superintendent
1119 appointed to the district shall, within forty-five (45) days after
1120 being appointed, present a detailed and structured corrective
1121 action plan to move the local school district out of district
1122 transformation status to the deputy superintendent. A copy of the



1123 interim superintendent's corrective action plan shall also be
1124 filed with the State Board of Education.

1125 **SECTION 7.** This act shall take effect and be in force from
1126 and after July 1, 2020.

