

By: Representative Bain

To: Education

HOUSE BILL NO. 420

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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



100 federal law. Under the new designations, a school or school  
101 district that has earned a "Star" rating shall be designated an  
102 "A" school or school district; a school or school district that  
103 has earned a "High-Performing" rating shall be designated a "B"  
104 school or school district; a school or school district that has  
105 earned a "Successful" rating shall be designated a "C" school or  
106 school district; a school or school district that has earned an  
107 "Academic Watch" rating shall be designated a "D" school or school  
108 district; a school or school district that has earned a  
109 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
110 be designated an "F" school or school district; and effective,  
111 retroactively, beginning with the 2017-2018 academic year, a  
112 school or school district that has been designated as a district  
113 of innovation and using a curriculum other than the Mississippi  
114 College and Career Readiness Standard, including, but not limited  
115 to, the Cambridge Curriculum and Assessment or other nationally  
116 recognized curriculum and assessment administered in lieu of the  
117 statewide testing program shall be designated a "DOI" school or  
118 district. Effective with the implementation of any new curriculum  
119 and assessment standards or the acknowledgment of the Cambridge  
120 Assessment or other nationally recognized assessment standards in  
121 lieu of those implemented by the board, or until such time that  
122 the department develops a comparable model or concordance scale  
123 that provides an accurate cross-evaluation of curriculum standards  
124 and assessment score reports that would provide an accountability



125 rating equivalent to that which would be assigned under the  
126 Mississippi College and Career Readiness Standards and the MAAP  
127 assessment for those districts of innovation, which use a board  
128 approved alternative curriculum and assessment, including, but not  
129 limited to the Cambridge Assessment, the State Board of Education,  
130 acting through the State Department of Education, is further  
131 authorized and directed to change the school and school district  
132 accreditation rating system to a simple "A," "B," "C," "D," \* \* \*  
133 "F" and "DOI" designation based on a combination of student  
134 achievement scores and student growth as measured by the statewide  
135 testing programs developed by or other nationally recognized  
136 assessment administered in lieu of the statewide testing program,  
137 the State Board of Education pursuant to Chapter 16, Title 37,  
138 Mississippi Code of 1972. In any statute or regulation containing  
139 the former accreditation designations, the new designations shall  
140 be applicable;

141 (h) Development of a comprehensive student assessment  
142 system to implement these requirements and a procedure for the  
143 acceptance of the Cambridge Assessment or other nationally  
144 recognized assessments used by schools within districts of  
145 innovation in lieu of the MAAP assessments and subject area  
146 testing program; and

147 (i) The State Board of Education may, based on a  
148 written request that contains specific reasons for requesting a  
149 waiver from the school districts affected by Hurricane Katrina of



150 2005, hold harmless school districts from assignment of district  
151 and school level accountability ratings for the 2005-2006 school  
152 year. The State Board of Education upon finding an extreme  
153 hardship in the school district may grant the request. It is the  
154 intent of the Legislature that all school districts maintain the  
155 highest possible academic standards and instructional programs in  
156 all schools as required by law and the State Board of Education.

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

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

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

167 (iii) To have sixty percent (60%) of students  
168 scoring proficient and advanced on the assessments of the Common  
169 Core State Standards or on the Cambridge curriculum or other  
170 nationally recognized assessment used by schools within districts  
171 of innovation in lieu of the Mississippi Academic Assessment  
172 Program (MAAP) and the state subject area testing program by 2016  
173 with incremental increases of three percent (3%) each year  
174 thereafter.



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

178 (c) The State Department of Education shall  
179 establish \* \* \* six (6) performance categories ("A," "B," "C,"  
180 "D," \* \* \* "F" and "DOI") for the accountability system based on  
181 the following criteria:

182 (i) Student Achievement: the percent of students  
183 proficient and advanced on the current state assessments or other  
184 nationally recognized assessments administered in lieu of the  
185 state assessments, including, but not limited to, the Cambridge  
186 Assessment;

187 (ii) Individual student growth: the percent of  
188 students making one (1) year's progress in one (1) year's time on  
189 the state assessment or other nationally recognized assessment  
190 administered in lieu of the state assessments, including, but not  
191 limited to, the Cambridge Assessment, with an emphasis on the  
192 progress of the lowest twenty-five percent (25%) of students in  
193 the school or district;

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

197 (iv) Categories shall identify schools as Reward  
198 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
199 at least five percent (5%) of schools in the state are not graded





200 as "F" schools, the lowest five percent (5%) of school grade point  
201 designees will be identified as Priority schools. If at least ten  
202 percent (10%) of schools in the state are not graded as "D"  
203 schools, the lowest ten percent (10%) of school grade point  
204 designees will be identified as Focus schools;

205 (v) The State Department of Education shall  
206 discontinue the use of Star School, High-Performing, Successful,  
207 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
208 school accountability designations;

209 (vi) The system shall include the federally  
210 compliant four-year graduation rate in school and school district  
211 accountability system calculations. Graduation rate will apply to  
212 high school and school district accountability ratings as a  
213 compensatory component. The system shall discontinue the use of  
214 the High School Completer Index (HSCI);

215 (vii) The school and school district  
216 accountability system shall incorporate a standards-based growth  
217 model, in order to support improvement of individual student  
218 learning;

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

221 (ix) The State Department of Education shall  
222 determine feeder patterns of schools that:

223 1. Do not earn a school grade because the  
224 grades and subjects taught at the school do not have statewide



225 standardized assessments needed to calculate a school grade \* \* \*;

226 or

227 2. Have not previously earned a school grade  
228 because the school is within a district of innovation which  
229 determines student proficiency through the use of the Cambridge  
230 Assessment or other nationally recognized assessment administered  
231 in lieu of the state assessments.

232 Upon determination of the feeder pattern, the department  
233 shall notify schools and school districts prior to the release of  
234 the school grades beginning in 2013. Feeder schools will be  
235 assigned the accountability designation of the school to which  
236 they provide students. However, if the feeder school is within a  
237 district of innovation the department shall assign the school an  
238 accountability designation based upon student performance on the  
239 selected nationally recognized assessment administered by the  
240 school, in comparison to the student performance cut scores used  
241 for each accountability designation on the statewide assessment  
242 system;

243 (x) Standards for student, school and school  
244 district performance will be increased when student proficiency is  
245 at a seventy-five percent (75%) and/or when sixty-five percent  
246 (65%) of the schools and/or school districts are earning a grade  
247 of "B" or higher, in order to raise the standard on performance  
248 after targets are met.



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

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

256 (8) The State Board of Education shall be specifically  
257 authorized and empowered to withhold adequate education program  
258 fund allocations, whichever is applicable, to any public school  
259 district for failure to timely report student, school personnel  
260 and fiscal data necessary to meet state and/or federal  
261 requirements.

262 (9) [Deleted]

263 (10) The State Board of Education shall establish, for those  
264 school districts failing to meet accreditation standards, a  
265 program of development to be complied with in order to receive  
266 state funds, except as otherwise provided in subsection (15) of  
267 this section when the Governor has declared a state of emergency  
268 in a school district or as otherwise provided in Section 206,  
269 Mississippi Constitution of 1890. The state board, in  
270 establishing these standards, shall provide for notice to schools  
271 and sufficient time and aid to enable schools to attempt to meet  
272 these standards, unless procedures under subsection (15) of this  
273 section have been invoked.



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

277 (a) Develop an impairment report for each district  
278 failing to meet accreditation standards in conjunction with school  
279 district officials;

280 (b) Notify any applicable school district failing to  
281 meet accreditation standards that it is on probation until  
282 corrective actions are taken or until the deficiencies have been  
283 removed. The local school district shall develop a corrective  
284 action plan to improve its deficiencies. For district academic  
285 deficiencies, the corrective action plan for each such school  
286 district shall be based upon a complete analysis of the following:  
287 student test data, student grades, student attendance reports,  
288 student dropout data, existence and other relevant data. The  
289 corrective action plan shall describe the specific measures to be  
290 taken by the particular school district and school to improve:

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



299 of the State Board of Education establishing the probationary  
300 period of time shall be final;

301 (c) Offer, during the probationary period, technical  
302 assistance to the school district in making corrective actions.  
303 Beginning July 1, 1998, subject to the availability of funds, the  
304 State Department of Education shall provide technical and/or  
305 financial assistance to all such school districts in order to  
306 implement each measure identified in that district's corrective  
307 action plan through professional development and on-site  
308 assistance. Each such school district shall apply for and utilize  
309 all available federal funding in order to support its corrective  
310 action plan in addition to state funds made available under this  
311 paragraph;

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

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



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

328       (12) (a) If the recommendations for corrective action are  
329 not taken by the local school district or if the deficiencies are  
330 not removed by the end of the probationary period, the Commission  
331 on School Accreditation shall conduct a hearing to allow the  
332 affected school district to present evidence or other reasons why  
333 its accreditation should not be withdrawn. Additionally, if the  
334 local school district violates accreditation standards that have  
335 been determined by the policies and procedures of the State Board  
336 of Education to be a basis for withdrawal of school district's  
337 accreditation without a probationary period, the Commission on  
338 School Accreditation shall conduct a hearing to allow the affected  
339 school district to present evidence or other reasons why its  
340 accreditation should not be withdrawn. After its consideration of  
341 the results of the hearing, the Commission on School Accreditation  
342 shall be authorized, with the approval of the State Board of  
343 Education, to withdraw the accreditation of a public school  
344 district, and issue a request to the Governor that a state of  
345 emergency be declared in that district.

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



349 security or educational interests of the children enrolled in the  
350 schools in that district and that emergency situation is believed  
351 to be related to a serious violation or violations of  
352 accreditation standards or state or federal law, or when a school  
353 district meets the State Board of Education's definition of a  
354 failing school district for two (2) consecutive full school years,  
355 or if more than fifty percent (50%) of the schools within the  
356 school district are designated as Schools At-Risk in any one (1)  
357 year, the State Board of Education may request the Governor to  
358 declare a state of emergency in that school district. For  
359 purposes of this paragraph, the declarations of a state of  
360 emergency shall not be limited to those instances when a school  
361 district's impairments are related to a lack of financial  
362 resources, but also shall include serious failure to meet minimum  
363 academic standards, as evidenced by a continued pattern of poor  
364 student performance.

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

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



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

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

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

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

392 (v) For states of emergency declared under  
393 paragraph (a) only, if the accreditation deficiencies are related  
394 to the fact that the school district is too small, with too few  
395 resources, to meet the required standards and if another school  
396 district is willing to accept those students, abolish that  
397 district and assign that territory to another school district or  
398 districts. If the school district has proposed a voluntary





399 consolidation with another school district or districts, then if  
400 the State Board of Education finds that it is in the best interest  
401 of the pupils of the district for the consolidation to proceed,  
402 the voluntary consolidation shall have priority over any such  
403 assignment of territory by the State Board of Education;

404 (vi) For states of emergency declared under  
405 paragraph (b) only, reduce local supplements paid to school  
406 district employees, including, but not limited to, instructional  
407 personnel, assistant teachers and extracurricular activities  
408 personnel, if the district's impairment is related to a lack of  
409 financial resources, but only to an extent that will result in the  
410 salaries being comparable to districts similarly situated, as  
411 determined by the State Board of Education;

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

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

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



424 a school district accredited by the Commission on School  
425 Accreditation for a legal transfer. The school district  
426 accredited by the Commission on School Accreditation may grant the  
427 transfer according to the procedures of Section 37-15-31(1)(b).  
428 In the event the accreditation of the student's home district is  
429 restored after a transfer has been approved, the student may  
430 continue to attend the transferee school district. The per-pupil  
431 amount of the adequate education program allotment, including the  
432 collective "add-on program" costs for the student's home school  
433 district shall be transferred monthly to the school district  
434 accredited by the Commission on School Accreditation that has  
435 granted the transfer of the school-age child.

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

439 (i) Place the school district into district  
440 transformation, in which the school district shall remain until it  
441 has fulfilled all conditions related to district transformation.  
442 If the district was assigned an accreditation rating of "D" or "F"  
443 when placed into district transformation, the district shall be  
444 eligible to return to local control when the school district has  
445 attained a "C" rating or higher for five (5) consecutive years,  
446 unless the State Board of Education determines that the district  
447 is eligible to return to local control in less than the five-year  
448 period;



449 (ii) Abolish the school district and  
450 administratively consolidate the school district with one or more  
451 existing school districts;

452 (iii) Reduce the size of the district and  
453 administratively consolidate parts of the district, as determined  
454 by the State Board of Education. However, no school district  
455 which is not in district transformation shall be required to  
456 accept additional territory over the objection of the district; or

457 (iv) Require the school district to develop and  
458 implement a district improvement plan with prescriptive guidance  
459 and support from the State Department of Education, with the goal  
460 of helping the district improve student achievement. Failure of  
461 the school board, superintendent and school district staff to  
462 implement the plan with fidelity and participate in the activities  
463 provided as support by the department shall result in the school  
464 district retaining its eligibility for district transformation.

465 (g) There is established a Mississippi Recovery School  
466 District within the State Department of Education under the  
467 supervision of a deputy superintendent appointed by the State  
468 Superintendent of Public Education, who is subject to the approval  
469 by the State Board of Education. The Mississippi Recovery School  
470 District shall provide leadership and oversight of all school  
471 districts that are subject to district transformation status, as  
472 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
473 and shall have all the authority granted under these two (2)



474 chapters. The Mississippi Department of Education, with the  
475 approval of the State Board of Education, shall develop policies  
476 for the operation and management of the Mississippi Recovery  
477 School District. The deputy state superintendent is responsible  
478 for the Mississippi Recovery School District and shall be  
479 authorized to oversee the administration of the Mississippi  
480 Recovery School District, oversee the interim superintendent  
481 assigned by the State Board of Education to a local school  
482 district, hear appeals that would normally be filed by students,  
483 parents or employees and heard by a local school board, which  
484 hearings on appeal shall be conducted in a prompt and timely  
485 manner in the school district from which the appeal originated in  
486 order to ensure the ability of appellants, other parties and  
487 witnesses to appeal without undue burden of travel costs or loss  
488 of time from work, and perform other related duties as assigned by  
489 the State Superintendent of Public Education. The deputy state  
490 superintendent is responsible for the Mississippi Recovery School  
491 District and shall determine, based on rigorous professional  
492 qualifications set by the State Board of Education, the  
493 appropriate individuals to be engaged to be interim  
494 superintendents and financial advisors, if applicable, of all  
495 school districts subject to district transformation status. After  
496 State Board of Education approval, these individuals shall be  
497 deemed independent contractors.



498           (13) Upon the declaration of a state of emergency in a  
499 school district under subsection (12) of this section, the  
500 Commission on School Accreditation shall be responsible for public  
501 notice at least once a week for at least three (3) consecutive  
502 weeks in a newspaper published within the jurisdiction of the  
503 school district failing to meet accreditation standards, or if no  
504 newspaper is published therein, then in a newspaper having a  
505 general circulation therein. The size of the notice shall be no  
506 smaller than one-fourth (1/4) of a standard newspaper page and  
507 shall be printed in bold print. If an interim superintendent has  
508 been appointed for the school district, the notice shall begin as  
509 follows: "By authority of Section 37-17-6, Mississippi Code of  
510 1972, as amended, adopted by the Mississippi Legislature during  
511 the 1991 Regular Session, this school district (name of school  
512 district) is hereby placed under the jurisdiction of the State  
513 Department of Education acting through its appointed interim  
514 superintendent (name of interim superintendent)."

515           The notice also shall include, in the discretion of the State  
516 Board of Education, any or all details relating to the school  
517 district's emergency status, including the declaration of a state  
518 of emergency in the school district and a description of the  
519 district's impairment deficiencies, conditions of any district  
520 transformation status and corrective actions recommended and being  
521 taken. Public notices issued under this section shall be subject



522 to Section 13-3-31 and not contrary to other laws regarding  
523 newspaper publication.

524       Upon termination of the state of emergency in a school  
525 district, the Commission on School Accreditation shall cause  
526 notice to be published in the school district in the same manner  
527 provided in this section, to include any or all details relating  
528 to the corrective action taken in the school district that  
529 resulted in the termination of the state of emergency.

530       (14) The State Board of Education or the Commission on  
531 School Accreditation shall have the authority to require school  
532 districts to produce the necessary reports, correspondence,  
533 financial statements, and any other documents and information  
534 necessary to fulfill the requirements of this section.

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

539       (15) (a) Whenever the Governor declares a state of  
540 emergency in a school district in response to a request made under  
541 subsection (12) of this section, the State Board of Education, in  
542 its discretion, may assign an interim superintendent to the school  
543 district, or in its discretion, may contract with an appropriate  
544 private entity with experience in the academic, finance and other  
545 operational functions of schools and school districts, who will be  
546 responsible for the administration, management and operation of



547 the school district, including, but not limited to, the following  
548 activities:

549 (i) Approving or disapproving all financial  
550 obligations of the district, including, but not limited to, the  
551 employment, termination, nonrenewal and reassignment of all  
552 licensed and nonlicensed personnel, contractual agreements and  
553 purchase orders, and approving or disapproving all claim dockets  
554 and the issuance of checks; in approving or disapproving  
555 employment contracts of superintendents, assistant superintendents  
556 or principals, the interim superintendent shall not be required to  
557 comply with the time limitations prescribed in Sections 37-9-15  
558 and 37-9-105;

559 (ii) Supervising the day-to-day activities of the  
560 district's staff, including reassigning the duties and  
561 responsibilities of personnel in a manner which, in the  
562 determination of the interim superintendent, will best suit the  
563 needs of the district;

564 (iii) Reviewing the district's total financial  
565 obligations and operations and making recommendations to the  
566 district for cost savings, including, but not limited to,  
567 reassigning the duties and responsibilities of staff;

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



570 (v) Approving or disapproving all athletic, band  
571 and other extracurricular activities and any matters related to  
572 those activities;

573 (vi) Maintaining a detailed account of  
574 recommendations made to the district and actions taken in response  
575 to those recommendations;

576 (vii) Reporting periodically to the State Board of  
577 Education on the progress or lack of progress being made in the  
578 district to improve the district's impairments during the state of  
579 emergency; and

580 (viii) Appointing a parent advisory committee,  
581 comprised of parents of students in the school district that may  
582 make recommendations to the interim superintendent concerning the  
583 administration, management and operation of the school district.

584 The cost of the salary of the interim superintendent and any  
585 other actual and necessary costs related to district  
586 transformation status paid by the State Department of Education  
587 shall be reimbursed by the local school district from funds other  
588 than adequate education program funds. The department shall  
589 submit an itemized statement to the superintendent of the local  
590 school district for reimbursement purposes, and any unpaid balance  
591 may be withheld from the district's adequate education program  
592 funds.

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





595 emergency no longer exists in a school district, the powers and  
596 responsibilities of the interim superintendent assigned to the  
597 district shall cease.

598 (b) In order to provide loans to school districts under  
599 a state of emergency or in district transformation status that  
600 have impairments related to a lack of financial resources, the  
601 School District Emergency Assistance Fund is created as a special  
602 fund in the State Treasury into which monies may be transferred or  
603 appropriated by the Legislature from any available public  
604 education funds. Funds in the School District Emergency  
605 Assistance Fund up to a maximum balance of Three Million Dollars  
606 (\$3,000,000.00) annually shall not lapse but shall be available  
607 for expenditure in subsequent years subject to approval of the  
608 State Board of Education. Any amount in the fund in excess of  
609 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
610 year shall lapse into the State General Fund or the Education  
611 Enhancement Fund, depending on the source of the fund.

612 The State Board of Education may loan monies from the School  
613 District Emergency Assistance Fund to a school district that is  
614 under a state of emergency or in district transformation status,  
615 in those amounts, as determined by the board, that are necessary  
616 to correct the district's impairments related to a lack of  
617 financial resources. The loans shall be evidenced by an agreement  
618 between the school district and the State Board of Education and  
619 shall be repayable in principal, without necessity of interest, to



620 the School District Emergency Assistance Fund by the school  
621 district from any allowable funds that are available. The total  
622 amount loaned to the district shall be due and payable within five  
623 (5) years after the impairments related to a lack of financial  
624 resources are corrected. If a school district fails to make  
625 payments on the loan in accordance with the terms of the agreement  
626 between the district and the State Board of Education, the State  
627 Department of Education, in accordance with rules and regulations  
628 established by the State Board of Education, may withhold that  
629 district's adequate education program funds in an amount and  
630 manner that will effectuate repayment consistent with the terms of  
631 the agreement; the funds withheld by the department shall be  
632 deposited into the School District Emergency Assistance Fund.

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



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

647 (16) If a majority of the membership of the school board of  
648 any school district resigns from office, the State Board of  
649 Education shall be authorized to assign an interim superintendent,  
650 who shall be responsible for the administration, management and  
651 operation of the school district until the time as new board  
652 members are selected or the Governor declares a state of emergency  
653 in that school district under subsection (12), whichever occurs  
654 first. In that case, the State Board of Education, acting through  
655 the interim superintendent, shall have all powers which were held  
656 by the previously existing school board, and may take any action  
657 as prescribed in Section 37-17-13 and/or one or more of the  
658 actions authorized in this section.

659 (17) (a) If the Governor declares a state of emergency in a  
660 school district, the State Board of Education may take all such  
661 action pertaining to that school district as is authorized under  
662 subsection (12) or (15) of this section, including the appointment  
663 of an interim superintendent. The State Board of Education shall  
664 also have the authority to issue a written request with  
665 documentation to the Governor asking that the office of the  
666 superintendent of the school district be subject to recall. If  
667 the Governor declares that the office of the superintendent of the  
668 school district is subject to recall, the local school board or



669 the county election commission, as the case may be, shall take the  
670 following action:

671 (i) If the office of superintendent is an elected  
672 office, in those years in which there is no general election, the  
673 name shall be submitted by the State Board of Education to the  
674 county election commission, and the county election commission  
675 shall submit the question at a special election to the voters  
676 eligible to vote for the office of superintendent within the  
677 county, and the special election shall be held within sixty (60)  
678 days from notification by the State Board of Education. The  
679 ballot shall read substantially as follows:

680 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
681 name of the superintendent shall be inserted) of the \_\_\_\_\_  
682 (here the title of the school district shall be inserted) be  
683 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

684 If a majority of those voting on the question votes against  
685 retaining the superintendent in office, a vacancy shall exist  
686 which shall be filled in the manner provided by law; otherwise,  
687 the superintendent shall remain in office for the term of that  
688 office, and at the expiration of the term shall be eligible for  
689 qualification and election to another term or terms.

690 (ii) If the office of superintendent is an  
691 appointive office, the name of the superintendent shall be  
692 submitted by the president of the local school board at the next  
693 regular meeting of the school board for retention in office or



694 dismissal from office. If a majority of the school board voting  
695 on the question vote against retaining the superintendent in  
696 office, a vacancy shall exist which shall be filled as provided by  
697 law, otherwise the superintendent shall remain in office for the  
698 duration of his employment contract.

699 (b) The State Board of Education may issue a written  
700 request with documentation to the Governor asking that the  
701 membership of the school board of the school district shall be  
702 subject to recall. Whenever the Governor declares that the  
703 membership of the school board is subject to recall, the county  
704 election commission or the local governing authorities, as the  
705 case may be, shall take the following action:

706 (i) If the members of the local school board are  
707 elected to office, in those years in which the specific member's  
708 office is not up for election, the name of the school board member  
709 shall be submitted by the State Board of Education to the county  
710 election commission, and the county election commission at a  
711 special election shall submit the question to the voters eligible  
712 to vote for the particular member's office within the county or  
713 school district, as the case may be, and the special election  
714 shall be held within sixty (60) days from notification by the  
715 State Board of Education. The ballot shall read substantially as  
716 follows:

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



719 election this year are subject to recall because of the school  
720 district's failure to meet critical accountability standards as  
721 defined in the letter of notification to the Governor from the  
722 State Board of Education. Shall the member of the school board  
723 representing this area, \_\_\_\_\_ (here the name of the school  
724 board member holding the office shall be inserted), be retained in  
725 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

726 If a majority of those voting on the question vote against  
727 retaining the member of the school board in office, a vacancy in  
728 that board member's office shall exist, which shall be filled in  
729 the manner provided by law; otherwise, the school board member  
730 shall remain in office for the term of that office, and at the  
731 expiration of the term of office, the member shall be eligible for  
732 qualification and election to another term or terms of office.  
733 However, if a majority of the school board members are recalled in  
734 the special election, the Governor shall authorize the board of  
735 supervisors of the county in which the school district is situated  
736 to appoint members to fill the offices of the members recalled.  
737 The board of supervisors shall make those appointments in the  
738 manner provided by law for filling vacancies on the school board,  
739 and the appointed members shall serve until the office is filled  
740 at the next regular special election or general election.

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



744 or county governing authority, as the case may be, at the next  
745 regular meeting of the governing authority for retention in office  
746 or dismissal from office. If a majority of the governing  
747 authority voting on the question vote against retaining the board  
748 in office, a vacancy shall exist in each school board member's  
749 office, which shall be filled as provided by law; otherwise, the  
750 members of the appointed school board shall remain in office for  
751 the duration of their term of appointment, and those members may  
752 be reappointed.

753 (iii) If the local school board is comprised of  
754 both elected and appointed members, the elected members shall be  
755 subject to recall in the manner provided in subparagraph (i) of  
756 this paragraph (b), and the appointed members shall be subject to  
757 recall in the manner provided in subparagraph (ii).

758 (18) Beginning with the school district audits conducted for  
759 the 1997-1998 fiscal year, the State Board of Education, acting  
760 through the Commission on School Accreditation, shall require each  
761 school district to comply with standards established by the State  
762 Department of Audit for the verification of fixed assets and the  
763 auditing of fixed assets records as a minimum requirement for  
764 accreditation.

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



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

772         The State Superintendent of Public Education and the State  
773 Board of Education also shall develop a comprehensive  
774 accountability plan to ensure that local school boards,  
775 superintendents, principals and teachers are held accountable for  
776 student achievement. A written report on the accountability plan  
777 shall be submitted to the Education Committees of both houses of  
778 the Legislature before December 1, 1999, with any necessary  
779 legislative recommendations.

780         (20) Before January 1, 2008, the State Board of Education  
781 shall evaluate and submit a recommendation to the Education  
782 Committees of the House of Representatives and the Senate on  
783 inclusion of graduation rate and dropout rate in the school level  
784 accountability system.

785         (21) If a local school district is determined as failing and  
786 placed into district transformation status for reasons authorized  
787 by the provisions of this section, the interim superintendent  
788 appointed to the district shall, within forty-five (45) days after  
789 being appointed, present a detailed and structured corrective  
790 action plan to move the local school district out of district  
791 transformation status to the deputy superintendent. A copy of the  
792 interim superintendent's corrective action plan shall also be  
793 filed with the State Board of Education.





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

796           37-179-1. (1) For purposes of this chapter, the following  
797 terms shall have the meaning ascribed herein, unless the context  
798 clearly indicates otherwise:

799                   (a) "District of innovation" means a district that has  
800 developed a plan of innovation in compliance with this section and  
801 has been approved by the State Board of Education to be exempted  
802 from certain administrative regulations and statutory provisions  
803 to improve the educational performance of students within the  
804 district;

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

808                   (c) "School of innovation" means a school that  
809 voluntarily participates in a district of innovation plan to  
810 improve instruction, including waivers and exemptions from local  
811 school board policies, selected provisions of rules and  
812 regulations promulgated by the State Board of Education, and  
813 selected sections of the Mississippi Code of 1972, as permitted  
814 under this section and Section \* \* \* 37-179-3;

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

816                   (e) "Department" means the State Department of  
817 Education.



818           (2) The State Board of Education is authorized to approve  
819 districts of innovation for the purposes of improving students'  
820 educational performance. Districts of innovation shall be  
821 provided flexibility from selected board regulations, Title 37,  
822 Mississippi Code of 1972, and local school board policies for  
823 school administrators, teachers and staff to meet the diverse  
824 needs of students. The initial approval of a district of  
825 innovation shall be for a five-year period. Each renewal of a  
826 district of innovation shall not exceed five (5) years and shall  
827 comply with administrative regulations promulgated by the board  
828 pursuant to subsection (4) of this section.

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

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

835                   (a) The regulatory areas which may be exempted or  
836 modified if approved by the board, except as provided in Section  
837 37-179-3(2), and in addition to those areas identified in Section  
838 37-179-3(3);

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



841 (c) Timelines for initial approval as a district of  
842 innovation, the renewal process and ongoing evaluative procedures  
843 required of the district;

844 (d) Acceptable documentation of a critical mass of  
845 parental, community, educator and business support and capacity to  
846 effect a change;

847 (e) Evidence of teacher collaboration and shared  
848 leadership within the district and the schools to be designated as  
849 schools of innovation;

850 (f) The process of revocation of the designation of  
851 district of innovation or school of innovation;

852 (g) Reporting and oversight responsibilities of the  
853 district and the State Department of Education;

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

856 (i) Acceptable areas of emphasis for innovation;

857 (j) Acceptable documentation of job-embedded  
858 professional development within the proposed innovation  
859 design; \* \* \*

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

862 (l) Acceptable performance to demonstrate proficiency  
863 on the Cambridge Assessment or other nationally recognized  
864 assessments administered in lieu of the state assessments under



865 the Mississippi Academic Assessment Program (MAAP) or the state  
866 subject area testing program.

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

869 37-179-3. (1) A district which is an applicant to be  
870 designated as a district of innovation under Section 37-179-1  
871 shall:

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

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

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

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

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

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

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



889                   (c) Have a districtwide plan of innovation that  
890 describes and justifies which schools and innovative practices  
891 will be incorporated;

892                   (d) Provide documentation of community, educator,  
893 parental, and the local board's support of the proposed  
894 innovations;

895                   (e) Provide detailed information regarding the  
896 rationale of requests for waivers from Title 37, Mississippi Code  
897 of 1972, which relate to the elementary and secondary education of  
898 public school students, and administrative regulations, and  
899 exemptions for selected schools regarding waivers of local school  
900 board policies;

901                   (f) Document the fiscal and human resources the board  
902 will provide throughout the term of the implementation of the  
903 innovations within its plan; and

904                   (g) Provide other materials as required by the  
905 department in compliance with the board's administrative  
906 regulations and application procedures.

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

909                   (a) Ensure the same health, safety, civil rights, and  
910 disability rights requirements as are applied to all public  
911 schools;

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



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

918 (d) Ensure the student performance standards meet or  
919 exceed those adopted by the State Board of Education as required  
920 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance  
921 with the statewide assessment system specified in Chapter 16,  
922 Title 37, Mississippi Code of 1972, or other nationally recognized  
923 assessments administered by districts of innovation in lieu of  
924 those assessments administered under the statewide assessment  
925 system, including, but not limited to, the Cambridge Assessment,  
926 which such assessments shall be used when determining school and  
927 district accountability ratings under Section 37-17-6;

928 (e) Adhere to the same financial audits, audit  
929 procedures, and audit requirements as are applied under Section  
930 7-7-211(e);

931 (f) Require state and criminal background checks for  
932 staff and volunteers as required of all public school employees  
933 and volunteers within the public schools and specified in Section  
934 37-9-17;

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

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



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

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

946 (3) (a) Only schools that choose to be designated as  
947 schools of innovation shall be included in a district's  
948 application;

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

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

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

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

961 (b) Hire persons for classified positions in  
962 nontraditional school and district assignments who have bachelors  
963 and advanced degrees from postsecondary education institutions



964 accredited by a regional accrediting association (Southern  
965 Association of Colleges and Schools) or by an organization  
966 affiliated with the National Commission on Accrediting;

967 (c) Employ teachers on extended employment contracts or  
968 extra duty contracts and compensate them on a salary schedule  
969 other than the single salary schedule;

970 (d) Extend the school days as is appropriate within the  
971 district with compensation for the employees as determined  
972 locally;

973 (e) Establish alternative education programs and  
974 services that are delivered in nontraditional hours and which may  
975 be jointly provided in cooperation with another school district or  
976 consortia of districts;

977 (f) Establish online classes within the district for  
978 delivering alternative classes in a blended environment to meet  
979 high school graduation requirements;

980 (g) Use a flexible school calendar;

981 (h) Convert existing schools into schools of  
982 innovation; \* \* \*

983 (i) Modify the formula under Section 37-151-7 for  
984 distributing support education funds for students in average daily  
985 attendance in nontraditional programming time, including  
986 alternative programs and virtual programs. Funds granted to a  
987 district shall not exceed those that would have otherwise been





988 distributed based on average daily attendance during regular  
989 instructional days \* \* \*; and

990 (j) Develop a modified accountability model, consistent  
991 with the Every Student Succeeds Act, which substitutes other  
992 nationally recognized assessments administered by districts of  
993 innovation, including, but not limited to, the Cambridge  
994 Assessment, in lieu of those assessments administered under the  
995 statewide assessment system.

996 **SECTION 4.** This act shall take effect and be in force from  
997 and after July 1, 2022.

