

By: Representative Mickens

To: Education

HOUSE BILL NO. 198

1 AN ACT TO CREATE NEW SECTION 37-16-2, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO CONTRACT WITH A
3 SINGLE ENTITY FOR THE DEVELOPMENT AND ADMINISTRATION OF THE ACT
4 ASPIRE ASSESSMENT COMPONENTS AS THE COMPREHENSIVE STATEWIDE
5 ASSESSMENT PROGRAM FOR PUBLIC SCHOOL STUDENTS IN GRADES 3 THROUGH
6 10 AS WELL AS ALGEBRA I AND ENGLISH II; TO REQUIRE THE STATE
7 DEPARTMENT OF EDUCATION TO PROVIDE A JOB SKILLS ASSESSMENT SYSTEM
8 THAT ALLOWS STUDENTS TO EARN A NATIONALLY RECOGNIZED CAREER
9 READINESS CERTIFICATE CREDENTIALING WORKPLACE EMPLOYABILITY
10 SKILLS; TO REQUIRE THE ACT ASPIRE AS THE STATEWIDE ASSESSMENT
11 PROGRAM TO BE FULLY IMPLEMENTED IN ALL PUBLIC SCHOOLS IN THE
12 2023-2024 SCHOOL YEAR; TO PROHIBIT THE STATE BOARD OF EDUCATION
13 FROM CONTRACTING WITH ANY ENTITY FOR THE DEVELOPMENT OF A
14 STATEWIDE ASSESSMENT WHOSE ALIGNMENT OF CURRICULUM AND TESTING
15 STANDARDS ARE IN COMPLIANCE WITH THE PARTNERSHIP FOR ASSESSMENT OF
16 READINESS FOR COLLEGE AND CAREERS (PARCC) WITHOUT EXPRESS
17 LEGISLATIVE AUTHORITY; TO AMEND SECTIONS 37-16-1, 37-16-3,
18 37-16-4, 37-16-5, 37-16-7, 37-16-9 AND 37-16-17, MISSISSIPPI CODE
19 OF 1972, WHICH RELATE TO THE STATEWIDE TESTING PROGRAM, AND
20 SECTIONS 37-3-49, 37-15-38, 37-17-6, 37-18-1, 37-18-3, 37-20-5,
21 37-20-7 AND 37-28-45, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
22 THE PRECEDING PROVISIONS OF THIS ACT; TO AMEND SECTION 37-16-11,
23 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ISSUANCE OF A
24 STANDARD DIPLOMA TO CERTAIN EXCEPTIONAL CHILDREN WITH INTELLECTUAL
25 IMPAIRMENTS WHO HAVE IEP'S UPON THEIR MEETING THE EDUCATIONAL
26 REQUIREMENTS OF THEIR IEP AND THOSE ESTABLISHED BY THE STATE BOARD
27 OF EDUCATION; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** The following shall be codified as Section
30 37-16-2, Mississippi Code of 1972:



31 37-16-2. (1) The State Board of Education shall contract
32 with a single entity for the development and administration of a
33 statewide assessment program designed to measure individual
34 student progress over time utilizing standards-based assessments,
35 which is commensurate with the ACT Aspire summative assessments.
36 The entity selected by the board must satisfy the following
37 criteria:

38 (a) The entity must be an independent organization that
39 provides assessment, research, information and program management
40 services aimed at helping persons in the areas of education and
41 workforce development;

42 (b) The entity must have no less than fifty (50) years
43 experience in the administration of a nationally recognized
44 college entrance readiness examination that, as of the effective
45 date of House Bill No. 198, 2022 Regular Session, is required to
46 be taken by all public school students in eleventh grade in
47 certain states, including Mississippi; and

48 (c) The entity must provide a comprehensive summative
49 assessment system for students in Grades 3 through 10, as well as
50 Algebra I and English II, which are aligned to the Mississippi
51 College and Career-Ready Standards.

52 (2) The statewide assessment system implemented pursuant to
53 this section must be comprised of the following three (3)
54 components:



55 (a) For students in Grades 3 through 10, a vertically
56 articulated, standards-based summative assessment system that
57 annually assesses individual student progress in the content areas
58 of writing, reading, English and mathematics and which connects
59 student performance in the context of college and career readiness
60 benchmarks that are aligned with the Mississippi College and
61 Career-Ready Standards.

62 (b) For students enrolled in Algebra I and English II,
63 a standards-based end-of-course (EOC) assessment aligned with
64 college readiness standards.

65 (c) For high school students, a job skills assessment
66 that enables students to determine the skill levels required for
67 various jobs and which leads to the earning of a nationally
68 recognized career readiness certificate upon successful completion
69 of certain assessments.

70 (3) As soon as practicable following the effective date of
71 House Bill No. 198, 2022 Regular Session, the State Board of
72 Education shall enter into an agreement with an entity meeting the
73 criteria set forth in subsection (1) to begin the process of
74 establishing the statewide assessment system required under this
75 section. The State Department of Education shall collaborate with
76 the entity in its development of the statewide assessment system
77 to be administered in Mississippi, which must be fully implemented
78 in all public schools throughout the state in the 2023-2024 school
79 year.



80 (4) Unless otherwise specifically authorized by law,
81 beginning in the 2023-2024 school year, examinations administered
82 under the statewide assessment system implemented pursuant to this
83 section are the only statewide assessments given in all public
84 schools during a school year, except for the Kindergarten
85 Readiness Assessment, the Third Grade Summative Assessment and the
86 ACT for students in Grade 11.

87 (5) The State Department of Education shall seek a waiver or
88 amendment to any existing waiver for federal approval of the
89 assessment system required under this section. The department
90 shall notify the United States Department of Education about this
91 section and shall take such steps as may be necessary to assure
92 the United States Department of Education that the State of
93 Mississippi is on track to develop and implement a summative
94 assessment system as required under federal law.

95 (6) The State Board of Education may not contract with any
96 entity for the development and administration of a statewide
97 assessment system with whom the state previously had entered into
98 contract under the initial adoption and implementation of the
99 Common Core State Standards, which assessment was to begin during
100 the 2014-2015 school year in compliance with the Partnership for
101 Assessment of Readiness for College and Careers (PARCC). The
102 board may not contract with any entity providing original or
103 subsequent assessments under the Smarter Balance Assessment or the
104 PARCC consortium unless specific legislation is enacted by the



105 Mississippi Legislature authorizing the board to take such action
106 to provide a statewide assessment that aligns with the Mississippi
107 College and Career-Ready Standards.

108 **SECTION 2.** Section 37-16-1, Mississippi Code of 1972, is
109 amended as follows:

110 37-16-1. The primary purposes of the statewide * * *
111 assessment program * * * are to measure individual student
112 progress and to provide information needed for state-level
113 decisions. The program shall be designed to:

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

116 (b) Assess how well districts * * *, schools and
117 individual students are meeting state goals and minimum
118 performance standards.

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

121 (d) Provide a basis for comparisons among districts,
122 between charter schools throughout the state and nonpublic charter
123 schools in those school districts in which charter schools are
124 located, and between districts, the state and the nation, where
125 appropriate.

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

128 **SECTION 3.** Section 37-16-3, Mississippi Code of 1972, is
129 amended as follows:



130 37-16-3. (1) * * * As part of the statewide assessment
131 program, the State Department of Education shall:

132 (a) Establish, with the approval of the State Board of
133 Education, minimum performance standards related to the goals for
134 education contained in the state's plan including, but not limited
135 to, basic skills in reading, writing and mathematics. The minimum
136 performance standards shall be approved by April 1 in each year
137 they are established.

138 (b) Conduct * * * the statewide * * * assessment
139 program * * * in the public schools, including charter schools, in
140 accordance with the terms and conditions set forth in the contract
141 for the administration of the statewide assessment program
142 required under Section 37-16-2. The program may test skill areas,
143 basic skills and high school course content.

144 (c) Monitor the results of the assessment program and,
145 at any time the composite student performance of a school or basic
146 program is found to be below the established minimum standards,
147 notify the district superintendent or the governing board of the
148 charter school, as the case may be, the school principal and the
149 school advisory committee or other existing parent group of the
150 situation within thirty (30) days of its determination. The
151 department shall further provide technical assistance to a school
152 district in the identification of the causes of this deficiency
153 and shall recommend courses of action for its correction.



154 (d) Provide technical assistance to the school
155 districts, when requested, in the development of student
156 performance standards in addition to the established minimum
157 statewide standards.

158 (e) Issue security procedure regulations providing for
159 the security and integrity of the tests that are administered
160 under the * * * statewide assessment program.

161 (f) In case of an allegation of a testing irregularity
162 that prompts a need for an investigation by the State Department
163 of Education, the department may, in its discretion, take complete
164 control of the statewide * * * assessment administration in a
165 school district or any part thereof, including, but not limited
166 to, obtaining control of the test booklets and answer documents.
167 In the case of any verified testing irregularity that jeopardized
168 the security and integrity of the test(s), validity or the
169 accuracy of the * * * assessment results, the cost of the
170 investigation and any other actual and necessary costs related to
171 the investigation paid by the State Department of Education shall
172 be reimbursed by the local school district from funds other than
173 federal funds, Mississippi Adequate Education Program funds, or
174 any other state funds within six (6) months from the date of
175 notice by the department to the school district to make
176 reimbursement to the department.

177 (2) * * * Annual examinations administered under the
178 statewide assessment program implemented pursuant to Section



179 37-16-2 shall be completed by each student in the appropriate
180 grade. These tests shall be administered in such a manner as to
181 preserve the integrity and validity of the assessment. In the
182 event of excused or unexcused student absences, make-up tests
183 shall be given. The school superintendent of every school
184 district in the state and the principal of each charter school
185 shall annually certify to the State Department of Education that
186 each student enrolled in the appropriate grade has completed the
187 required * * * statewide assessment * * * for his or her grade in
188 a valid test administration.

189 (3) Within five (5) days of completing the administration of
190 a statewide * * * assessment, the principal of the school where
191 the * * * assessment was administered shall certify under oath to
192 the State Department of Education that the statewide * * *
193 assessment was administered in strict accordance with the
194 Requirements of the Mississippi Statewide Assessment System as
195 adopted by the State Board of Education. The principal's sworn
196 certification shall be set forth on a form developed and approved
197 by the State Department of Education. If, following the
198 administration of a statewide * * * assessment, the principal has
199 reason to believe that the * * * assessment was not administered
200 in strict accordance with the Requirements of the Mississippi
201 Statewide Assessment System as adopted by the State Board of
202 Education, the principal shall submit a sworn certification to the
203 State Department of Education setting forth all information known



204 or believed by the principal about all potential violations of the
205 Requirements of the Mississippi Statewide Assessment System as
206 adopted by the State Board of Education. The submission of false
207 information or false certification to the State Department of
208 Education by any licensed educator may result in licensure
209 disciplinary action pursuant to Section 37-3-2 and criminal
210 prosecution pursuant to Section 37-16-4.

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

213 37-16-4. (1) It is unlawful for anyone knowingly and
214 willfully to do any of the following acts regarding mandatory
215 uniform tests administered to students as required by the State
216 Department of Education:

217 (a) Give examinees access to * * * assessment questions
218 prior to testing;

219 (b) Copy or reproduce all or any portion of any secure
220 test booklet;

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

223 (d) Make answer keys available to examinees;

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

226 (f) Participate in, direct, aid, counsel, assist in,
227 encourage or fail to report any of the acts prohibited in this
228 section.



229 (2) Any person violating any provisions of subsection (1) of
230 this section is guilty of a misdemeanor and upon conviction shall
231 be fined not more than One Thousand Dollars (\$1,000.00), or be
232 imprisoned for not more than ninety (90) days, or both. Upon
233 conviction, the State Board of Education may suspend or revoke the
234 administrative or teaching credentials, or both, of the person
235 convicted.

236 (3) Any person submitting a false certification to the State
237 Department of Education that each statewide * * * assessment in a
238 school was administered in strict accordance with the Requirements
239 of the Mississippi Statewide Assessment System as adopted by the
240 State Board of Education, and with willful intent, is guilty of a
241 felony and upon conviction thereof, shall be fined not more than
242 Fifteen Thousand Dollars (\$15,000.00), or be imprisoned for not
243 more than three (3) years, or both. Upon conviction, the State
244 Board of Education may suspend or revoke the administrative or
245 teaching credentials, or both, of the person convicted.

246 (4) The district attorney shall investigate allegations of
247 violations of this section, either on its own initiative following
248 a receipt of allegations, or at the request of a school district
249 or the State Department of Education.

250 (5) The district attorney shall furnish to the State
251 Superintendent of Public Education a report of the findings of any
252 investigation conducted pursuant to this section.



253 (6) The State Board of Education shall establish statistical
254 guidelines to examine the results of state mandated * * *
255 assessments to determine where there is evidence of testing
256 irregularities resulting in false or misleading results in the
257 aggregate or composite test scores of the class, grade, age group
258 or school district. When * * * any irregularities are identified,
259 the State Superintendent of Public Education may order that any
260 group of students identified as being required to retake the * * *
261 assessment at state expense under state supervision. The school
262 district shall be given at least thirty (30) days' notice before
263 the next * * * assessment administration and shall comply with the
264 order of the State Superintendent of Public Education. The
265 results from the second administration of the * * * assessment
266 shall be final for all uses of that data.

267 * * *

268 **SECTION 5.** Section 37-16-5, Mississippi Code of 1972, is
269 amended as follows:

270 37-16-5. The school board of * * * each local school
271 district * * * may periodically assess student performance and
272 achievement in each school. Such assessment programs shall be
273 based upon local goals and objectives which are compatible with
274 the state's plan for education and which supplement the minimum
275 performance standards approved by the State Board of Education.
276 Data from district assessment programs shall be provided to the
277 State Department of Education when such data is required in order



278 to evaluate specific instructional programs or processes or when
279 the data is needed for other research or evaluation projects.
280 Each district may provide acceptable, compatible district
281 assessment data to substitute for any assessment data needed at
282 the state level when the State Department of Education certifies
283 that such data is acceptable for the purposes of Section 37-16-3.

284 **SECTION 6.** Section 37-16-7, Mississippi Code of 1972, is
285 amended as follows:

286 37-16-7. (1) Each district school board shall establish
287 standards for graduation from its schools which shall include as a
288 minimum:

289 (a) Mastery of minimum academic skills as measured by
290 assessments * * * administered * * * under the statewide
291 assessment program implemented pursuant to Section 37-16-2; and

292 (b) Completion of a minimum number of academic credits,
293 and all other applicable requirements prescribed by the district
294 school board.

295 (* * *2) The school board of each school district shall
296 compile, by school, information on high school graduation rates.
297 High schools with graduation rates lower than eighty percent (80%)
298 must submit a detailed plan to the * * * State Department of
299 Education to restructure the high school experience to improve
300 graduation rates.



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

304 (* * *4) The State Board of Education may establish student
305 proficiency standards for promotion to grade levels leading to
306 graduation.

307 **SECTION 7.** Section 37-16-9, Mississippi Code of 1972, is
308 amended as follows:

309 37-16-9. (1) The state board shall, after a public hearing
310 and consideration, make provision for appropriate accommodations
311 for testing instruments and procedures for students with
312 identified handicaps or disabilities in order to ensure that the
313 results of the testing represent the student's achievement, rather
314 than reflecting the student's impaired sensory, manual, speaking
315 or psychological process skills, except when such skills are the
316 factors the test purports to measure.

317 (2) The public hearing and consideration required hereunder
318 shall not be construed to amend or nullify the requirements of
319 security relating to the contents of examinations or assessment
320 instruments and related materials or data.

321 (3) Children with disabilities shall be included in general
322 statewide assessment program implemented pursuant to Section
323 37-16-2 and in any district-wide assessments * * * administered in
324 a particular school district, with appropriate accommodations,



325 where necessary. As appropriate, the State Department of
326 Education and the local educational agency shall:

327 (a) Develop policies and procedures for the
328 participation of children with disabilities in alternate
329 assessments for those children who cannot participate in statewide
330 and district-wide assessment programs; and

331 (b) Develop and * * * conduct those alternate
332 assessments.

333 (4) The State Department of Education shall make available
334 to the public, and report to the public with the same frequency
335 and in the same detail as it reports on the assessment of
336 nondisabled children, the following:

337 (a) The number of children with disabilities
338 participating in regular assessments;

339 (b) The number of children participating in alternate
340 assessments;

341 (c) The performance of those children on regular
342 assessments * * * and on alternate assessments, * * * if doing so
343 would be statistically sound and would not result in the
344 disclosure of performance results identifiable to individual
345 children; and

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



349 **SECTION 8.** Section 37-16-17, Mississippi Code of 1972, is
350 amended as follows:

351 37-16-17. (1) Purpose. (a) The purpose of this section is
352 to create a quality option in Mississippi's high schools for
353 students not wishing to pursue a baccalaureate degree, which shall
354 consist of challenging academic courses and modern
355 career-technical studies. The goal for students pursuing the
356 career track is to graduate from high school with a standard
357 diploma and credit toward a community college certification in a
358 career-technical field. These students also shall be encouraged
359 to participate in twelfth grade post-testing under the job skills
360 assessment component of the statewide assessment program which,
361 upon successful completion, will lead to a nationally recognized
362 career readiness certificate; further, these students are
363 encouraged to take the national assessment in the career-technical
364 field in which they become certified.

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

371 (2) Alternative career track; description; curriculum. (a)
372 A career track shall provide a student with greater technical
373 skill and a strong academic core and shall be offered to each high



374 school student enrolled in a public school district. The career
375 track program shall be linked to postsecondary options and shall
376 prepare students to pursue either a degree or certification from a
377 postsecondary institution, an industry-based training or
378 certification, an apprenticeship, the military, or immediate
379 entrance into a career field. The career track shall be designed
380 primarily for those students who are not college bound and shall
381 provide them with alternatives to entrance into a four-year
382 university or college after high school graduation.

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

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

389 (d) Students in a career track program shall complete
390 an academic core of courses and a career and technical sequence of
391 courses.

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

394 (i) At least four (4) English credits, including
395 English I and English II.

396 (ii) At least three (3) mathematics credits,
397 including Algebra I.



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

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

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

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

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

410 (viii) At least two and one-half (2-1/2) credits
411 in additional electives or career and technical education courses
412 required by the local school board, as approved by the State Board
413 of Education. Academic courses within the career track of the
414 standard diploma shall provide the knowledge and skill necessary
415 for proficiency on the state subject area tests.

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



422 (4) The career track program for students not pursuing a
423 Baccalaureate Degree shall not be available to any student
424 entering the ninth grade in the 2017-2018 school year or
425 thereafter.

426 **SECTION 9.** Section 37-3-49, Mississippi Code of 1972, is
427 amended as follows:

428 37-3-49. (1) The State Department of Education shall
429 provide an instructional program and establish guidelines and
430 procedures for managing such program in the public schools within
431 the school districts throughout the state as part of the State
432 Program of Educational Accountability and Assessment of
433 Performance as prescribed in Section 37-3-46. Public school
434 districts may (a) elect to adopt the instructional program and
435 management system provided by the State Department of Education,
436 or (b) elect to adopt an instructional program and management
437 system which meets or exceeds criteria established by the State
438 Department of Education for such. This provision shall begin with
439 the courses taught in Grades K-8 which contain skills tested
440 through the * * * statewide assessment program and shall proceed
441 through all secondary school courses mandated for
442 graduation * * *. Other state core objectives must be included in
443 the district's instructional program as they are provided by the
444 State Department of Education along with instructional practices,
445 resources, evaluation items and management procedures. Districts
446 are encouraged to adapt this program and accompanying procedures



447 to all other instructional areas. The department shall provide
448 that such program and guidelines, or a program and guidelines
449 developed by a local school district which incorporates the core
450 objectives from the curriculum structure are enforced through the
451 performance-based accreditation system. It is the intent of the
452 Legislature that every effort be made to protect the instructional
453 time in the classroom and reduce the amount of paperwork which
454 must be completed by teachers. The State Department of Education
455 shall take steps to insure that school districts properly use
456 staff development time to work on the districts' instructional
457 management plans.

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

461 (a) All courses taught in Grades K-8 which contain
462 skills which are tested through the * * * statewide assessment
463 program * * * and all secondary school courses mandated for
464 graduation * * * shall include the State Department of Education's
465 written list of learning objectives.

466 (b) The local school board must adopt the objectives
467 that will form the core curriculum which will be systematically
468 delivered throughout the district.

469 (c) The set of objectives provided by the State
470 Department of Education must be accompanied by suggested
471 instructional practices and resources that would help teachers



472 organize instruction so as to promote student learning of the
473 objectives. Objectives added by the school district must also be
474 accompanied by suggested instructional practices and resources
475 that would help teachers organize instruction. The instructional
476 practices and resources that are identified are to be used as
477 suggestions and not as requirements that teachers must follow.
478 The goal of the program is to have students to achieve the desired
479 objective and not to limit teachers in the way they teach.

480 (d) Standards for student performance must be
481 established for each core objective in the local program and those
482 standards establish the district's definition of mastery for each
483 objective.

484 (e) There shall be an annual review of student
485 performance in the instructional program against locally
486 established standards. When weaknesses exist in the local
487 instructional program, the district shall take action to improve
488 student performance.

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

493 (4) This section shall not be construed to limit teachers
494 from using their own professional skills to help students master
495 instructional objectives, nor shall it be construed as a call for



496 more detailed or complex lesson plans or any increase in testing
497 at the local school district level.

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

501 **SECTION 10.** Section 37-15-38, Mississippi Code of 1972, is
502 amended as follows:

503 37-15-38. (1) The following phrases have the meanings
504 ascribed in this section unless the context clearly requires
505 otherwise:

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

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

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

519 (3) **Dual credit eligibility.** Before credits earned by a
520 qualified high school student from a community or junior college



521 or state institution of higher learning may be transferred to the
522 student's home school district, the student must be properly
523 enrolled in a dual enrollment program.

524 (4) **Admission criteria for dual enrollment in community and**
525 **junior college or university programs.** The Mississippi Community
526 College Board and the Board of Trustees of State Institutions of
527 Higher Learning may recommend to the State Board of Education
528 admission criteria for dual enrollment programs under which high
529 school students may enroll at a community or junior college or
530 university while they are still attending high school and enrolled
531 in high school courses. Students may be admitted to enroll in
532 community or junior college courses under the dual enrollment
533 programs if they meet that individual institution's stated dual
534 enrollment admission requirements.

535 (5) **Tuition and cost responsibility.** Tuition and costs for
536 university-level courses and community and junior college courses
537 offered under a dual enrollment program may be paid for by the
538 postsecondary institution, the local school district, the parents
539 or legal guardians of the student, or by grants, foundations or
540 other private or public sources. Payment for tuition and any
541 other costs must be made directly to the credit-granting
542 institution.

543 (6) **Transportation responsibility.** Any transportation
544 required by a student to participate in the dual enrollment
545 program is the responsibility of the parent, custodian or legal



546 guardian of the student. Transportation costs may be paid from
547 any available public or private sources, including the local
548 school district.

549 (7) **School district average daily attendance credit.** When
550 dually enrolled, the student may be counted, for adequate
551 education program funding purposes, in the average daily
552 attendance of the public school district in which the student
553 attends high school.

554 (8) **High school student transcript transfer requirements.**
555 Grades and college credits earned by a student admitted to a dual
556 credit program must be recorded on the high school student record
557 and on the college transcript at the university or community or
558 junior college where the student attends classes. The transcript
559 of the university or community or junior college coursework may be
560 released to another institution or applied toward college
561 graduation requirements.

562 (9) **Determining factor of prerequisites for dual enrollment**
563 **courses.** Each university and community or junior college
564 participating in a dual enrollment program shall determine course
565 prerequisites. Course prerequisites shall be the same for dual
566 enrolled students as for regularly enrolled students at that
567 university or community or junior college.

568 (10) **Process for determining articulation of curriculum**
569 **between high school, university, and community and junior college**
570 **courses.** All dual credit courses must meet the standards



571 established at the postsecondary level. Postsecondary level
572 developmental courses may not be considered as meeting the
573 requirements of the dual credit program. Dual credit memorandum
574 of understandings must be established between each postsecondary
575 institution and the school district implementing a dual credit
576 program.

577 (11) [Deleted]

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

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

594 (14) **Course alignment.** The universities, community and
595 junior colleges and the State Department of Education shall



596 periodically review their respective policies and assess the place
597 of dual credit courses within the context of their traditional
598 offerings.

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

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

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

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

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



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

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

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

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

641 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
642 A local school board and the local community * * * college board
643 shall establish a Mississippi Works Dual Enrollment-Dual Credit
644 Option Program under which potential or recent student dropouts
645 may dually enroll in their home school and a local community



646 college in a dual credit program consisting of high school
647 completion coursework and a community college credential,
648 certificate or degree program. Students completing the dual
649 enrollment-credit option may obtain their high school diploma
650 while obtaining a community college credential, certificate or
651 degree. The Mississippi Department of Employment Security shall
652 assist students who have successfully completed the Mississippi
653 Works Dual Enrollment-Dual Credit Option in securing a job upon
654 the application of the student or the participating school or
655 community college. The Mississippi Works Dual Enrollment-Dual
656 Credit Option Program will be implemented statewide in the
657 2012-2013 school year and thereafter. The State Board of
658 Education, local school board and the local community college
659 board shall establish criteria for the Dual Enrollment-Dual Credit
660 Program. Students enrolled in the program will not be eligible to
661 participate in interscholastic sports or other extracurricular
662 activities at the home school district. Tuition and costs for
663 community college courses offered under the Dual Enrollment-Dual
664 Credit Program shall not be charged to the student, parents or
665 legal guardians. When dually enrolled, the student shall be
666 counted for adequate education program funding purposes, in the
667 average daily attendance of the public school district in which
668 the student attends high school, as provided in Section
669 37-151-7(1)(a). Any transportation required by the student to
670 participate in the Dual Enrollment-Dual Credit Program is the



671 responsibility of the parent or legal guardian of the student, and
672 transportation costs may be paid from any available public or
673 private sources, including the local school district. Grades and
674 college credits earned by a student admitted to this Dual
675 Enrollment-Dual Credit Program shall be recorded on the high
676 school student record and on the college transcript at the
677 community college and high school where the student attends
678 classes. The transcript of the community college coursework may
679 be released to another institution or applied toward college
680 graduation requirements. Any course that is * * * a requirement
681 for graduation from a public school in Mississippi is eligible for
682 dual credit, and courses eligible for dual credit shall also
683 include career, technical and degree program courses. All courses
684 eligible for dual credit shall be approved by the superintendent
685 of the local school district and the chief instructional officer
686 at the participating community college in order for college credit
687 to be awarded. A community college shall make the final decision
688 on what courses are eligible for semester hour credits and the
689 local school superintendent, subject to approval by the
690 Mississippi Department of Education, shall make the final decision
691 on the transfer of college courses credited to the student's high
692 school transcript.

693 **SECTION 11.** Section 37-17-6, Mississippi Code of 1972, is
694 amended as follows:



695 37-17-6. (1) The State Board of Education, acting through
696 the Commission on School Accreditation, shall establish and
697 implement a permanent performance-based accreditation system, and
698 all noncharter public elementary and secondary schools shall be
699 accredited under this system.

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

704 (3) (a) * * * The State Board of Education, acting through
705 the Commission on School Accreditation, shall require that school
706 districts employ certified school librarians according to the
707 following formula:

708	Number of Students	Number of Certified
709	Per School Library	School Librarians
710	0 - 499 Students	1/2 Full-time Equivalent
711		Certified Librarian
712	500 or More Students	1 Full-time Certified
713		Librarian

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

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



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

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

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

728 (f) Any additional millage levied to fund school
729 librarians required for accreditation under this subsection shall
730 be included in the tax increase limitation set forth in Sections
731 37-57-105 and 37-57-107 and shall not be deemed a new program for
732 purposes of the limitation.

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

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

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

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



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

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

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

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



768 "A," "B," "C," "D" and "F" designation to the current school and
769 school district statewide accountability performance
770 classification labels beginning with the State Accountability
771 Results for the 2011-2012 school year and following, and in the
772 school, district and state report cards required under state and
773 federal law. Under the new designations, a school or school
774 district that has earned a "Star" rating shall be designated an
775 "A" school or school district; a school or school district that
776 has earned a "High-Performing" rating shall be designated a "B"
777 school or school district; a school or school district that has
778 earned a "Successful" rating shall be designated a "C" school or
779 school district; a school or school district that has earned an
780 "Academic Watch" rating shall be designated a "D" school or school
781 district; a school or school district that has earned a
782 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
783 be designated an "F" school or school district. Effective with
784 the implementation of any new curriculum and assessment standards,
785 the State Board of Education, acting through the State Department
786 of Education, is further authorized and directed to change the
787 school and school district accreditation rating system to a simple
788 "A," "B," "C," "D," and "F" designation based on a combination of
789 student achievement scores and student growth as measured by the
790 statewide * * * assessment program required under Chapter 16,
791 Title 37, Mississippi Code of 1972. In any statute or regulation



792 containing the former accreditation designations, the new
793 designations shall be applicable;

794 (h) * * * Administration of a comprehensive student
795 assessment system to implement these requirements; and

796 (i) The State Board of Education may, based on a
797 written request that contains specific reasons for requesting a
798 waiver from the school districts affected by Hurricane Katrina of
799 2005, hold harmless school districts from assignment of district
800 and school level accountability ratings for the 2005-2006 school
801 year. The State Board of Education upon finding an extreme
802 hardship in the school district may grant the request. It is the
803 intent of the Legislature that all school districts maintain the
804 highest possible academic standards and instructional programs in
805 all schools as required by law and the State Board of Education.

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

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

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



816 (iii) To have sixty percent (60%) of students
817 scoring proficient and advanced on the assessments of the * * *
818 Mississippi College and Career Readiness Standards by 2016 with
819 incremental increases of three percent (3%) each year thereafter.

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

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

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

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

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

836 (iv) Categories shall identify schools as Reward
837 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
838 at least five percent (5%) of schools in the state are not graded
839 as "F" schools, the lowest five percent (5%) of school grade point
840 designees will be identified as Priority schools. If at least ten



841 percent (10%) of schools in the state are not graded as "D"
842 schools, the lowest ten percent (10%) of school grade point
843 designees will be identified as Focus schools;

844 (v) The State Department of Education shall
845 discontinue the use of Star School, High-Performing, Successful,
846 Academic Watch, Low-Performing, At-Risk of Failing and Failing
847 school accountability designations;

848 (vi) The system shall include the federally
849 compliant four-year graduation rate in school and school district
850 accountability system calculations. Graduation rate will apply to
851 high school and school district accountability ratings as a
852 compensatory component. The system shall discontinue the use of
853 the High School Completer Index (HSCI);

854 (vii) The school and school district
855 accountability system shall incorporate a standards-based growth
856 model, in order to support improvement of individual student
857 learning;

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

860 (ix) The State Department of Education shall
861 determine feeder patterns of schools that do not earn a school
862 grade because the grades and subjects taught at the school do not
863 have statewide standardized assessments needed to calculate a
864 school grade. Upon determination of the feeder pattern, the
865 department shall notify schools and school districts prior to the



866 release of the school grades beginning in 2013. Feeder schools
867 will be assigned the accountability designation of the school to
868 which they provide students;

869 (x) Standards for student, school and school
870 district performance will be increased when student proficiency is
871 at a seventy-five percent (75%) and/or when sixty-five percent
872 (65%) of the schools and/or school districts are earning a grade
873 of "B" or higher, in order to raise the standard on performance
874 after targets are met.

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

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

882 (8) The State Board of Education shall be specifically
883 authorized and empowered to withhold adequate education program
884 fund allocations * * * to any public school district for failure
885 to timely report student, school personnel and fiscal data
886 necessary to meet state and/or federal requirements.

887 (9) [Deleted]

888 (10) The State Board of Education shall establish, for those
889 school districts failing to meet accreditation standards, a
890 program of development to be complied with in order to receive



891 state funds, except as otherwise provided in subsection (15) of
892 this section when the Governor has declared a state of emergency
893 in a school district or as otherwise provided in Section 206,
894 Mississippi Constitution of 1890. The state board, in
895 establishing these standards, shall provide for notice to schools
896 and sufficient time and aid to enable schools to attempt to meet
897 these standards, unless procedures under subsection (15) of this
898 section have been invoked.

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

902 (a) Develop an impairment report for each district
903 failing to meet accreditation standards in conjunction with school
904 district officials;

905 (b) Notify any applicable school district failing to
906 meet accreditation standards that it is on probation until
907 corrective actions are taken or until the deficiencies have been
908 removed. The local school district shall develop a corrective
909 action plan to improve its deficiencies. For district academic
910 deficiencies, the corrective action plan for each such school
911 district shall be based upon a complete analysis of the following:
912 student test data, student grades, student attendance reports,
913 student dropout data, existence and other relevant data. The
914 corrective action plan shall describe the specific measures to be
915 taken by the particular school district and school to improve:



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

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

928 * * * Subject to the availability of funds, the State Department
929 of Education shall provide technical and/or financial assistance
930 to all such school districts in order to implement each measure
931 identified in that district's corrective action plan through
932 professional development and on-site assistance. Each such school
933 district shall apply for and utilize all available federal funding
934 in order to support its corrective action plan in addition to
935 state funds made available under this paragraph;

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



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

952 (12) (a) If the recommendations for corrective action are
953 not taken by the local school district or if the deficiencies are
954 not removed by the end of the probationary period, the Commission
955 on School Accreditation shall conduct a hearing to allow the
956 affected school district to present evidence or other reasons why
957 its accreditation should not be withdrawn. Additionally, if the
958 local school district violates accreditation standards that have
959 been determined by the policies and procedures of the State Board
960 of Education to be a basis for withdrawal of school district's
961 accreditation without a probationary period, the Commission on
962 School Accreditation shall conduct a hearing to allow the affected
963 school district to present evidence or other reasons why its
964 accreditation should not be withdrawn. After its consideration of
965 the results of the hearing, the Commission on School Accreditation



966 shall be authorized, with the approval of the State Board of
967 Education, to withdraw the accreditation of a public school
968 district, and issue a request to the Governor that a state of
969 emergency be declared in that district.

970 (b) If the State Board of Education and the Commission
971 on School Accreditation determine that an extreme emergency
972 situation exists in a school district that jeopardizes the safety,
973 security or educational interests of the children enrolled in the
974 schools in that district and that emergency situation is believed
975 to be related to a serious violation or violations of
976 accreditation standards or state or federal law, or when a school
977 district meets the State Board of Education's definition of a
978 failing school district for two (2) consecutive full school years,
979 or if more than fifty percent (50%) of the schools within the
980 school district are designated as Schools At-Risk in any one (1)
981 year, the State Board of Education may request the Governor to
982 declare a state of emergency in that school district. For
983 purposes of this paragraph, the declarations of a state of
984 emergency shall not be limited to those instances when a school
985 district's impairments are related to a lack of financial
986 resources, but also shall include serious failure to meet minimum
987 academic standards, as evidenced by a continued pattern of poor
988 student performance.

989 (c) Whenever the Governor declares a state of emergency
990 in a school district in response to a request made under paragraph



991 (a) or (b) of this subsection, the State Board of Education may
992 take one or more of the following actions:

993 (i) Declare a state of emergency, under which some
994 or all of state funds can be escrowed except as otherwise provided
995 in Section 206, Constitution of 1890, until the board determines
996 corrective actions are being taken or the deficiencies have been
997 removed, or that the needs of students warrant the release of
998 funds. The funds may be released from escrow for any program
999 which the board determines to have been restored to standard even
1000 though the state of emergency may not as yet be terminated for the
1001 district as a whole;

1002 (ii) Override any decision of the local school
1003 board or superintendent of education, or both, concerning the
1004 management and operation of the school district, or initiate and
1005 make decisions concerning the management and operation of the
1006 school district;

1007 (iii) Assign an interim superintendent, or in its
1008 discretion, contract with a private entity with experience in the
1009 academic, finance and other operational functions of schools and
1010 school districts, who will have those powers and duties prescribed
1011 in subsection (15) of this section;

1012 (iv) Grant transfers to students who attend this
1013 school district so that they may attend other accredited schools
1014 or districts in a manner that is not in violation of state or
1015 federal law;



1016 (v) For states of emergency declared under
1017 paragraph (a) only, if the accreditation deficiencies are related
1018 to the fact that the school district is too small, with too few
1019 resources, to meet the required standards and if another school
1020 district is willing to accept those students, abolish that
1021 district and assign that territory to another school district or
1022 districts. If the school district has proposed a voluntary
1023 consolidation with another school district or districts, then if
1024 the State Board of Education finds that it is in the best interest
1025 of the pupils of the district for the consolidation to proceed,
1026 the voluntary consolidation shall have priority over any such
1027 assignment of territory by the State Board of Education;

1028 (vi) For states of emergency declared under
1029 paragraph (b) only, reduce local supplements paid to school
1030 district employees, including, but not limited to, instructional
1031 personnel, assistant teachers and extracurricular activities
1032 personnel, if the district's impairment is related to a lack of
1033 financial resources, but only to an extent that will result in the
1034 salaries being comparable to districts similarly situated, as
1035 determined by the State Board of Education;

1036 (vii) For states of emergency declared under
1037 paragraph (b) only, the State Board of Education may take any
1038 action as prescribed in Section 37-17-13.

1039 (d) At the time that satisfactory corrective action has
1040 been taken in a school district in which a state of emergency has



1041 been declared, the State Board of Education may request the
1042 Governor to declare that the state of emergency no longer exists
1043 in the district.

1044 (e) The parent or legal guardian of a school-age child
1045 who is enrolled in a school district whose accreditation has been
1046 withdrawn by the Commission on School Accreditation and without
1047 approval of that school district may file a petition in writing to
1048 a school district accredited by the Commission on School
1049 Accreditation for a legal transfer. The school district
1050 accredited by the Commission on School Accreditation may grant the
1051 transfer according to the procedures of Section 37-15-31(1)(b).
1052 In the event the accreditation of the student's home district is
1053 restored after a transfer has been approved, the student may
1054 continue to attend the transferee school district. The per-pupil
1055 amount of the adequate education program allotment, including the
1056 collective "add-on program" costs for the student's home school
1057 district shall be transferred monthly to the school district
1058 accredited by the Commission on School Accreditation that has
1059 granted the transfer of the school-age child.

1060 (f) Upon the declaration of a state of emergency for
1061 any school district in which the Governor has previously declared
1062 a state of emergency, the State Board of Education may either:

1063 (i) Place the school district into district
1064 transformation, in which the school district shall remain until it
1065 has fulfilled all conditions related to district transformation.



1066 If the district was assigned an accreditation rating of "D" or "F"
1067 when placed into district transformation, the district shall be
1068 eligible to return to local control when the school district has
1069 attained a "C" rating or higher for five (5) consecutive years,
1070 unless the State Board of Education determines that the district
1071 is eligible to return to local control in less than the five-year
1072 period;

1073 (ii) Abolish the school district and
1074 administratively consolidate the school district with one or more
1075 existing school districts;

1076 (iii) Reduce the size of the district and
1077 administratively consolidate parts of the district, as determined
1078 by the State Board of Education. However, no school district
1079 which is not in district transformation shall be required to
1080 accept additional territory over the objection of the district; or

1081 (iv) Require the school district to develop and
1082 implement a district improvement plan with prescriptive guidance
1083 and support from the State Department of Education, with the goal
1084 of helping the district improve student achievement. Failure of
1085 the school board, superintendent and school district staff to
1086 implement the plan with fidelity and participate in the activities
1087 provided as support by the department shall result in the school
1088 district retaining its eligibility for district transformation.

1089 (g) There is established a Mississippi Recovery School
1090 District within the State Department of Education under the



1091 supervision of a deputy superintendent appointed by the State
1092 Superintendent of Public Education, who is subject to the approval
1093 by the State Board of Education. The Mississippi Recovery School
1094 District shall provide leadership and oversight of all school
1095 districts that are subject to district transformation status, as
1096 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1097 and shall have all the authority granted under these two (2)
1098 chapters. The Mississippi Department of Education, with the
1099 approval of the State Board of Education, shall develop policies
1100 for the operation and management of the Mississippi Recovery
1101 School District. The deputy state superintendent is responsible
1102 for the Mississippi Recovery School District and shall be
1103 authorized to oversee the administration of the Mississippi
1104 Recovery School District, oversee the interim superintendent
1105 assigned by the State Board of Education to a local school
1106 district, hear appeals that would normally be filed by students,
1107 parents or employees and heard by a local school board, which
1108 hearings on appeal shall be conducted in a prompt and timely
1109 manner in the school district from which the appeal originated in
1110 order to ensure the ability of appellants, other parties and
1111 witnesses to appeal without undue burden of travel costs or loss
1112 of time from work, and perform other related duties as assigned by
1113 the State Superintendent of Public Education. The deputy state
1114 superintendent is responsible for the Mississippi Recovery School
1115 District and shall determine, based on rigorous professional



1116 qualifications set by the State Board of Education, the
1117 appropriate individuals to be engaged to be interim
1118 superintendents and financial advisors, if applicable, of all
1119 school districts subject to district transformation status. After
1120 State Board of Education approval, these individuals shall be
1121 deemed independent contractors.

1122 (13) Upon the declaration of a state of emergency in a
1123 school district under subsection (12) of this section, the
1124 Commission on School Accreditation shall be responsible for public
1125 notice at least once a week for at least three (3) consecutive
1126 weeks in a newspaper published within the jurisdiction of the
1127 school district failing to meet accreditation standards, or if no
1128 newspaper is published therein, then in a newspaper having a
1129 general circulation therein. The size of the notice shall be no
1130 smaller than one-fourth (1/4) of a standard newspaper page and
1131 shall be printed in bold print. If an interim superintendent has
1132 been appointed for the school district, the notice shall begin as
1133 follows: "By authority of Section 37-17-6, Mississippi Code of
1134 1972, as amended, adopted by the Mississippi Legislature during
1135 the 1991 Regular Session, this school district (name of school
1136 district) is hereby placed under the jurisdiction of the State
1137 Department of Education acting through its appointed interim
1138 superintendent (name of interim superintendent)."

1139 The notice also shall include, in the discretion of the State
1140 Board of Education, any or all details relating to the school



1141 district's emergency status, including the declaration of a state
1142 of emergency in the school district and a description of the
1143 district's impairment deficiencies, conditions of any district
1144 transformation status and corrective actions recommended and being
1145 taken. Public notices issued under this section shall be subject
1146 to Section 13-3-31 and not contrary to other laws regarding
1147 newspaper publication.

1148 Upon termination of the state of emergency in a school
1149 district, the Commission on School Accreditation shall cause
1150 notice to be published in the school district in the same manner
1151 provided in this section, to include any or all details relating
1152 to the corrective action taken in the school district that
1153 resulted in the termination of the state of emergency.

1154 (14) The State Board of Education or the Commission on
1155 School Accreditation shall have the authority to require school
1156 districts to produce the necessary reports, correspondence,
1157 financial statements, and any other documents and information
1158 necessary to fulfill the requirements of this section.

1159 Nothing in this section shall be construed to grant any
1160 individual, corporation, board or interim superintendent the
1161 authority to levy taxes except in accordance with presently
1162 existing statutory provisions.

1163 (15) (a) Whenever the Governor declares a state of
1164 emergency in a school district in response to a request made under
1165 subsection (12) of this section, the State Board of Education, in



1166 its discretion, may assign an interim superintendent to the school
1167 district, or in its discretion, may contract with an appropriate
1168 private entity with experience in the academic, finance and other
1169 operational functions of schools and school districts, who will be
1170 responsible for the administration, management and operation of
1171 the school district, including, but not limited to, the following
1172 activities:

1173 (i) Approving or disapproving all financial
1174 obligations of the district, including, but not limited to, the
1175 employment, termination, nonrenewal and reassignment of all
1176 licensed and nonlicensed personnel, contractual agreements and
1177 purchase orders, and approving or disapproving all claim dockets
1178 and the issuance of checks; in approving or disapproving
1179 employment contracts of superintendents, assistant superintendents
1180 or principals, the interim superintendent shall not be required to
1181 comply with the time limitations prescribed in Sections 37-9-15
1182 and 37-9-105;

1183 (ii) Supervising the day-to-day activities of the
1184 district's staff, including reassigning the duties and
1185 responsibilities of personnel in a manner which, in the
1186 determination of the interim superintendent, will best suit the
1187 needs of the district;

1188 (iii) Reviewing the district's total financial
1189 obligations and operations and making recommendations to the



1190 district for cost savings, including, but not limited to,
1191 reassigning the duties and responsibilities of staff;

1192 (iv) Attending all meetings of the district's
1193 school board and administrative staff;

1194 (v) Approving or disapproving all athletic, band
1195 and other extracurricular activities and any matters related to
1196 those activities;

1197 (vi) Maintaining a detailed account of
1198 recommendations made to the district and actions taken in response
1199 to those recommendations;

1200 (vii) Reporting periodically to the State Board of
1201 Education on the progress or lack of progress being made in the
1202 district to improve the district's impairments during the state of
1203 emergency; and

1204 (viii) Appointing a parent advisory committee,
1205 comprised of parents of students in the school district that may
1206 make recommendations to the interim superintendent concerning the
1207 administration, management and operation of the school district.

1208 The cost of the salary of the interim superintendent and any
1209 other actual and necessary costs related to district
1210 transformation status paid by the State Department of Education
1211 shall be reimbursed by the local school district from funds other
1212 than adequate education program funds. The department shall
1213 submit an itemized statement to the superintendent of the local
1214 school district for reimbursement purposes, and any unpaid balance



1215 may be withheld from the district's adequate education program
1216 funds.

1217 At the time that the Governor, in accordance with the request
1218 of the State Board of Education, declares that the state of
1219 emergency no longer exists in a school district, the powers and
1220 responsibilities of the interim superintendent assigned to the
1221 district shall cease.

1222 (b) In order to provide loans to school districts under
1223 a state of emergency or in district transformation status that
1224 have impairments related to a lack of financial resources, the
1225 School District Emergency Assistance Fund is created as a special
1226 fund in the State Treasury into which monies may be transferred or
1227 appropriated by the Legislature from any available public
1228 education funds. Funds in the School District Emergency
1229 Assistance Fund up to a maximum balance of Three Million Dollars
1230 (\$3,000,000.00) annually shall not lapse but shall be available
1231 for expenditure in subsequent years subject to approval of the
1232 State Board of Education. Any amount in the fund in excess of
1233 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1234 year shall lapse into the State General Fund or the Education
1235 Enhancement Fund, depending on the source of the fund.

1236 The State Board of Education may loan monies from the School
1237 District Emergency Assistance Fund to a school district that is
1238 under a state of emergency or in district transformation status,
1239 in those amounts, as determined by the board, that are necessary



1240 to correct the district's impairments related to a lack of
1241 financial resources. The loans shall be evidenced by an agreement
1242 between the school district and the State Board of Education and
1243 shall be repayable in principal, without necessity of interest, to
1244 the School District Emergency Assistance Fund by the school
1245 district from any allowable funds that are available. The total
1246 amount loaned to the district shall be due and payable within five
1247 (5) years after the impairments related to a lack of financial
1248 resources are corrected. If a school district fails to make
1249 payments on the loan in accordance with the terms of the agreement
1250 between the district and the State Board of Education, the State
1251 Department of Education, in accordance with rules and regulations
1252 established by the State Board of Education, may withhold that
1253 district's adequate education program funds in an amount and
1254 manner that will effectuate repayment consistent with the terms of
1255 the agreement; the funds withheld by the department shall be
1256 deposited into the School District Emergency Assistance Fund.

1257 The State Board of Education shall develop a protocol that
1258 will outline the performance standards and requisite timeline
1259 deemed necessary for extreme emergency measures. If the State
1260 Board of Education determines that an extreme emergency exists,
1261 simultaneous with the powers exercised in this subsection, it
1262 shall take immediate action against all parties responsible for
1263 the affected school districts having been determined to be in an
1264 extreme emergency. The action shall include, but not be limited



1265 to, initiating civil actions to recover funds and criminal actions
1266 to account for criminal activity. Any funds recovered by the
1267 State Auditor or the State Board of Education from the surety
1268 bonds of school officials or from any civil action brought under
1269 this subsection shall be applied toward the repayment of any loan
1270 made to a school district hereunder.

1271 (16) If a majority of the membership of the school board of
1272 any school district resigns from office, the State Board of
1273 Education shall be authorized to assign an interim superintendent,
1274 who shall be responsible for the administration, management and
1275 operation of the school district until the time as new board
1276 members are selected or the Governor declares a state of emergency
1277 in that school district under subsection (12), whichever occurs
1278 first. In that case, the State Board of Education, acting through
1279 the interim superintendent, shall have all powers which were held
1280 by the previously existing school board, and may take any action
1281 as prescribed in Section 37-17-13 and/or one or more of the
1282 actions authorized in this section.

1283 (17) (a) If the Governor declares a state of emergency in a
1284 school district, the State Board of Education may take all such
1285 action pertaining to that school district as is authorized under
1286 subsection (12) or (15) of this section, including the appointment
1287 of an interim superintendent. The State Board of Education shall
1288 also have the authority to issue a written request with
1289 documentation to the Governor asking that the office of the



1290 superintendent of the school district be subject to recall. If
1291 the Governor declares that the office of the superintendent of the
1292 school district is subject to recall, the local school board or
1293 the county election commission, as the case may be, shall take the
1294 following action:

1295 (i) If the office of superintendent is an elected
1296 office, in those years in which there is no general election, the
1297 name shall be submitted by the State Board of Education to the
1298 county election commission, and the county election commission
1299 shall submit the question at a special election to the voters
1300 eligible to vote for the office of superintendent within the
1301 county, and the special election shall be held within sixty (60)
1302 days from notification by the State Board of Education. The
1303 ballot shall read substantially as follows:

1304 "Shall County Superintendent of Education _____ (here the
1305 name of the superintendent shall be inserted) of the _____
1306 (here the title of the school district shall be inserted) be
1307 retained in office? Yes _____ No _____"

1308 If a majority of those voting on the question votes against
1309 retaining the superintendent in office, a vacancy shall exist
1310 which shall be filled in the manner provided by law; otherwise,
1311 the superintendent shall remain in office for the term of that
1312 office, and at the expiration of the term shall be eligible for
1313 qualification and election to another term or terms.



1314 (ii) If the office of superintendent is an
1315 appointive office, the name of the superintendent shall be
1316 submitted by the president of the local school board at the next
1317 regular meeting of the school board for retention in office or
1318 dismissal from office. If a majority of the school board voting
1319 on the question vote against retaining the superintendent in
1320 office, a vacancy shall exist which shall be filled as provided by
1321 law, otherwise the superintendent shall remain in office for the
1322 duration of his employment contract.

1323 (b) The State Board of Education may issue a written
1324 request with documentation to the Governor asking that the
1325 membership of the school board of the school district shall be
1326 subject to recall. Whenever the Governor declares that the
1327 membership of the school board is subject to recall, the county
1328 election commission or the local governing authorities, as the
1329 case may be, shall take the following action:

1330 (i) If the members of the local school board are
1331 elected to office, in those years in which the specific member's
1332 office is not up for election, the name of the school board member
1333 shall be submitted by the State Board of Education to the county
1334 election commission, and the county election commission at a
1335 special election shall submit the question to the voters eligible
1336 to vote for the particular member's office within the county or
1337 school district, as the case may be, and the special election
1338 shall be held within sixty (60) days from notification by the



1339 State Board of Education. The ballot shall read substantially as
1340 follows:

1341 "Members of the _____ (here the title of the school
1342 district shall be inserted) School Board who are not up for
1343 election this year are subject to recall because of the school
1344 district's failure to meet critical accountability standards as
1345 defined in the letter of notification to the Governor from the
1346 State Board of Education. Shall the member of the school board
1347 representing this area, _____ (here the name of the school
1348 board member holding the office shall be inserted), be retained in
1349 office? Yes _____ No _____"

1350 If a majority of those voting on the question vote against
1351 retaining the member of the school board in office, a vacancy in
1352 that board member's office shall exist, which shall be filled in
1353 the manner provided by law; otherwise, the school board member
1354 shall remain in office for the term of that office, and at the
1355 expiration of the term of office, the member shall be eligible for
1356 qualification and election to another term or terms of office.
1357 However, if a majority of the school board members are recalled in
1358 the special election, the Governor shall authorize the board of
1359 supervisors of the county in which the school district is situated
1360 to appoint members to fill the offices of the members recalled.
1361 The board of supervisors shall make those appointments in the
1362 manner provided by law for filling vacancies on the school board,



1363 and the appointed members shall serve until the office is filled
1364 at the next regular special election or general election.

1365 (ii) If the local school board is an appointed
1366 school board, the name of all school board members shall be
1367 submitted as a collective board by the president of the municipal
1368 or county governing authority, as the case may be, at the next
1369 regular meeting of the governing authority for retention in office
1370 or dismissal from office. If a majority of the governing
1371 authority voting on the question vote against retaining the board
1372 in office, a vacancy shall exist in each school board member's
1373 office, which shall be filled as provided by law; otherwise, the
1374 members of the appointed school board shall remain in office for
1375 the duration of their term of appointment, and those members may
1376 be reappointed.

1377 (iii) If the local school board is comprised of
1378 both elected and appointed members, the elected members shall be
1379 subject to recall in the manner provided in subparagraph (i) of
1380 this paragraph (b), and the appointed members shall be subject to
1381 recall in the manner provided in subparagraph (ii).

1382 (18) * * * The State Board of Education, acting through the
1383 Commission on School Accreditation, shall require each school
1384 district to comply with standards established by the State
1385 Department of Audit for the verification of fixed assets and the
1386 auditing of fixed assets records as a minimum requirement for
1387 accreditation.



1388 (19) * * * The State Board of Education shall recommend a
1389 program to the Education Committees of the House of
1390 Representatives and the Senate for identifying and rewarding
1391 public schools that improve or are high performing. The program
1392 shall be described by the board in a written report, which shall
1393 include criteria and a process through which improving schools and
1394 high-performing schools will be identified and rewarded.

1395 The State Superintendent of Public Education and the State
1396 Board of Education also shall develop a comprehensive
1397 accountability plan to ensure that local school boards,
1398 superintendents, principals and teachers are held accountable for
1399 student achievement. * * *

1400 (20) * * * The State Board of Education shall evaluate and
1401 submit a recommendation to the Education Committees of the House
1402 of Representatives and the Senate on inclusion of graduation rate
1403 and dropout rate in the school level accountability system.

1404 (21) If a local school district is determined as failing and
1405 placed into district transformation status for reasons authorized
1406 by the provisions of this section, the interim superintendent
1407 appointed to the district shall, within forty-five (45) days after
1408 being appointed, present a detailed and structured corrective
1409 action plan to move the local school district out of district
1410 transformation status to the deputy superintendent. A copy of the
1411 interim superintendent's corrective action plan shall also be
1412 filed with the State Board of Education.



1413 **SECTION 12.** Section 37-18-1, Mississippi Code of 1972, is
1414 amended as follows:

1415 37-18-1. (1) The State Board of Education shall establish,
1416 design and implement a Superior-Performing Schools Program and an
1417 Exemplary Schools Program for identifying and rewarding public
1418 schools, including charter schools, that improve. The State Board
1419 of Education shall develop rules and regulations for the program,
1420 establish criteria and establish a process through which
1421 Superior-Performing and Exemplary Schools will be identified and
1422 rewarded. * * * Based upon the results of assessments
1423 administered under the statewide * * * assessment program,
1424 Superior-Performing, Exemplary or School At-Risk designation shall
1425 be made by the State Board of Education in accordance with the
1426 following:

1427 (a) A growth expectation will be established by testing
1428 students annually under the statewide assessment program and,
1429 using a psychometrically approved formula, by tracking their
1430 progress. This growth expectation will result in a composite
1431 score each year for each school.

1432 (b) A determination will be made as to the percentage
1433 of students proficient in each school. This measurement will
1434 define what a student must know in order to be deemed proficient
1435 at each grade level and will clearly show how well a student is
1436 performing. The definition of proficiency shall be developed for
1437 each grade, based on a demonstrated range of performance in



1438 relation to content as reflected in the Mississippi Curriculum
1439 Frameworks. This range of performance must be established through
1440 a formal procedure including educators, parents, community leaders
1441 and other stakeholders.

1442 (c) A school has the following two (2) methods for
1443 designation as either a Superior-Performing or an Exemplary
1444 School, to be determined on an annual basis:

1445 (i) A school exceeds its growth expectation by a
1446 percentage established by the State Board of Education; or

1447 (ii) A school achieves the grade level proficiency
1448 standard established by the State Board of Education.

1449 Any school designated as a School At-Risk which exceeds its
1450 growth expectation by a percentage established by the State Board
1451 of Education shall no longer be considered a School At-Risk and
1452 shall be eligible for monetary awards under this section.

1453 (2) Superior-Performing and Exemplary Schools may apply to
1454 the State Board of Education for monetary incentives to be used
1455 for selected school needs, as identified by a vote of all licensed
1456 and instructional personnel employed at the school. These
1457 incentive funds may be used for specific school needs, including,
1458 but not limited to:

1459 (a) Funding for professional development activities.
1460 Staff participating in such activities will report to the school
1461 and school district or, in the case of a charter school, the



1462 governing board of the school about the benefits and lessons
1463 learned from such training;

1464 (b) Technology needs;

1465 (c) Sabbaticals for teachers or administrators, or
1466 both, to pursue additional professional development or educational
1467 enrichment;

1468 (d) Paid professional leave;

1469 (e) Training for parents, including, but not limited
1470 to, the following:

1471 (i) Curriculum;

1472 (ii) Chapter 1;

1473 (iii) Special need students;

1474 (iv) Student rights and responsibility;

1475 (v) School and community relations;

1476 (vi) Effective parenting.

1477 All funds awarded under this subsection shall be subject to
1478 specific appropriation therefor by the Legislature.

1479 (3) The State Board of Education shall provide special
1480 recognition to all schools receiving Superior-Performing or
1481 Exemplary designation and, in the case of noncharter public
1482 schools, their school districts. Examples of such recognition
1483 include, but are not limited to: public announcements and events;
1484 special recognition of student progress and effort; certificates
1485 of recognition and plaques for teachers, principals,
1486 superintendents, support and classified personnel and parents; and



1487 media announcements utilizing the services of Mississippi
1488 Educational Television.

1489 (4) The State Department of Education may benefit from the
1490 use of growth expectation measurements under this section in
1491 making evaluations under Section 37-19-9.

1492 **SECTION 13.** Section 37-18-3, Mississippi Code of 1972, is
1493 amended as follows:

1494 37-18-3. (1) * * * The State Board of Education shall
1495 establish for those individual schools failing to meet
1496 accreditation standards established under this chapter for Schools
1497 At-Risk, a program of development to be complied with in order to
1498 receive state funds. The Legislature shall, subject to the
1499 availability of funds, annually appropriate adequate funds to
1500 implement the provisions of this chapter. The State Board of
1501 Education may, in its discretion, assess local school districts
1502 for the costs of implementing the provisions of this chapter.

1503 (2) Following a thorough analysis of school data each year,
1504 the State Department of Education shall identify those schools
1505 that are deficient in educating students and are in need of
1506 improvement. This analysis shall measure the individual school
1507 performance by determining if a school met its assigned yearly
1508 growth expectation and by determining what percentage of the
1509 students in the school are proficient. A school shall be
1510 identified as a School At-Risk and in need of assistance if the
1511 school:



1512 (a) Does not meet its growth expectation and has a
1513 percentage of students functioning below grade level, as
1514 designated by the State Board of Education;

1515 (b) Is designated as a * * * "F" school, or other
1516 future comparable performance designation by the State Board of
1517 Education; or

1518 (c) Is designated as a * * * "D" school, or other
1519 future comparable performance designation by the State Board of
1520 Education, for two (2) consecutive years.

1521 (3) Within fifteen (15) days after a School At-Risk has been
1522 identified, written notice shall be sent by the State Board of
1523 Education by certified mail to both the school principal and the
1524 local board of education. Within fifteen (15) days after
1525 notification the State Board of Education shall assign an
1526 evaluation team to the school, subject to the availability of
1527 funding. The evaluation team shall be independent of the school
1528 being evaluated and may include employees of the State Department
1529 of Education. The team may include retired educators who have met
1530 certain standards and have completed all necessary training.

1531 (4) An approved evaluation team shall have the following
1532 powers and duties:

1533 (a) The evaluation team may request any financial
1534 documentation that it deems necessary, and the School At-Risk,
1535 with the assistance and cooperation of the school district central



1536 office, shall submit such requested financial information to the
1537 evaluation team.

1538 (b) The evaluation team shall analyze the School
1539 At-Risk data to determine probable areas of weakness before
1540 conducting an on-site audit. The evaluation team shall proceed to
1541 conduct an on-site audit and shall prepare an evaluation report.
1542 If necessary, the evaluation team may request additional
1543 individuals in specialty areas to participate as team members in
1544 preparing the evaluation. After completing the evaluation of the
1545 School At-Risk, the team shall prepare and adopt its school
1546 evaluation report, which shall be submitted to the State
1547 Superintendent of Public Education for approval within ninety (90)
1548 calendar days. The school evaluation report shall identify any
1549 personnel who were found by the evaluation team to be in need of
1550 improvement and need to participate in a professional development
1551 plan. Evaluation instruments used to evaluate teachers,
1552 principals, superintendents or any other certified or classified
1553 personnel will be instruments which have been validated for such
1554 purposes.

1555 (5) Following the approval of the evaluation report by the
1556 State Superintendent of Public Education, a representative of the
1557 State Superintendent of Public Education and the evaluation team
1558 leader shall present the evaluation report to the principal of the
1559 School At-Risk and to the superintendent and school board members
1560 of the local school district. Following this presentation, the



1561 evaluation report shall be presented to the community served by
1562 the School At-Risk at an advertised public meeting.

1563 **SECTION 14.** Section 37-20-5, Mississippi Code of 1972, is
1564 amended as follows:

1565 37-20-5. The funds which may be appropriated annually for
1566 this chapter shall be based on a formula developed by the State
1567 Department of Education and allocated to each school district on
1568 the basis of (a) the number of students whose scores on the * * *
1569 statewide assessment program tests are at the twenty-fifth
1570 percentile or below, and (b) the number of students identified as
1571 failing any section of the Functional Literacy Exam (FLE).

1572 **SECTION 15.** Section 37-20-7, Mississippi Code of 1972, is
1573 amended as follows:

1574 37-20-7. (1) To be eligible to receive funds under this
1575 chapter a school district shall describe in writing its remedial
1576 education program. The description shall include all special
1577 remedial and compensatory instruction to be provided by the
1578 district from all fund sources. The district description shall
1579 include a description of the program to be conducted at each
1580 separate school or location in the district and shall include the
1581 estimated number of students to participate in the program; the
1582 estimated number of teachers, volunteers and others to be utilized
1583 in the program; and the estimated budget for each such program.

1584 (2) The programs provided by funds received under this
1585 chapter shall meet the following criteria:



1586 (a) Each participating student must be determined by
1587 the school district, on the basis of the * * * statewide
1588 assessment program tests, to need special educational assistance
1589 in order that the student's level of educational attainment in
1590 basic skills may be raised to that appropriate for children of the
1591 student's age.

1592 (b) The program must be based on performance objectives
1593 related to educational achievement in the basic skills and provide
1594 supplementary services designed to meet the special educational
1595 needs of each participating student.

1596 (c) The program must be evaluated in a manner
1597 consistent with the performance objectives and include a pretest
1598 and a post-test for each participating student. The evaluation
1599 may use local measures designed to measure the local instructional
1600 management plan.

1601 (d) The state and local funds expended in the program
1602 must be accounted for separately from all other funds expended by
1603 the district.

1604 (e) The program must establish a teacher support team
1605 in each building wherein the program is implemented to play a key
1606 role in determining the instructional services required by a
1607 child.

1608 **SECTION 16.** Section 37-28-45, Mississippi Code of 1972, is
1609 amended as follows:



1610 37-28-45. (1) Charter schools are subject to the same civil
1611 rights, health and safety requirements applicable to noncharter
1612 public schools in the state, except as otherwise specifically
1613 provided in this chapter.

1614 (2) Charter schools are subject to the student assessment
1615 and accountability requirements applicable to noncharter public
1616 schools in the state; however, this requirement does not preclude
1617 a charter school from establishing additional student assessment
1618 measures that go beyond state requirements if the authorizer
1619 approves those measures.

1620 (3) Although a charter school is geographically located
1621 within the boundaries of a particular school district and enrolls
1622 students who reside within the school district, the charter school
1623 may not be considered a school within that district under the
1624 purview of the school district's school board. The rules,
1625 regulations, policies and procedures established by the school
1626 board for the noncharter public schools that are in the school
1627 district in which the charter school is geographically located do
1628 not apply to the charter school unless otherwise required under
1629 the charter contract or any contract entered into between the
1630 charter school governing board and the local school board.

1631 (4) Whenever the provisions of Title 37, Mississippi Code of
1632 1972, relating to the elementary and secondary education of public
1633 school students establish a requirement for or grant authority to
1634 local school districts, their school boards and the schools within



1635 the respective school districts, the language "school districts,"
1636 "school boards," "boards of trustees," "the schools within a
1637 school district," or any other similar phraseology does not
1638 include a charter school and the governing board of a charter
1639 school unless the statute specifically is made applicable to
1640 charter schools as well as noncharter public schools.

1641 (5) A charter school is not subject to any rule, regulation,
1642 policy or procedure adopted by the State Board of Education or the
1643 State Department of Education unless otherwise required by the
1644 authorizer or in the charter contract.

1645 (6) Charter schools are not exempt from the following
1646 statutes:

1647 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1648 which relate to open meetings of public bodies.

1649 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1650 which relate to public access to public records.

1651 (c) Section 37-3-51, which requires notice by the
1652 district attorney of licensed school employees who are convicted
1653 of certain sex offenses.

1654 (d) Section 37-3-53, which requires publication of the
1655 Mississippi Report Card by the State Board of Education.

1656 (e) Section 37-11-18, which requires the automatic
1657 expulsion of a student possessing a weapon or controlled substance
1658 on educational property.



1659 (f) Section 37-11-18.1, which requires expulsion of
1660 certain habitually disruptive students.

1661 (g) Section 37-11-19, which requires suspension or
1662 expulsion of a student who damages school property.

1663 (h) Section 37-11-20, which prohibits acts of
1664 intimidation intended to keep a student from attending school.

1665 (i) Section 37-11-21, which prohibits parental abuse of
1666 school staff.

1667 (j) Section 37-11-23, which prohibits the willful
1668 disruption of school and school meetings.

1669 (k) Sections 37-11-29 and 37-11-31, which relate to
1670 reporting requirements regarding unlawful or violent acts on
1671 school property.

1672 (l) Section 37-11-67, which prohibits bullying or
1673 harassing behavior in public schools.

1674 (m) Section 37-13-3, which prohibits doctrinal,
1675 sectarian or denominational teaching in public schools.

1676 (n) Sections 37-13-5 and 37-13-6, which require the
1677 flags of the United States and the State of Mississippi to be
1678 displayed near the school building.

1679 (o) Section 37-13-63(1), which prescribes the minimum
1680 number of days which public schools must be kept in session during
1681 a scholastic year.

1682 (p) Section 37-13-91, which is the Mississippi
1683 Compulsory School Attendance Law.



1684 (q) Section 37-13-171(2) and (4), which requires any
1685 course containing sex-related education to include instruction in
1686 abstinence-only or abstinence-plus education.

1687 (r) Section 37-13-173, which requires notice to parents
1688 before instruction on human sexuality is provided in public
1689 classrooms.

1690 (s) Section 37-13-193, which relates to civil rights
1691 and human rights education in the public schools.

1692 (t) Sections 37-15-1 and 37-15-3, which relate to the
1693 maintenance and transfer of permanent student records in public
1694 schools.

1695 (u) Section 37-15-6, which requires the State
1696 Department of Education to maintain a record of expulsions from
1697 the public schools.

1698 (v) Section 37-15-9, which establishes minimum age
1699 requirements for kindergarten and first grade enrollment in public
1700 schools.

1701 (w) Section 37-15-11, which requires a parent, legal
1702 guardian or custodian to accompany a child seeking enrollment in a
1703 public school.

1704 (x) Sections 37-16-1, 37-16-2, 37-16-3, 37-16-4 and
1705 37-16-9, which relate to the statewide assessment testing program.

1706 (y) Section 37-18-1, which establishes the
1707 Superior-Performing Schools Program and Exemplary Schools Program
1708 to recognize public schools that improve.



1709 **SECTION 17.** Section 37-16-11, Mississippi Code of 1972, is
1710 amended as follows:

1711 37-16-11. (1) A student who has been properly classified,
1712 in accordance with rules established by the State Board of
1713 Education shall, upon meeting all applicable requirements
1714 prescribed by the district school board, be awarded a standard
1715 diploma in a form prescribed by the State Board of Education if
1716 the student has an Individualized Education Plan before entering
1717 the ninth grade and complies with one (1) of the following:

1718 (a) Meets all requirements of Section 37-16-7 with the
1719 exception of achieving a passing score on any tests mandated by
1720 the state for graduation; or

1721 (b) Meets all terms of the student's Individualized
1722 Education Plan for graduation, including the satisfactory
1723 completion of minimum requirements prescribed by the State Board
1724 of Education.

1725 (2) A student classified as an exceptional child may not be
1726 required to meet all the requirements of Section 37-16-7. Upon
1727 meeting all applicable requirements prescribed by the district
1728 school board, the student must be awarded a special diploma in a
1729 form prescribed by the State Board of Education; however, such
1730 special graduation requirements prescribed by the district school
1731 board shall include minimum graduation requirements as prescribed
1732 by the state board. Any such student who meets all special
1733 requirements of the district school board for his exceptionality,



1734 but is unable to meet the appropriate special state minimum
1735 requirements, shall be awarded a special certificate of completion
1736 in a form prescribed by the state board. Nothing provided in this
1737 section, however, shall be construed to limit or restrict the
1738 right of an exceptional student solely to a special diploma. Any
1739 such student shall, upon proper request, be afforded the
1740 opportunity to fully meet all requirements of Section 37-16-7
1741 through the standard procedures established therein and thereby
1742 qualify for a standard diploma upon graduation.

1743 (* * *3) The State Board of Education shall develop and
1744 issue criteria for a Mississippi Occupational Diploma for students
1745 having a disability as defined by the federal Individuals with
1746 Disabilities Education Act. Beginning with the 2002-2003 school
1747 year, any such student, upon proper request, shall be afforded the
1748 opportunity to fully meet such requirements and qualify for an
1749 occupational diploma upon graduation.

1750 (* * *4) The special Mississippi Occupational Diploma for
1751 students with disabilities shall not be available to any student
1752 entering the ninth grade in the 2017-2018 school year or
1753 thereafter, pending State Board of Education approval of new
1754 graduation options.

1755 **SECTION 18.** This act shall take effect and be in force from
1756 and after July 1, 2022.

