

By: Representative Miles

To: Education

## HOUSE BILL NO. 118

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO IMMEDIATELY  
2 CEASE THE ADMINISTRATION OF ALL ASSESSMENTS UNDER THE STATEWIDE  
3 TESTING PROGRAM WHICH ARE USED TO DETERMINE THE ACCOUNTABILITY  
4 RATINGS FOR SCHOOL DISTRICTS AND INDIVIDUAL SCHOOLS WITHIN LOCAL  
5 SCHOOL DISTRICTS FOR THE 2021-2022 SCHOOL YEAR DUE TO THE  
6 GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY IN RESPONSE TO  
7 COVID-19; TO REQUIRE THE STATE BOARD OF EDUCATION TO HOLD HARMLESS  
8 SCHOOL DISTRICTS FROM ASSIGNMENT OF DISTRICT AND SCHOOL LEVEL  
9 ACCOUNTABILITY RATINGS FOR THE 2021-2022 SCHOOL YEAR; TO AMEND  
10 SECTIONS 37-16-3, 37-16-17, 37-17-6, 37-3-49, 37-15-38 AND  
11 37-35-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
12 PROVISIONS; TO BRING FORWARD SECTIONS 37-16-1, 37-16-4, 37-16-5,  
13 37-16-7 AND 37-16-9, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE  
14 STATEWIDE TESTING PROGRAM, FOR PURPOSES OF POSSIBLE AMENDMENT; AND  
15 FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) Due to the state of emergency declared by the  
18 Governor of the State of Mississippi in response to a national  
19 health crisis resulting from the rapid spread of COVID-19 which  
20 required the extended closure of public schools and charter  
21 schools and adaptation to a virtual learning process during the  
22 2019-2020 and 2020-2021 school years, the State Board of Education  
23 shall immediately cease the administration of all assessments  
24 under the statewide testing program which are used to determine



25 the accountability ratings for school districts and individual  
26 schools within local school districts for the 2021-2022 school  
27 year. These assessments include, but are not limited to, the  
28 Third-Grade Reading Assessment, all tests administered under the  
29 Mississippi Academic Assessment Program (MAAP), the Eleventh Grade  
30 ACT and all end-of-course tests under the Subject Area Testing  
31 Program.

32 (2) With the suspension of the statewide testing program for  
33 the 2021-2022 school year, the State Board of Education shall  
34 waive the academic accreditation provisions under the state  
35 accountability model for all school districts which are determined  
36 as a result of student performance on required assessments to the  
37 extent that waivers are allowed by the United States Department of  
38 Education.

39 **SECTION 2.** Section 37-16-3, Mississippi Code of 1972, is  
40 amended as follows:

41 37-16-3. (1) Subject to subsection (4) of this section, the  
42 State Department of Education is directed to implement a program  
43 of statewide assessment testing which shall provide for the  
44 improvement of the operation and management of the public schools.  
45 The statewide program shall be timed, as far as possible, so as  
46 not to conflict with ongoing district assessment programs. As  
47 part of the program, the department shall:

48 (a) Establish, with the approval of the State Board of  
49 Education, minimum performance standards related to the goals for



50 education contained in the state's plan including, but not limited  
51 to, basic skills in reading, writing and mathematics. The minimum  
52 performance standards shall be approved by April 1 in each year  
53 they are established.

54 (b) Conduct a uniform statewide testing program in  
55 grades deemed appropriate in the public schools, including charter  
56 schools. The program may test skill areas, basic skills and high  
57 school course content.

58 (c) Monitor the results of the assessment program and,  
59 at any time the composite student performance of a school or basic  
60 program is found to be below the established minimum standards,  
61 notify the district superintendent or the governing board of the  
62 charter school, as the case may be, the school principal and the  
63 school advisory committee or other existing parent group of the  
64 situation within thirty (30) days of its determination. The  
65 department shall further provide technical assistance to a school  
66 district in the identification of the causes of this deficiency  
67 and shall recommend courses of action for its correction.

68 (d) Provide technical assistance to the school  
69 districts, when requested, in the development of student  
70 performance standards in addition to the established minimum  
71 statewide standards.

72 (e) Issue security procedure regulations providing for  
73 the security and integrity of the tests that are administered  
74 under the basic skills assessment program.



75           (f) In case of an allegation of a testing irregularity  
76 that prompts a need for an investigation by the Department of  
77 Education, the department may, in its discretion, take complete  
78 control of the statewide test administration in a school district  
79 or any part thereof, including, but not limited to, obtaining  
80 control of the test booklets and answer documents. In the case of  
81 any verified testing irregularity that jeopardized the security  
82 and integrity of the test(s), validity or the accuracy of the test  
83 results, the cost of the investigation and any other actual and  
84 necessary costs related to the investigation paid by the  
85 Department of Education shall be reimbursed by the local school  
86 district from funds other than federal funds, Mississippi Adequate  
87 Education Program funds, or any other state funds within six (6)  
88 months from the date of notice by the department to the school  
89 district to make reimbursement to the department.

90           (2) Uniform basic skills tests shall be completed by each  
91 student in the appropriate grade. These tests shall be  
92 administered in such a manner as to preserve the integrity and  
93 validity of the assessment. In the event of excused or unexcused  
94 student absences, make-up tests shall be given. The school  
95 superintendent of every school district in the state and the  
96 principal of each charter school shall annually certify to the  
97 State Department of Education that each student enrolled in the  
98 appropriate grade has completed the required basic skills



99 assessment test for his or her grade in a valid test  
100 administration.

101 (3) Within five (5) days of completing the administration of  
102 a statewide test, the principal of the school where the test was  
103 administered shall certify under oath to the State Department of  
104 Education that the statewide test was administered in strict  
105 accordance with the Requirements of the Mississippi Statewide  
106 Assessment System as adopted by the State Board of Education. The  
107 principal's sworn certification shall be set forth on a form  
108 developed and approved by the Department of Education. If,  
109 following the administration of a statewide test, the principal  
110 has reason to believe that the test was not administered in strict  
111 accordance with the Requirements of the Mississippi Statewide  
112 Assessment System as adopted by the State Board of Education, the  
113 principal shall submit a sworn certification to the Department of  
114 Education setting forth all information known or believed by the  
115 principal about all potential violations of the Requirements of  
116 the Mississippi Statewide Assessment System as adopted by the  
117 State Board of Education. The submission of false information or  
118 false certification to the Department of Education by any licensed  
119 educator may result in licensure disciplinary action pursuant to  
120 Section 37-3-2 and criminal prosecution pursuant to Section  
121 37-16-4.



122           (4) During the 2021-2022 school year, the statewide testing  
123 program is suspended pursuant to Section 1 of House Bill No. 118,  
124 2022 Regular Session.

125           **SECTION 3.** Section 37-16-17, Mississippi Code of 1972, is  
126 amended as follows:

127           37-16-17. (1) Purpose. (a) The purpose of this section is  
128 to create a quality option in Mississippi's high schools for  
129 students not wishing to pursue a baccalaureate degree, which shall  
130 consist of challenging academic courses and modern  
131 career-technical studies. The goal for students pursuing the  
132 career track is to graduate from high school with a standard  
133 diploma and credit toward a community college certification in a  
134 career-technical field. These students also shall be encouraged  
135 to take the national assessment in the career-technical field in  
136 which they become certified.

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

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



147 track program shall be linked to postsecondary options and shall  
148 prepare students to pursue either a degree or certification from a  
149 postsecondary institution, an industry-based training or  
150 certification, an apprenticeship, the military, or immediate  
151 entrance into a career field. The career track shall be designed  
152 primarily for those students who are not college bound and shall  
153 provide them with alternatives to entrance into a four-year  
154 university or college after high school graduation.

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

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

161 (d) Students in a career track program shall complete  
162 an academic core of courses and a career and technical sequence of  
163 courses.

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

166 (i) At least four (4) English credits, including  
167 English I and English II.

168 (ii) At least three (3) mathematics credits,  
169 including Algebra I.

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



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

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

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

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

182 (viii) At least two and one-half (2-1/2) credits  
183 in additional electives or career and technical education courses  
184 required by the local school board, as approved by the State Board  
185 of Education. Academic courses within the career track of the  
186 standard diploma shall provide the knowledge and skill necessary  
187 for proficiency on the state subject area tests, which pursuant to  
188 Section 1 of House Bill No. 118, 2022 Regular Session, are  
189 suspended for the 2021-2022 school year.

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





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

200 **SECTION 4.** Section 37-17-6, Mississippi Code of 1972, is  
201 amended as follows:

202 37-17-6. (1) The State Board of Education, acting through  
203 the Commission on School Accreditation, shall establish and  
204 implement a permanent performance-based accreditation system, and  
205 all noncharter public elementary and secondary schools shall be  
206 accredited under this system.

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

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

216	Number of Students	Number of Certified
217	Per School Library	School Librarians
218	0 - 499 Students	1/2 Full-time Equivalent
219		Certified Librarian
220	500 or More Students	1 Full-time Certified



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Librarian

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

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

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

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

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

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



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

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

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

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

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

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

259 (g) A determination of which schools are failing to  
260 meet their standards and a determination of the appropriate role  
261 of the State Board of Education and the State Department of  
262 Education in providing assistance and initiating possible  
263 intervention. A failing district is a district that fails to meet  
264 both the absolute student achievement standards and the rate of  
265 annual growth expectation standards as set by the State Board of  
266 Education for two (2) consecutive years. The State Board of  
267 Education shall establish the level of benchmarks by which  
268 absolute student achievement and growth expectations shall be  
269 assessed. In setting the benchmarks for school districts, the



270 State Board of Education may also take into account such factors  
271 as graduation rates, dropout rates, completion rates, the extent  
272 to which the school or district employs qualified teachers in  
273 every classroom, and any other factors deemed appropriate by the  
274 State Board of Education. The State Board of Education, acting  
275 through the State Department of Education, shall apply a simple  
276 "A," "B," "C," "D" and "F" designation to the current school and  
277 school district statewide accountability performance  
278 classification labels beginning with the State Accountability  
279 Results for the 2011-2012 school year and following, and in the  
280 school, district and state report cards required under state and  
281 federal law. Under the new designations, a school or school  
282 district that has earned a "Star" rating shall be designated an  
283 "A" school or school district; a school or school district that  
284 has earned a "High-Performing" rating shall be designated a "B"  
285 school or school district; a school or school district that has  
286 earned a "Successful" rating shall be designated a "C" school or  
287 school district; a school or school district that has earned an  
288 "Academic Watch" rating shall be designated a "D" school or school  
289 district; a school or school district that has earned a  
290 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
291 be designated an "F" school or school district. Effective with  
292 the implementation of any new curriculum and assessment standards,  
293 the State Board of Education, acting through the State Department  
294 of Education, is further authorized and directed to change the



295 school and school district accreditation rating system to a simple  
296 "A," "B," "C," "D," and "F" designation based on a combination of  
297 student achievement scores and student growth as measured by the  
298 statewide testing programs developed by the State Board of  
299 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
300 1972. In any statute or regulation containing the former  
301 accreditation designations, the new designations shall be  
302 applicable;

303 (h) Development of a comprehensive student assessment  
304 system to implement these requirements; \* \* \*

305 (i) The State Board of Education may, based on a  
306 written request that contains specific reasons for requesting a  
307 waiver from the school districts affected by Hurricane Katrina of  
308 2005, hold harmless school districts from assignment of district  
309 and school level accountability ratings for the 2005-2006 school  
310 year. The State Board of Education upon finding an extreme  
311 hardship in the school district may grant the request. It is the  
312 intent of the Legislature that all school districts maintain the  
313 highest possible academic standards and instructional programs in  
314 all schools as required by law and the State Board of  
315 Education \* \* \*; and

316 (j) The State Board of Education shall suspend the  
317 statewide testing program, as required under Section 1 of House  
318 Bill No. 118



319 , 2022 Regular Session, and hold harmless school districts and  
320 charter schools from assignment of district and school level  
321 accountability ratings for the 2021-2022 school year.

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

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

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

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

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

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

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



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

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

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

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

364 (vi) The system shall include the federally  
365 compliant four-year graduation rate in school and school district  
366 accountability system calculations. Graduation rate will apply to  
367 high school and school district accountability ratings as a



368 compensatory component. The system shall discontinue the use of  
369 the High School Completer Index (HSCI);

370 (vii) The school and school district  
371 accountability system shall incorporate a standards-based growth  
372 model, in order to support improvement of individual student  
373 learning;

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

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

385 (x) Standards for student, school and school  
386 district performance will be increased when student proficiency is  
387 at a seventy-five percent (75%) and/or when sixty-five percent  
388 (65%) of the schools and/or school districts are earning a grade  
389 of "B" or higher, in order to raise the standard on performance  
390 after targets are met.





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

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

398 (8) The State Board of Education shall be specifically  
399 authorized and empowered to withhold adequate education program  
400 fund allocations, whichever is applicable, to any public school  
401 district for failure to timely report student, school personnel  
402 and fiscal data necessary to meet state and/or federal  
403 requirements.

404 (9) [Deleted]

405 (10) The State Board of Education shall establish, for those  
406 school districts failing to meet accreditation standards, a  
407 program of development to be complied with in order to receive  
408 state funds, except as otherwise provided in subsection (15) of  
409 this section when the Governor has declared a state of emergency  
410 in a school district or as otherwise provided in Section 206,  
411 Mississippi Constitution of 1890. The state board, in  
412 establishing these standards, shall provide for notice to schools  
413 and sufficient time and aid to enable schools to attempt to meet  
414 these standards, unless procedures under subsection (15) of this  
415 section have been invoked.



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

419 (a) Develop an impairment report for each district  
420 failing to meet accreditation standards in conjunction with school  
421 district officials;

422 (b) Notify any applicable school district failing to  
423 meet accreditation standards that it is on probation until  
424 corrective actions are taken or until the deficiencies have been  
425 removed. The local school district shall develop a corrective  
426 action plan to improve its deficiencies. For district academic  
427 deficiencies, the corrective action plan for each such school  
428 district shall be based upon a complete analysis of the following:

429 student test data, student grades, student attendance reports,  
430 student dropout data, existence and other relevant data. The  
431 corrective action plan shall describe the specific measures to be  
432 taken by the particular school district and school to improve:  
433 (i) instruction; (ii) curriculum; (iii) professional development;  
434 (iv) personnel and classroom organization; (v) student incentives  
435 for performance; (vi) process deficiencies; and (vii) reporting to  
436 the local school board, parents and the community. The corrective  
437 action plan shall describe the specific individuals responsible  
438 for implementing each component of the recommendation and how each  
439 will be evaluated. All corrective action plans shall be provided  
440 to the State Board of Education as may be required. The decision



441 of the State Board of Education establishing the probationary  
442 period of time shall be final;

443 (c) Offer, during the probationary period, technical  
444 assistance to the school district in making corrective actions.  
445 Beginning July 1, 1998, subject to the availability of funds, the  
446 State Department of Education shall provide technical and/or  
447 financial assistance to all such school districts in order to  
448 implement each measure identified in that district's corrective  
449 action plan through professional development and on-site  
450 assistance. Each such school district shall apply for and utilize  
451 all available federal funding in order to support its corrective  
452 action plan in addition to state funds made available under this  
453 paragraph;

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

459 (e) Provide for publication of public notice at least  
460 one time during the probationary period, in a newspaper published  
461 within the jurisdiction of the school district failing to meet  
462 accreditation standards, or if no newspaper is published therein,  
463 then in a newspaper having a general circulation therein. The  
464 publication shall include the following: declaration of school  
465 system's status as being on probation; all details relating to the



466 impairment report; and other information as the State Board of  
467 Education deems appropriate. Public notices issued under this  
468 section shall be subject to Section 13-3-31 and not contrary to  
469 other laws regarding newspaper publication.

470 (12) (a) If the recommendations for corrective action are  
471 not taken by the local school district or if the deficiencies are  
472 not removed by the end of the probationary period, the Commission  
473 on School Accreditation shall conduct a hearing to allow the  
474 affected school district to present evidence or other reasons why  
475 its accreditation should not be withdrawn. Additionally, if the  
476 local school district violates accreditation standards that have  
477 been determined by the policies and procedures of the State Board  
478 of Education to be a basis for withdrawal of school district's  
479 accreditation without a probationary period, the Commission on  
480 School Accreditation shall conduct a hearing to allow the affected  
481 school district to present evidence or other reasons why its  
482 accreditation should not be withdrawn. After its consideration of  
483 the results of the hearing, the Commission on School Accreditation  
484 shall be authorized, with the approval of the State Board of  
485 Education, to withdraw the accreditation of a public school  
486 district, and issue a request to the Governor that a state of  
487 emergency be declared in that district.

488 (b) If the State Board of Education and the Commission  
489 on School Accreditation determine that an extreme emergency  
490 situation exists in a school district that jeopardizes the safety,



491 security or educational interests of the children enrolled in the  
492 schools in that district and that emergency situation is believed  
493 to be related to a serious violation or violations of  
494 accreditation standards or state or federal law, or when a school  
495 district meets the State Board of Education's definition of a  
496 failing school district for two (2) consecutive full school years,  
497 or if more than fifty percent (50%) of the schools within the  
498 school district are designated as Schools At-Risk in any one (1)  
499 year, the State Board of Education may request the Governor to  
500 declare a state of emergency in that school district. For  
501 purposes of this paragraph, the declarations of a state of  
502 emergency shall not be limited to those instances when a school  
503 district's impairments are related to a lack of financial  
504 resources, but also shall include serious failure to meet minimum  
505 academic standards, as evidenced by a continued pattern of poor  
506 student performance.

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

511 (i) Declare a state of emergency, under which some  
512 or all of state funds can be escrowed except as otherwise provided  
513 in Section 206, Constitution of 1890, until the board determines  
514 corrective actions are being taken or the deficiencies have been  
515 removed, or that the needs of students warrant the release of



516 funds. The funds may be released from escrow for any program  
517 which the board determines to have been restored to standard even  
518 though the state of emergency may not as yet be terminated for the  
519 district as a whole;

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

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

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

534 (v) For states of emergency declared under  
535 paragraph (a) only, if the accreditation deficiencies are related  
536 to the fact that the school district is too small, with too few  
537 resources, to meet the required standards and if another school  
538 district is willing to accept those students, abolish that  
539 district and assign that territory to another school district or  
540 districts. If the school district has proposed a voluntary



541 consolidation with another school district or districts, then if  
542 the State Board of Education finds that it is in the best interest  
543 of the pupils of the district for the consolidation to proceed,  
544 the voluntary consolidation shall have priority over any such  
545 assignment of territory by the State Board of Education;

546 (vi) For states of emergency declared under  
547 paragraph (b) only, reduce local supplements paid to school  
548 district employees, including, but not limited to, instructional  
549 personnel, assistant teachers and extracurricular activities  
550 personnel, if the district's impairment is related to a lack of  
551 financial resources, but only to an extent that will result in the  
552 salaries being comparable to districts similarly situated, as  
553 determined by the State Board of Education;

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

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

562 (e) The parent or legal guardian of a school-age child  
563 who is enrolled in a school district whose accreditation has been  
564 withdrawn by the Commission on School Accreditation and without  
565 approval of that school district may file a petition in writing to



566 a school district accredited by the Commission on School  
567 Accreditation for a legal transfer. The school district  
568 accredited by the Commission on School Accreditation may grant the  
569 transfer according to the procedures of Section 37-15-31(1)(b).  
570 In the event the accreditation of the student's home district is  
571 restored after a transfer has been approved, the student may  
572 continue to attend the transferee school district. The per-pupil  
573 amount of the adequate education program allotment, including the  
574 collective "add-on program" costs for the student's home school  
575 district shall be transferred monthly to the school district  
576 accredited by the Commission on School Accreditation that has  
577 granted the transfer of the school-age child.

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

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





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

594 (iii) Reduce the size of the district and  
595 administratively consolidate parts of the district, as determined  
596 by the State Board of Education. However, no school district  
597 which is not in district transformation shall be required to  
598 accept additional territory over the objection of the district; or

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

607 (g) There is established a Mississippi Recovery School  
608 District within the State Department of Education under the  
609 supervision of a deputy superintendent appointed by the State  
610 Superintendent of Public Education, who is subject to the approval  
611 by the State Board of Education. The Mississippi Recovery School  
612 District shall provide leadership and oversight of all school  
613 districts that are subject to district transformation status, as  
614 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
615 and shall have all the authority granted under these two (2)



616 chapters. The Mississippi Department of Education, with the  
617 approval of the State Board of Education, shall develop policies  
618 for the operation and management of the Mississippi Recovery  
619 School District. The deputy state superintendent is responsible  
620 for the Mississippi Recovery School District and shall be  
621 authorized to oversee the administration of the Mississippi  
622 Recovery School District, oversee the interim superintendent  
623 assigned by the State Board of Education to a local school  
624 district, hear appeals that would normally be filed by students,  
625 parents or employees and heard by a local school board, which  
626 hearings on appeal shall be conducted in a prompt and timely  
627 manner in the school district from which the appeal originated in  
628 order to ensure the ability of appellants, other parties and  
629 witnesses to appeal without undue burden of travel costs or loss  
630 of time from work, and perform other related duties as assigned by  
631 the State Superintendent of Public Education. The deputy state  
632 superintendent is responsible for the Mississippi Recovery School  
633 District and shall determine, based on rigorous professional  
634 qualifications set by the State Board of Education, the  
635 appropriate individuals to be engaged to be interim  
636 superintendents and financial advisors, if applicable, of all  
637 school districts subject to district transformation status. After  
638 State Board of Education approval, these individuals shall be  
639 deemed independent contractors.



640 (13) Upon the declaration of a state of emergency in a  
641 school district under subsection (12) of this section, the  
642 Commission on School Accreditation shall be responsible for public  
643 notice at least once a week for at least three (3) consecutive  
644 weeks in a newspaper published within the jurisdiction of the  
645 school district failing to meet accreditation standards, or if no  
646 newspaper is published therein, then in a newspaper having a  
647 general circulation therein. The size of the notice shall be no  
648 smaller than one-fourth (1/4) of a standard newspaper page and  
649 shall be printed in bold print. If an interim superintendent has  
650 been appointed for the school district, the notice shall begin as  
651 follows: "By authority of Section 37-17-6, Mississippi Code of  
652 1972, as amended, adopted by the Mississippi Legislature during  
653 the 1991 Regular Session, this school district (name of school  
654 district) is hereby placed under the jurisdiction of the State  
655 Department of Education acting through its appointed interim  
656 superintendent (name of interim superintendent)."

657 The notice also shall include, in the discretion of the State  
658 Board of Education, any or all details relating to the school  
659 district's emergency status, including the declaration of a state  
660 of emergency in the school district and a description of the  
661 district's impairment deficiencies, conditions of any district  
662 transformation status and corrective actions recommended and being  
663 taken. Public notices issued under this section shall be subject



664 to Section 13-3-31 and not contrary to other laws regarding  
665 newspaper publication.

666       Upon termination of the state of emergency in a school  
667 district, the Commission on School Accreditation shall cause  
668 notice to be published in the school district in the same manner  
669 provided in this section, to include any or all details relating  
670 to the corrective action taken in the school district that  
671 resulted in the termination of the state of emergency.

672       (14) The State Board of Education or the Commission on  
673 School Accreditation shall have the authority to require school  
674 districts to produce the necessary reports, correspondence,  
675 financial statements, and any other documents and information  
676 necessary to fulfill the requirements of this section.

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

681       (15) (a) Whenever the Governor declares a state of  
682 emergency in a school district in response to a request made under  
683 subsection (12) of this section, the State Board of Education, in  
684 its discretion, may assign an interim superintendent to the school  
685 district, or in its discretion, may contract with an appropriate  
686 private entity with experience in the academic, finance and other  
687 operational functions of schools and school districts, who will be  
688 responsible for the administration, management and operation of



689 the school district, including, but not limited to, the following  
690 activities:

691 (i) Approving or disapproving all financial  
692 obligations of the district, including, but not limited to, the  
693 employment, termination, nonrenewal and reassignment of all  
694 licensed and nonlicensed personnel, contractual agreements and  
695 purchase orders, and approving or disapproving all claim dockets  
696 and the issuance of checks; in approving or disapproving  
697 employment contracts of superintendents, assistant superintendents  
698 or principals, the interim superintendent shall not be required to  
699 comply with the time limitations prescribed in Sections 37-9-15  
700 and 37-9-105;

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

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

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



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

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

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

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

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

735 At the time that the Governor, in accordance with the request  
736 of the State Board of Education, declares that the state of



737 emergency no longer exists in a school district, the powers and  
738 responsibilities of the interim superintendent assigned to the  
739 district shall cease.

740 (b) In order to provide loans to school districts under  
741 a state of emergency or in district transformation status that  
742 have impairments related to a lack of financial resources, the  
743 School District Emergency Assistance Fund is created as a special  
744 fund in the State Treasury into which monies may be transferred or  
745 appropriated by the Legislature from any available public  
746 education funds. Funds in the School District Emergency  
747 Assistance Fund up to a maximum balance of Three Million Dollars  
748 (\$3,000,000.00) annually shall not lapse but shall be available  
749 for expenditure in subsequent years subject to approval of the  
750 State Board of Education. Any amount in the fund in excess of  
751 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
752 year shall lapse into the State General Fund or the Education  
753 Enhancement Fund, depending on the source of the fund.

754 The State Board of Education may loan monies from the School  
755 District Emergency Assistance Fund to a school district that is  
756 under a state of emergency or in district transformation status,  
757 in those amounts, as determined by the board, that are necessary  
758 to correct the district's impairments related to a lack of  
759 financial resources. The loans shall be evidenced by an agreement  
760 between the school district and the State Board of Education and  
761 shall be repayable in principal, without necessity of interest, to



762 the School District Emergency Assistance Fund by the school  
763 district from any allowable funds that are available. The total  
764 amount loaned to the district shall be due and payable within five  
765 (5) years after the impairments related to a lack of financial  
766 resources are corrected. If a school district fails to make  
767 payments on the loan in accordance with the terms of the agreement  
768 between the district and the State Board of Education, the State  
769 Department of Education, in accordance with rules and regulations  
770 established by the State Board of Education, may withhold that  
771 district's adequate education program funds in an amount and  
772 manner that will effectuate repayment consistent with the terms of  
773 the agreement; the funds withheld by the department shall be  
774 deposited into the School District Emergency Assistance Fund.

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





787 this subsection shall be applied toward the repayment of any loan  
788 made to a school district hereunder.

789 (16) If a majority of the membership of the school board of  
790 any school district resigns from office, the State Board of  
791 Education shall be authorized to assign an interim superintendent,  
792 who shall be responsible for the administration, management and  
793 operation of the school district until the time as new board  
794 members are selected or the Governor declares a state of emergency  
795 in that school district under subsection (12), whichever occurs  
796 first. In that case, the State Board of Education, acting through  
797 the interim superintendent, shall have all powers which were held  
798 by the previously existing school board, and may take any action  
799 as prescribed in Section 37-17-13 and/or one or more of the  
800 actions authorized in this section.

801 (17) (a) If the Governor declares a state of emergency in a  
802 school district, the State Board of Education may take all such  
803 action pertaining to that school district as is authorized under  
804 subsection (12) or (15) of this section, including the appointment  
805 of an interim superintendent. The State Board of Education shall  
806 also have the authority to issue a written request with  
807 documentation to the Governor asking that the office of the  
808 superintendent of the school district be subject to recall. If  
809 the Governor declares that the office of the superintendent of the  
810 school district is subject to recall, the local school board or



811 the county election commission, as the case may be, shall take the  
812 following action:

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

822 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
823 name of the superintendent shall be inserted) of the \_\_\_\_\_  
824 (here the title of the school district shall be inserted) be  
825 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

826 If a majority of those voting on the question votes against  
827 retaining the superintendent in office, a vacancy shall exist  
828 which shall be filled in the manner provided by law; otherwise,  
829 the superintendent shall remain in office for the term of that  
830 office, and at the expiration of the term shall be eligible for  
831 qualification and election to another term or terms.

832 (ii) If the office of superintendent is an  
833 appointive office, the name of the superintendent shall be  
834 submitted by the president of the local school board at the next  
835 regular meeting of the school board for retention in office or



836 dismissal from office. If a majority of the school board voting  
837 on the question vote against retaining the superintendent in  
838 office, a vacancy shall exist which shall be filled as provided by  
839 law, otherwise the superintendent shall remain in office for the  
840 duration of his employment contract.

841 (b) The State Board of Education may issue a written  
842 request with documentation to the Governor asking that the  
843 membership of the school board of the school district shall be  
844 subject to recall. Whenever the Governor declares that the  
845 membership of the school board is subject to recall, the county  
846 election commission or the local governing authorities, as the  
847 case may be, shall take the following action:

848 (i) If the members of the local school board are  
849 elected to office, in those years in which the specific member's  
850 office is not up for election, the name of the school board member  
851 shall be submitted by the State Board of Education to the county  
852 election commission, and the county election commission at a  
853 special election shall submit the question to the voters eligible  
854 to vote for the particular member's office within the county or  
855 school district, as the case may be, and the special election  
856 shall be held within sixty (60) days from notification by the  
857 State Board of Education. The ballot shall read substantially as  
858 follows:

859 "Members of the \_\_\_\_\_ (here the title of the school  
860 district shall be inserted) School Board who are not up for



861 election this year are subject to recall because of the school  
862 district's failure to meet critical accountability standards as  
863 defined in the letter of notification to the Governor from the  
864 State Board of Education. Shall the member of the school board  
865 representing this area, \_\_\_\_\_ (here the name of the school  
866 board member holding the office shall be inserted), be retained in  
867 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

868 If a majority of those voting on the question vote against  
869 retaining the member of the school board in office, a vacancy in  
870 that board member's office shall exist, which shall be filled in  
871 the manner provided by law; otherwise, the school board member  
872 shall remain in office for the term of that office, and at the  
873 expiration of the term of office, the member shall be eligible for  
874 qualification and election to another term or terms of office.  
875 However, if a majority of the school board members are recalled in  
876 the special election, the Governor shall authorize the board of  
877 supervisors of the county in which the school district is situated  
878 to appoint members to fill the offices of the members recalled.  
879 The board of supervisors shall make those appointments in the  
880 manner provided by law for filling vacancies on the school board,  
881 and the appointed members shall serve until the office is filled  
882 at the next regular special election or general election.

883 (ii) If the local school board is an appointed  
884 school board, the name of all school board members shall be  
885 submitted as a collective board by the president of the municipal



886 or county governing authority, as the case may be, at the next  
887 regular meeting of the governing authority for retention in office  
888 or dismissal from office. If a majority of the governing  
889 authority voting on the question vote against retaining the board  
890 in office, a vacancy shall exist in each school board member's  
891 office, which shall be filled as provided by law; otherwise, the  
892 members of the appointed school board shall remain in office for  
893 the duration of their term of appointment, and those members may  
894 be reappointed.

895 (iii) If the local school board is comprised of  
896 both elected and appointed members, the elected members shall be  
897 subject to recall in the manner provided in subparagraph (i) of  
898 this paragraph (b), and the appointed members shall be subject to  
899 recall in the manner provided in subparagraph (ii).

900 (18) Beginning with the school district audits conducted for  
901 the 1997-1998 fiscal year, the State Board of Education, acting  
902 through the Commission on School Accreditation, shall require each  
903 school district to comply with standards established by the State  
904 Department of Audit for the verification of fixed assets and the  
905 auditing of fixed assets records as a minimum requirement for  
906 accreditation.

907 (19) Before December 1, 1999, the State Board of Education  
908 shall recommend a program to the Education Committees of the House  
909 of Representatives and the Senate for identifying and rewarding  
910 public schools that improve or are high performing. The program



911 shall be described by the board in a written report, which shall  
912 include criteria and a process through which improving schools and  
913 high-performing schools will be identified and rewarded.

914         The State Superintendent of Public Education and the State  
915 Board of Education also shall develop a comprehensive  
916 accountability plan to ensure that local school boards,  
917 superintendents, principals and teachers are held accountable for  
918 student achievement. A written report on the accountability plan  
919 shall be submitted to the Education Committees of both houses of  
920 the Legislature before December 1, 1999, with any necessary  
921 legislative recommendations.

922         (20) Before January 1, 2008, the State Board of Education  
923 shall evaluate and submit a recommendation to the Education  
924 Committees of the House of Representatives and the Senate on  
925 inclusion of graduation rate and dropout rate in the school level  
926 accountability system.

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



936       (22) If the Governor declares an extreme state of emergency  
937 in the state in response to a national health crisis resulting  
938 from the rapid spread of COVID-19 which requires the extended  
939 closure of public schools and charter schools for an indeterminate  
940 period, the accountability requirements of this section are  
941 inapplicable to public schools and charter schools until such a  
942 time when it is determined by the Governor that the threat of the  
943 emergency no longer exists so as to present a disruption to  
944 traditional in-person learning and accountability and assessment  
945 waivers are no longer granted by the United States Department of  
946 Education for those purposes.

947       **SECTION 5.** Section 37-3-49, Mississippi Code of 1972, is  
948 amended as follows:

949       37-3-49. (1) The State Department of Education shall  
950 provide an instructional program and establish guidelines and  
951 procedures for managing such program in the public schools within  
952 the school districts throughout the state as part of the State  
953 Program of Educational Accountability and Assessment of  
954 Performance as prescribed in Section 37-3-46. Public school  
955 districts may (a) elect to adopt the instructional program and  
956 management system provided by the State Department of Education,  
957 or (b) elect to adopt an instructional program and management  
958 system which meets or exceeds criteria established by the State  
959 Department of Education for such. This provision shall begin with  
960 the courses taught in Grades K-8 which contain skills tested



961 through the Mississippi Basic Skills Assessment Program and shall  
962 proceed through all secondary school courses mandated for  
963 graduation and all secondary school courses in the Mississippi  
964 end-of-course testing program, which pursuant to Section 1 of  
965 House Bill No. 118, 2022 Regular Session, are suspended for the  
966 2021-2022 school year. Other state core objectives must be  
967 included in the district's instructional program as they are  
968 provided by the State Department of Education along with  
969 instructional practices, resources, evaluation items and  
970 management procedures. Districts are encouraged to adapt this  
971 program and accompanying procedures to all other instructional  
972 areas. The department shall provide that such program and  
973 guidelines, or a program and guidelines developed by a local  
974 school district which incorporates the core objectives from the  
975 curriculum structure are enforced through the performance-based  
976 accreditation system. It is the intent of the Legislature that  
977 every effort be made to protect the instructional time in the  
978 classroom and reduce the amount of paperwork which must be  
979 completed by teachers. The State Department of Education shall  
980 take steps to insure that school districts properly use staff  
981 development time to work on the districts' instructional  
982 management plans.

983 (2) The State Department of Education shall provide such  
984 instructional program and management guidelines which shall  
985 require for every public school district that:





986           (a) All courses taught in Grades K-8 which contain  
987 skills which are tested through the Mississippi Basic Skills  
988 Assessment Program, all secondary school courses mandated for  
989 graduation, and all courses in the end-of-course testing program  
990 shall include the State Department of Education's written list of  
991 learning objectives.

992           (b) The local school board must adopt the objectives  
993 that will form the core curriculum which will be systematically  
994 delivered throughout the district.

995           (c) The set of objectives provided by the State  
996 Department of Education must be accompanied by suggested  
997 instructional practices and resources that would help teachers  
998 organize instruction so as to promote student learning of the  
999 objectives. Objectives added by the school district must also be  
1000 accompanied by suggested instructional practices and resources  
1001 that would help teachers organize instruction. The instructional  
1002 practices and resources that are identified are to be used as  
1003 suggestions and not as requirements that teachers must follow.  
1004 The goal of the program is to have students to achieve the desired  
1005 objective and not to limit teachers in the way they teach.

1006           (d) Standards for student performance must be  
1007 established for each core objective in the local program and those  
1008 standards establish the district's definition of mastery for each  
1009 objective.



1010 (e) There shall be an annual review of student  
1011 performance in the instructional program against locally  
1012 established standards. When weaknesses exist in the local  
1013 instructional program, the district shall take action to improve  
1014 student performance.

1015 (3) The State Board of Education and the board of trustees  
1016 of each school district shall adopt policies to limit and reduce  
1017 the number and length of written reports that classroom teachers  
1018 are required to prepare.

1019 (4) This section shall not be construed to limit teachers  
1020 from using their own professional skills to help students master  
1021 instructional objectives, nor shall it be construed as a call for  
1022 more detailed or complex lesson plans or any increase in testing  
1023 at the local school district level.

1024 (5) Districts meeting the highest levels of accreditation  
1025 standards, as defined by the State Board of Education, shall be  
1026 exempted from the provisions of subsection (2) of this section.

1027 **SECTION 6.** Section 37-15-38, Mississippi Code of 1972, is  
1028 amended as follows:

1029 37-15-38. (1) The following phrases have the meanings  
1030 ascribed in this section unless the context clearly requires  
1031 otherwise:

1032 (a) A dual enrolled student is a student who is  
1033 enrolled in a community or junior college or state institution of  
1034 higher learning while enrolled in high school.



1035           (b) A dual credit student is a student who is enrolled  
1036 in a community or junior college or state institution of higher  
1037 learning while enrolled in high school and who is receiving high  
1038 school and college credit for postsecondary coursework.

1039           (2) A local school board, the Board of Trustees of State  
1040 Institutions of Higher Learning and the Mississippi Community  
1041 College Board shall establish a dual enrollment system under which  
1042 students in the school district who meet the prescribed criteria  
1043 of this section may be enrolled in a postsecondary institution in  
1044 Mississippi while they are still in school.

1045           (3) **Dual credit eligibility.** Before credits earned by a  
1046 qualified high school student from a community or junior college  
1047 or state institution of higher learning may be transferred to the  
1048 student's home school district, the student must be properly  
1049 enrolled in a dual enrollment program.

1050           (4) **Admission criteria for dual enrollment in community and**  
1051 **junior college or university programs.** The Mississippi Community  
1052 College Board and the Board of Trustees of State Institutions of  
1053 Higher Learning may recommend to the State Board of Education  
1054 admission criteria for dual enrollment programs under which high  
1055 school students may enroll at a community or junior college or  
1056 university while they are still attending high school and enrolled  
1057 in high school courses. Students may be admitted to enroll in  
1058 community or junior college courses under the dual enrollment



1059 programs if they meet that individual institution's stated dual  
1060 enrollment admission requirements.

1061       (5) **Tuition and cost responsibility.** Tuition and costs for  
1062 university-level courses and community and junior college courses  
1063 offered under a dual enrollment program may be paid for by the  
1064 postsecondary institution, the local school district, the parents  
1065 or legal guardians of the student, or by grants, foundations or  
1066 other private or public sources. Payment for tuition and any  
1067 other costs must be made directly to the credit-granting  
1068 institution.

1069       (6) **Transportation responsibility.** Any transportation  
1070 required by a student to participate in the dual enrollment  
1071 program is the responsibility of the parent, custodian or legal  
1072 guardian of the student. Transportation costs may be paid from  
1073 any available public or private sources, including the local  
1074 school district.

1075       (7) **School district average daily attendance credit.** When  
1076 dually enrolled, the student may be counted, for adequate  
1077 education program funding purposes, in the average daily  
1078 attendance of the public school district in which the student  
1079 attends high school.

1080       (8) **High school student transcript transfer requirements.**  
1081 Grades and college credits earned by a student admitted to a dual  
1082 credit program must be recorded on the high school student record  
1083 and on the college transcript at the university or community or



1084 junior college where the student attends classes. The transcript  
1085 of the university or community or junior college coursework may be  
1086 released to another institution or applied toward college  
1087 graduation requirements.

1088       (9) **Determining factor of prerequisites for dual enrollment**  
1089 **courses.** Each university and community or junior college  
1090 participating in a dual enrollment program shall determine course  
1091 prerequisites. Course prerequisites shall be the same for dual  
1092 enrolled students as for regularly enrolled students at that  
1093 university or community or junior college.

1094       (10) **Process for determining articulation of curriculum**  
1095 **between high school, university, and community and junior college**  
1096 **courses.** All dual credit courses must meet the standards  
1097 established at the postsecondary level. Postsecondary level  
1098 developmental courses may not be considered as meeting the  
1099 requirements of the dual credit program. Dual credit memorandum  
1100 of understandings must be established between each postsecondary  
1101 institution and the school district implementing a dual credit  
1102 program.

1103       (11) [Deleted]

1104       (12) **Eligible courses for dual credit programs.** Courses  
1105 eligible for dual credit include, but are not necessarily limited  
1106 to, foreign languages, advanced math courses, advanced science  
1107 courses, performing arts, advanced business and technology, and  
1108 career and technical courses. Distance Learning Collaborative



1109 Program courses approved under Section 37-67-1 shall be fully  
1110 eligible for dual credit. All courses being considered for dual  
1111 credit must receive unconditional approval from the superintendent  
1112 of the local school district and the chief instructional officer  
1113 at the participating community or junior college or university in  
1114 order for college credit to be awarded. A university or community  
1115 or junior college shall make the final decision on what courses  
1116 are eligible for semester hour credits.

1117 (13) **High school Carnegie unit equivalency.** One (1)  
1118 three-hour university or community or junior college course is  
1119 equal to one (1) high school Carnegie unit.

1120 (14) **Course alignment.** The universities, community and  
1121 junior colleges and the State Department of Education shall  
1122 periodically review their respective policies and assess the place  
1123 of dual credit courses within the context of their traditional  
1124 offerings.

1125 (15) **Maximum dual credits allowed.** It is the intent of the  
1126 dual enrollment program to make it possible for every eligible  
1127 student who desires to earn a semester's worth of college credit  
1128 in high school to do so. A qualified dually enrolled high school  
1129 student must be allowed to earn an unlimited number of college or  
1130 university credits for dual credit.

1131 (16) **Dual credit program allowances.** A student may be  
1132 granted credit delivered through the following means:



1133           (a) Examination preparation taught at a high school by  
1134 a qualified teacher. A student may receive credit at the  
1135 secondary level after completion of an approved course and passing  
1136 the standard examination, such as an Advanced Placement or  
1137 International Baccalaureate course through which a high school  
1138 student is allowed CLEP credit by making a three (3) or higher on  
1139 the end-of-course examination.

1140           (b) College or university courses taught at a high  
1141 school or designated postsecondary site by a qualified teacher who  
1142 is an employee of the school district and approved as an  
1143 instructor by the collaborating college or university.

1144           (c) College or university courses taught at a college,  
1145 university or high school by an instructor employed by the college  
1146 or university and approved by the collaborating school district.

1147           (d) Online courses of any public university, community  
1148 or junior college in Mississippi.

1149           (17) **Qualifications of dual credit instructors.** A dual  
1150 credit academic instructor must meet the requirements set forth by  
1151 the regional accrediting association (Southern Association of  
1152 College and Schools). University and community and junior college  
1153 personnel have the sole authority in the selection of dual credit  
1154 instructors.

1155           A dual credit career and technical education instructor must  
1156 meet the requirements set forth by the Mississippi Community



1157 College Board in the qualifications manual for postsecondary  
1158 career and technical personnel.

1159           (18) **Guidance on local agreements.** The Chief Academic  
1160 Officer of the State Board of Trustees of State Institutions of  
1161 Higher Learning and the Chief Instructional Officers of the  
1162 Mississippi Community College Board and the State Department of  
1163 Education, working collaboratively, shall develop a template to be  
1164 used by the individual community and junior colleges and  
1165 institutions of higher learning for consistent implementation of  
1166 the dual enrollment program throughout the State of Mississippi.

1167           (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**  
1168 A local school board and the local community colleges board shall  
1169 establish a Mississippi Works Dual Enrollment-Dual Credit Option  
1170 Program under which potential or recent student dropouts may  
1171 dually enroll in their home school and a local community college  
1172 in a dual credit program consisting of high school completion  
1173 coursework and a community college credential, certificate or  
1174 degree program. Students completing the dual enrollment-credit  
1175 option may obtain their high school diploma while obtaining a  
1176 community college credential, certificate or degree. The  
1177 Mississippi Department of Employment Security shall assist  
1178 students who have successfully completed the Mississippi Works  
1179 Dual Enrollment-Dual Credit Option in securing a job upon the  
1180 application of the student or the participating school or  
1181 community college. The Mississippi Works Dual Enrollment-Dual





1182 Credit Option Program will be implemented statewide in the  
1183 2012-2013 school year and thereafter. The State Board of  
1184 Education, local school board and the local community college  
1185 board shall establish criteria for the Dual Enrollment-Dual Credit  
1186 Program. Students enrolled in the program will not be eligible to  
1187 participate in interscholastic sports or other extracurricular  
1188 activities at the home school district. Tuition and costs for  
1189 community college courses offered under the Dual Enrollment-Dual  
1190 Credit Program shall not be charged to the student, parents or  
1191 legal guardians. When dually enrolled, the student shall be  
1192 counted for adequate education program funding purposes, in the  
1193 average daily attendance of the public school district in which  
1194 the student attends high school, as provided in Section  
1195 37-151-7(1) (a). Any transportation required by the student to  
1196 participate in the Dual Enrollment-Dual Credit Program is the  
1197 responsibility of the parent or legal guardian of the student, and  
1198 transportation costs may be paid from any available public or  
1199 private sources, including the local school district. Grades and  
1200 college credits earned by a student admitted to this Dual  
1201 Enrollment-Dual Credit Program shall be recorded on the high  
1202 school student record and on the college transcript at the  
1203 community college and high school where the student attends  
1204 classes. The transcript of the community college coursework may  
1205 be released to another institution or applied toward college  
1206 graduation requirements. Except as otherwise provided in Section



1207 1 of House Bill No. 118, 2022 Regular Session, any course that is  
1208 required for subject area testing as a requirement for graduation  
1209 from a public school in Mississippi is eligible for dual credit,  
1210 and courses eligible for dual credit shall also include career,  
1211 technical and degree program courses. All courses eligible for  
1212 dual credit shall be approved by the superintendent of the local  
1213 school district and the chief instructional officer at the  
1214 participating community college in order for college credit to be  
1215 awarded. A community college shall make the final decision on  
1216 what courses are eligible for semester hour credits and the local  
1217 school superintendent, subject to approval by the Mississippi  
1218 Department of Education, shall make the final decision on the  
1219 transfer of college courses credited to the student's high school  
1220 transcript.

1221 **SECTION 7.** Section 37-35-3, Mississippi Code of 1972, is  
1222 amended as follows:

1223 37-35-3. (1) The board of trustees of any school district,  
1224 including any community/junior college, may establish and maintain  
1225 classes for adults, including general educational development  
1226 classes, under the regulations authorized in this chapter and  
1227 pursuant to the standards prescribed in subsection (3). The  
1228 property and facilities of the public school districts may be used  
1229 for this purpose where such use does not conflict with uses  
1230 already established.



1231           (2) The trustees of any school district desiring to  
1232 establish such program may request the taxing authority of the  
1233 district to levy additional ad valorem taxes for the support of  
1234 this program. The board of supervisors, in the case of a county  
1235 school district, a special municipal separate school district, or  
1236 a community/junior college district, and the governing authority  
1237 of any municipality, in the case of a municipal separate school  
1238 district, is authorized, in its discretion, to levy a tax not  
1239 exceeding one (1) mill upon all the taxable property of the  
1240 district for the support of this program. The tax shall be in  
1241 addition to all other taxes authorized by law to be levied. In  
1242 addition to the funds realized from any such levy, the board of  
1243 trustees of any school district is authorized to use any surplus  
1244 funds that it may have or that may be made available to it from  
1245 local sources to supplement this program.

1246           (3) (a) Any student participating in an approved High  
1247 School Equivalency Diploma Option program administered by a local  
1248 school district or a local school district with an approved  
1249 contractual agreement with a community/junior college or other  
1250 local entity shall not be considered a dropout. Students in such  
1251 a program administered by a local school district shall be  
1252 considered as enrolled within the school district of origin for  
1253 the purpose of enrollment for minimum program funding only. Such  
1254 students shall not be considered as enrolled in the regular school  
1255 program for academic or programmatic purposes.



1256 (b) Students participating in an approved High School  
1257 Equivalency Diploma Option program shall have an individual career  
1258 plan developed at the time of placement to insure that the  
1259 student's academic and job skill needs will be met. The  
1260 Individual Career Plan will address, but is not limited to, the  
1261 following:

1262 (i) Academic/instructional needs of the student;  
1263 (ii) Job readiness needs of the student; and  
1264 (iii) Work experience program options available  
1265 for the student.

1266 (c) Students participating in an approved High School  
1267 Equivalency Diploma Option program may participate in existing job  
1268 and skills development programs or in similar programs developed  
1269 in conjunction with the High School Equivalency Diploma Option  
1270 program and the vocational director.

1271 (d) High School Equivalency Diploma Option programs may  
1272 be operated by local school districts or may be operated by two  
1273 (2) or more adjacent school districts, pursuant to a contract  
1274 approved by the State Board of Education. When two (2) or more  
1275 school districts contract to operate a High School Equivalency  
1276 Diploma Option program, the school board of a district designated  
1277 to be the lead district shall serve as the governing board of the  
1278 High School Equivalency Diploma Option program. Transportation  
1279 for students placed in the High School Equivalency Diploma Option  
1280 program shall be the responsibility of the school district of



1281 origin. The expense of establishing, maintaining and operating  
1282 such High School Equivalency Diploma Option programs may be paid  
1283 from funds made available to the school district through  
1284 contributions, minimum program funds or from local district  
1285 maintenance funds.

1286 (e) The State Department of Education will develop  
1287 procedures and criteria for placement of a student in the High  
1288 School Equivalency Diploma Option programs. Students placed in  
1289 High School Equivalency Diploma Option programs shall have  
1290 parental approval for such placement and must meet the following  
1291 criteria:

1292 (i) The student must be at least sixteen (16)  
1293 years of age;

1294 (ii) The student must be at least one (1) full  
1295 grade level behind his or her ninth grade cohort or must have  
1296 acquired less than four (4) Carnegie units;

1297 (iii) The student must have taken every  
1298 opportunity to continue to participate in coursework leading to a  
1299 diploma; and

1300 (iv) The student must be certified to be eligible  
1301 to participate in the GED course by the school district  
1302 superintendent, based on the developed criteria.

1303 (f) Students participating in an approved High School  
1304 Equivalency Diploma Option program, who are enrolled in subject  
1305 area courses through January 31 in a school with a traditional



1306 class schedule or who are enrolled in subject area courses through  
1307 October 31 or through March 31 in a school on a block schedule,  
1308 shall be required to take the end-of-course subject area tests for  
1309 those courses in which they are enrolled, except as otherwise  
1310 provided for the 2021-2022 school year under Section 1 of House  
1311 Bill No. 118, Regular Session.

1312         **SECTION 8.** Section 37-16-1, Mississippi Code of 1972, is  
1313 brought forward as follows:

1314             37-16-1. The primary purpose of the statewide testing  
1315 program is to provide information needed for state-level  
1316 decisions. The program shall be designed to:

1317             (a) Assist in the identification of educational needs  
1318 at the state, district and school levels.

1319             (b) Assess how well districts and schools are meeting  
1320 state goals and minimum performance standards.

1321             (c) Provide information to aid in the development of  
1322 policy issues and concerns.

1323             (d) Provide a basis for comparisons among districts,  
1324 between charter schools throughout the state and nonpublic charter  
1325 schools in those school districts in which charter schools are  
1326 located, and between districts, the state and the nation, where  
1327 appropriate.

1328             (e) Produce data which can be used to aid in the  
1329 identification of exceptional educational programs or processes.



1330           **SECTION 9.** Section 37-16-4, Mississippi Code of 1972, is  
1331 brought forward as follows:

1332           37-16-4. (1) It is unlawful for anyone knowingly and  
1333 willfully to do any of the following acts regarding mandatory  
1334 uniform tests administered to students as required by the State  
1335 Department of Education:

1336                   (a) Give examinees access to test questions prior to  
1337 testing;

1338                   (b) Copy or reproduce all or any portion of any secure  
1339 test booklet;

1340                   (c) Coach examinees during testing or alter or  
1341 interfere with examinees' responses in any way;

1342                   (d) Make answer keys available to examinees;

1343                   (e) Fail to account for all secure test materials  
1344 before, during and after testing;

1345                   (f) Participate in, direct, aid, counsel, assist in,  
1346 encourage or fail to report any of the acts prohibited in this  
1347 section.

1348           (2) Any person violating any provisions of subsection (1) of  
1349 this section is guilty of a misdemeanor and upon conviction shall  
1350 be fined not more than One Thousand Dollars (\$1,000.00), or be  
1351 imprisoned for not more than ninety (90) days, or both. Upon  
1352 conviction, the State Board of Education may suspend or revoke the  
1353 administrative or teaching credentials, or both, of the person  
1354 convicted.



1355           (3) Any person submitting a false certification to the State  
1356 Department of Education that each statewide test in a school was  
1357 administered in strict accordance with the Requirements of the  
1358 Mississippi Statewide Assessment System as adopted by the State  
1359 Board of Education, and with willful intent, is guilty of a felony  
1360 and upon conviction thereof shall be fined not more than Fifteen  
1361 Thousand Dollars (\$15,000.00), or be imprisoned for not more than  
1362 three (3) years, or both. Upon conviction, the State Board of  
1363 Education may suspend or revoke the administrative or teaching  
1364 credentials, or both, of the person convicted.

1365           (4) The district attorney shall investigate allegations of  
1366 violations of this section, either on its own initiative following  
1367 a receipt of allegations, or at the request of a school district  
1368 or the State Department of Education.

1369           (5) The district attorney shall furnish to the State  
1370 Superintendent of Education a report of the findings of any  
1371 investigation conducted pursuant to this section.

1372           (6) The State Board of Education shall establish statistical  
1373 guidelines to examine the results of state mandated tests to  
1374 determine where there is evidence of testing irregularities  
1375 resulting in false or misleading results in the aggregate or  
1376 composite test scores of the class, grade, age group or school  
1377 district. When said irregularities are identified, the State  
1378 Superintendent of Education may order that any group of students  
1379 identified as being required to retake the test at state expense





1380 under state supervision. The school district shall be given at  
1381 least thirty (30) days' notice before the next test administration  
1382 and shall comply with the order of the State Superintendent of  
1383 Education. The results from the second administration of the test  
1384 shall be final for all uses of that data.

1385 (7) Nothing in this section may be construed to prohibit or  
1386 interfere with the responsibilities of the State Board of  
1387 Education or the State Department of Education in test development  
1388 or selection, test form construction, standard setting, test  
1389 scoring, and reporting, or any other related activities which in  
1390 the judgment of the State Superintendent of Education are  
1391 necessary and appropriate.

1392 **SECTION 10.** Section 37-16-5, Mississippi Code of 1972, is  
1393 brought forward as follows:

1394 37-16-5. The school board of every district in this state  
1395 shall periodically assess student performance and achievement in  
1396 each school. Such assessment programs shall be based upon local  
1397 goals and objectives which are compatible with the state's plan  
1398 for education and which supplement the minimum performance  
1399 standards approved by the State Board of Education. Data from  
1400 district assessment programs shall be provided to the State  
1401 Department of Education when such data is required in order to  
1402 evaluate specific instructional programs or processes or when the  
1403 data is needed for other research or evaluation projects. Each  
1404 district may provide acceptable, compatible district assessment



1405 data to substitute for any assessment data needed at the state  
1406 level when the State Department of Education certifies that such  
1407 data is acceptable for the purposes of Section 37-16-3.

1408         **SECTION 11.** Section 37-16-7, Mississippi Code of 1972, is  
1409 brought forward as follows:

1410             37-16-7. (1) Each district school board shall establish  
1411 standards for graduation from its schools which shall include as a  
1412 minimum:

1413                 (a) Mastery of minimum academic skills as measured by  
1414 assessments developed and administered by the State Board of  
1415 Education.

1416                 (b) Completion of a minimum number of academic credits,  
1417 and all other applicable requirements prescribed by the district  
1418 school board.

1419                 (c) By school, information on high school graduation  
1420 rates. High schools with graduation rates lower than eighty  
1421 percent (80%) must submit a detailed plan to the Mississippi  
1422 Department of Education to restructure the high school experience  
1423 to improve graduation rates.

1424             (2) A student who meets all requirements prescribed in  
1425 subsection (1) of this section shall be awarded a standard diploma  
1426 in a form prescribed by the State Board of Education.

1427             (3) The State Board of Education may establish student  
1428 proficiency standards for promotion to grade levels leading to  
1429 graduation.



1430           **SECTION 12.** Section 37-16-9, Mississippi Code of 1972, is  
1431 brought forward as follows:

1432           37-16-9. (1) The state board shall, after a public hearing  
1433 and consideration, make provision for appropriate accommodations  
1434 for testing instruments and procedures for students with  
1435 identified handicaps or disabilities in order to ensure that the  
1436 results of the testing represent the student's achievement, rather  
1437 than reflecting the student's impaired sensory, manual, speaking  
1438 or psychological process skills, except when such skills are the  
1439 factors the test purports to measure.

1440           (2) The public hearing and consideration required hereunder  
1441 shall not be construed to amend or nullify the requirements of  
1442 security relating to the contents of examinations or assessment  
1443 instruments and related materials or data.

1444           (3) Children with disabilities shall be included in general  
1445 statewide and district-wide assessments programs, with appropriate  
1446 accommodations, where necessary. As appropriate, the State  
1447 Department of Education and the local educational agency shall:

1448                   (a) Develop policies and procedures for the  
1449 participation of children with disabilities in alternate  
1450 assessments for those children who cannot participate in statewide  
1451 and district-wide assessment programs; and

1452                   (b) Develop and, beginning not later than July 1, 2000,  
1453 conduct those alternate assessments.



1454 (4) The State Department of Education shall make available  
1455 to the public, and report to the public with the same frequency  
1456 and in the same detail as it reports on the assessment of  
1457 nondisabled children, the following:

1458 (a) The number of children with disabilities  
1459 participating in regular assessments;

1460 (b) The number of children participating in alternate  
1461 assessments;

1462 (c) The performance of those children on regular  
1463 assessments, beginning not later than July 1, 1998, and on  
1464 alternate assessments, not later than July 1, 2000, if doing so  
1465 would be statistically sound and would not result in the  
1466 disclosure of performance results identifiable to individual  
1467 children; and

1468 (d) Data relating to the performance of children with  
1469 disabilities shall be disaggregated for assessments conducted  
1470 after July 1, 1998.

1471 **SECTION 13.** This act shall take effect and be in force from  
1472 and after its passage.

