

By: Representatives Hopkins, Williamson

To: Education

HOUSE BILL NO. 552

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO CEASE THE
2 ADMINISTRATION OF ALL STATEWIDE TESTING; TO REQUIRE THE
3 DETERMINATION AS TO WHETHER OR NOT A STUDENT IS ELIGIBLE FOR
4 PROMOTION TO THE NEXT GRADE OR GRADUATION TO BE BASED SOLELY ON
5 THE STUDENT'S ACADEMIC PERFORMANCE AS REFLECTED BY THE STUDENT'S
6 CUMULATIVE GRADES; TO REPEAL SECTION 37-16-1, MISSISSIPPI CODE OF
7 1972, WHICH SETS FORTH THE PRIMARY PURPOSE AND GOALS OF THE
8 STATEWIDE TESTING PROGRAM; TO REPEAL SECTION 37-16-4, MISSISSIPPI
9 CODE OF 1972, WHICH ESTABLISHES PENALTIES FOR VIOLATIONS OF TEST
10 SECURITY PROCEDURES RELATING TO MANDATORY UNIFORM STATEWIDE TESTS;
11 TO REPEAL SECTION 37-16-9, MISSISSIPPI CODE OF 1972, WHICH
12 PROVIDES FOR THE MODIFICATION OF STATE TESTING INSTRUMENTS AND
13 PROCEDURES FOR STUDENTS WITH IDENTIFIED HANDICAPS OR DISABILITIES;
14 TO AMEND SECTIONS 37-16-3, 37-16-5, 37-16-7, 37-16-15, 37-16-17,
15 37-3-49, 37-15-38, 37-17-6, 37-35-3, 37-177-1, 37-177-3, 37-177-5,
16 37-177-7, 37-177-9, 37-177-11 AND 37-177-17, MISSISSIPPI CODE OF
17 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED
18 PURPOSES.

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

20 **SECTION 1.** Beginning in the 2022-2023 school year, the State
21 Board of Education shall cease the administration of all
22 assessments under the statewide testing program. These
23 assessments include, but are not limited to, the Third-Grade
24 Reading Assessment, all tests administered under the Mississippi
25 Academic Assessment Program (MAAP), the Eleventh Grade ACT and all
26 end-of-course tests under the Subject Area Testing Program. The



27 determination as to whether or not a student is eligible for
28 promotion from one (1) grade to the next or for graduation must be
29 based solely on the academic performance of the student, as
30 reflected by the student's cumulative grades on classroom
31 assessments designed and administered by the student's teacher or
32 teachers to assess students' mastery of basic skills and course
33 content in relation to minimum standards established by the local
34 school district. In addition to performing satisfactorily on
35 classroom assessments, each student seeking to graduate from high
36 school must meet the minimum standards for graduation established
37 by the local school board pursuant to Section 37-16-7.

38 **SECTION 2.** Section 37-16-1, Mississippi Code of 1972, which
39 sets forth the primary purpose and goals of the statewide testing
40 program, is repealed.

41 **SECTION 3.** Section 37-16-4, Mississippi Code of 1972, which
42 establishes penalties for violations of test security procedures
43 relating to mandatory uniform statewide tests, is repealed.

44 **SECTION 4.** Section 37-16-9, Mississippi Code of 1972, which
45 provides for the modification of state testing instruments and
46 procedures for students with identified handicaps or disabilities,
47 is repealed.

48 **SECTION 5.** Section 37-16-3, Mississippi Code of 1972, is
49 amended as follows:

50 37-16-3. * * * The State Department of Education is directed
51 to * * * establish, with the approval of the State Board of



52 Education, * * * performance standards related to the goals for
53 education * * * including, but not limited to, basic skills in
54 reading, writing and mathematics. The * * * performance standards
55 shall be approved by April 1 in each year they are established.
56 The department shall provide * * * technical assistance to the
57 school districts, when requested, in the development of student
58 performance standards in addition to the established * * *
59 statewide standards.

60 * * *

61 **SECTION 6.** Section 37-16-5, Mississippi Code of 1972, is
62 amended as follows:

63 37-16-5. The school board of every district in this state
64 shall periodically assess student performance and achievement in
65 each school. Such assessment programs shall be based upon local
66 goals and objectives which are compatible with the state's plan
67 for education and * * * the * * * performance standards approved
68 by the State Board of Education. Data from district assessment
69 programs shall be provided to the State Department of Education
70 when such data is required in order to evaluate specific
71 instructional programs or processes or when the data is needed for
72 other research or evaluation projects. Each district may provide
73 acceptable, compatible district assessment data to substitute for
74 any assessment data needed at the state level when the State
75 Department of Education certifies that such data is
76 acceptable * * *.



77 **SECTION 7.** Section 37-16-7, Mississippi Code of 1972, is
78 amended as follows:

79 37-16-7. (1) Each district school board shall establish
80 standards for graduation from its schools which shall include as a
81 minimum:

82 (a) Mastery of minimum academic skills * * *; and

83 (b) Completion of a minimum number of academic
84 credits * * * and all other applicable requirements prescribed by
85 the district school board.

86 (* * *2) The school board of each school district shall
87 maintain, by school, information on high school graduation rates.
88 High schools with graduation rates lower than eighty percent (80%)
89 must submit a detailed plan to the * * * State Department of
90 Education to restructure the high school experience to improve
91 graduation rates.

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

95 * * *

96 **SECTION 8.** Section 37-16-15, Mississippi Code of 1972, is
97 amended as follows:

98 37-16-15. * * * Any person who has withdrawn from high
99 school before graduation may be granted a diploma from the
100 Mississippi public high school that the person last attended if
101 the person has:



102 (a) Completed all requisite graduation course work
103 requirements and has achieved a passing score on an
104 assessment * * *; and

105 (b) Made a request to the public high school district
106 that the person last attended in Mississippi that includes
107 relevant transcripts of course work completed.

108 * * *

109 **SECTION 9.** Section 37-16-17, Mississippi Code of 1972, is
110 amended as follows:

111 37-16-17. (1) Purpose. (a) The purpose of this section is
112 to create a quality option in Mississippi's high schools for
113 students not wishing to pursue a baccalaureate degree, which shall
114 consist of challenging academic courses and modern
115 career-technical studies. The goal for students pursuing the
116 career track is to graduate from high school with a standard
117 diploma and credit toward a community college certification in a
118 career-technical field. These students also shall be encouraged
119 to take the national assessment in the career-technical field in
120 which they become certified.

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



127 (2) Alternative career track; description; curriculum. (a)
128 A career track shall provide a student with greater technical
129 skill and a strong academic core and shall be offered to each high
130 school student enrolled in a public school district. The career
131 track program shall be linked to postsecondary options and shall
132 prepare students to pursue either a degree or certification from a
133 postsecondary institution, an industry-based training or
134 certification, an apprenticeship, the military, or immediate
135 entrance into a career field. The career track shall be designed
136 primarily for those students who are not college bound and shall
137 provide them with alternatives to entrance into a four-year
138 university or college after high school graduation.

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

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

145 (d) Students in a career track program shall complete
146 an academic core of courses and a career and technical sequence of
147 courses.

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

150 (i) At least four (4) English credits, including
151 English I and English II.



152 (ii) At least three (3) mathematics credits,
153 including Algebra I.

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

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

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

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

164 (vii) At least one (1) credit in integrated
165 technology * * *.

166 (viii) At least two and one-half (2-1/2) credits
167 in additional electives or career and technical education courses
168 required by the local school board, as approved by the State Board
169 of Education. * * *

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



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

180 **SECTION 10.** Section 37-3-49, Mississippi Code of 1972, is
181 amended as follows:

182 37-3-49. (1) The State Department of Education shall
183 provide an instructional program and establish guidelines and
184 procedures for managing such program in the public schools within
185 the school districts throughout the state as part of the State
186 Program of Educational Accountability and Assessment of
187 Performance as prescribed in Section 37-3-46. Public school
188 districts may: (a) elect to adopt the instructional program and
189 management system provided by the State Department of
190 Education * * *; or (b) elect to adopt an instructional program
191 and management system which meets or exceeds criteria established
192 by the State Department of Education for such. This provision
193 shall begin with the courses taught in Grades K-8 * * * and shall
194 proceed through all secondary school courses mandated for
195 graduation * * *. Other state core objectives must be included in
196 the district's instructional program as they are provided by the
197 State Department of Education along with instructional practices,
198 resources, evaluation items and management procedures. Districts
199 are encouraged to adapt this program and accompanying procedures
200 to all other instructional areas. The department shall provide



201 that such program and guidelines, or a program and guidelines
202 developed by a local school district which incorporates the core
203 objectives from the curriculum structure, are enforced through the
204 performance-based accreditation system. It is the intent of the
205 Legislature that every effort be made to protect the instructional
206 time in the classroom and reduce the amount of paperwork which
207 must be completed by teachers. The State Department of Education
208 shall take steps to insure that school districts properly use
209 staff development time to work on the districts' instructional
210 management plans.

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

214 (a) All courses taught in Grades K-8 * * * and all
215 secondary school courses mandated for graduation * * * shall
216 include the State Department of Education's written list of
217 learning objectives.

218 (b) The local school board must adopt the objectives
219 that will form the core curriculum which will be systematically
220 delivered throughout the district.

221 (c) The set of objectives provided by the State
222 Department of Education must be accompanied by suggested
223 instructional practices and resources that would help teachers
224 organize instruction so as to promote student learning of the
225 objectives. Objectives added by the school district must also be



226 accompanied by suggested instructional practices and resources
227 that would help teachers organize instruction. The instructional
228 practices and resources that are identified are to be used as
229 suggestions and not as requirements that teachers must follow.
230 The goal of the program is to have students to achieve the desired
231 objective and not to limit teachers in the way they teach.

232 (d) Standards for student performance must be
233 established for each core objective in the local program and those
234 standards establish the district's definition of mastery for each
235 objective.

236 (e) There shall be an annual review of student
237 performance in the instructional program against locally
238 established standards. When weaknesses exist in the local
239 instructional program, the district shall take action to improve
240 student performance.

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

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



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

253 **SECTION 11.** Section 37-15-38, Mississippi Code of 1972, is
254 amended as follows:

255 37-15-38. (1) The following phrases have the meanings
256 ascribed in this section unless the context clearly requires
257 otherwise:

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

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

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

271 (3) **Dual credit eligibility.** Before credits earned by a
272 qualified high school student from a community or junior college
273 or state institution of higher learning may be transferred to the



274 student's home school district, the student must be properly
275 enrolled in a dual enrollment program.

276 (4) **Admission criteria for dual enrollment in community and**
277 **junior college or university programs.** The Mississippi Community
278 College Board and the Board of Trustees of State Institutions of
279 Higher Learning may recommend to the State Board of Education
280 admission criteria for dual enrollment programs under which high
281 school students may enroll at a community or junior college or
282 university while they are still attending high school and enrolled
283 in high school courses. Students may be admitted to enroll in
284 community or junior college courses under the dual enrollment
285 programs if they meet that individual institution's stated dual
286 enrollment admission requirements.

287 (5) **Tuition and cost responsibility.** Tuition and costs for
288 university-level courses and community and junior college courses
289 offered under a dual enrollment program may be paid for by the
290 postsecondary institution, the local school district, the parents
291 or legal guardians of the student, or by grants, foundations or
292 other private or public sources. Payment for tuition and any
293 other costs must be made directly to the credit-granting
294 institution.

295 (6) **Transportation responsibility.** Any transportation
296 required by a student to participate in the dual enrollment
297 program is the responsibility of the parent, custodian or legal
298 guardian of the student. Transportation costs may be paid from



299 any available public or private sources, including the local
300 school district.

301 (7) **School district average daily attendance credit.** When
302 dually enrolled, the student may be counted, for adequate
303 education program funding purposes, in the average daily
304 attendance of the public school district in which the student
305 attends high school.

306 (8) **High school student transcript transfer requirements.**
307 Grades and college credits earned by a student admitted to a dual
308 credit program must be recorded on the high school student record
309 and on the college transcript at the university or community or
310 junior college where the student attends classes. The transcript
311 of the university or community or junior college coursework may be
312 released to another institution or applied toward college
313 graduation requirements.

314 (9) **Determining factor of prerequisites for dual enrollment**
315 **courses.** Each university and community or junior college
316 participating in a dual enrollment program shall determine course
317 prerequisites. Course prerequisites shall be the same for dual
318 enrolled students as for regularly enrolled students at that
319 university or community or junior college.

320 (10) **Process for determining articulation of curriculum**
321 **between high school, university, and community and junior college**
322 **courses.** All dual credit courses must meet the standards
323 established at the postsecondary level. Postsecondary level



324 developmental courses may not be considered as meeting the
325 requirements of the dual credit program. Dual credit memorandum
326 of understandings must be established between each postsecondary
327 institution and the school district implementing a dual credit
328 program.

329 (11) [Deleted]

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

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

346 (14) **Course alignment.** The universities, community and
347 junior colleges and the State Department of Education shall
348 periodically review their respective policies and assess the place



349 of dual credit courses within the context of their traditional
350 offerings.

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

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

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

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

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



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

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

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

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

393 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
394 A local school board and the local community colleges board shall
395 establish a Mississippi Works Dual Enrollment-Dual Credit Option
396 Program under which potential or recent student dropouts may
397 dually enroll in their home school and a local community college



398 in a dual credit program consisting of high school completion
399 coursework and a community college credential, certificate or
400 degree program. Students completing the dual enrollment-credit
401 option may obtain their high school diploma while obtaining a
402 community college credential, certificate or degree. The
403 Mississippi Department of Employment Security shall assist
404 students who have successfully completed the Mississippi Works
405 Dual Enrollment-Dual Credit Option in securing a job upon the
406 application of the student or the participating school or
407 community college. The Mississippi Works Dual Enrollment-Dual
408 Credit Option Program will be implemented statewide in the
409 2012-2013 school year and thereafter. The State Board of
410 Education, local school board and the local community college
411 board shall establish criteria for the Dual Enrollment-Dual Credit
412 Program. Students enrolled in the program will not be eligible to
413 participate in interscholastic sports or other extracurricular
414 activities at the home school district. Tuition and costs for
415 community college courses offered under the Dual Enrollment-Dual
416 Credit Program shall not be charged to the student, parents or
417 legal guardians. When dually enrolled, the student shall be
418 counted for Adequate Education Program funding purposes, in the
419 average daily attendance of the public school district in which
420 the student attends high school, as provided in Section
421 37-151-7(1)(a). Any transportation required by the student to
422 participate in the Dual Enrollment-Dual Credit Program is the



423 responsibility of the parent or legal guardian of the student, and
424 transportation costs may be paid from any available public or
425 private sources, including the local school district. Grades and
426 college credits earned by a student admitted to this Dual
427 Enrollment-Dual Credit Program shall be recorded on the high
428 school student record and on the college transcript at the
429 community college and high school where the student attends
430 classes. The transcript of the community college coursework may
431 be released to another institution or applied toward college
432 graduation requirements. Any course that is * * * a requirement
433 for graduation from a public school in Mississippi is eligible for
434 dual credit, and courses eligible for dual credit shall also
435 include career, technical and degree program courses. All courses
436 eligible for dual credit shall be approved by the superintendent
437 of the local school district and the chief instructional officer
438 at the participating community college in order for college credit
439 to be awarded. A community college shall make the final decision
440 on what courses are eligible for semester hour credits and the
441 local school superintendent, subject to approval by the
442 Mississippi Department of Education, shall make the final decision
443 on the transfer of college courses credited to the student's high
444 school transcript.

445 **SECTION 12.** Section 37-17-6, Mississippi Code of 1972, is
446 amended as follows:



447 37-17-6. (1) The State Board of Education, acting through
448 the Commission on School Accreditation, shall establish and
449 implement a permanent performance-based accreditation system, and
450 all noncharter public elementary and secondary schools shall be
451 accredited under this system.

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

456 (3) (a) * * * The State Board of Education, acting through
457 the Commission on School Accreditation, shall require that school
458 districts employ * * * licensed school librarians according to the
459 following formula:

460	Number of Students	Number of * * * <u>Licensed</u>
461	Per School Library	School Librarians
462	0 - 499 Students	1/2 Full-time Equivalent
463		* * * <u>Licensed</u>
464	Librarian	
465	500 or More Students	1 Full-time * * * <u>Licensed</u>
466		Librarian

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

469 (c) The assignment of * * * licensed school librarians
470 to the particular schools shall be at the discretion of the local
471 school district. No individual shall be employed as a * * *



472 licensed school librarian without appropriate training and * * *
473 license as a school librarian by the State Department of
474 Education.

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

479 (e) Nothing in this subsection shall prohibit any
480 school district from employing more * * * licensed school
481 librarians than are provided for in this section.

482 (f) Any additional millage levied to fund school
483 librarians required for accreditation under this subsection shall
484 be included in the tax increase limitation set forth in Sections
485 37-57-105 and 37-57-107 and shall not be deemed a new program for
486 purposes of the limitation.

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

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

493 (b) Strong accountability for results with appropriate
494 local flexibility for local implementation;

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



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

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

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

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



522 "A," "B," "C," "D" and "F" designation to the current school and
523 school district statewide accountability performance
524 classification labels beginning with the State Accountability
525 Results for the 2011-2012 school year and following, and in the
526 school, district and state report cards required under state and
527 federal law. Under the new designations, a school or school
528 district that has earned a "Star" rating shall be designated an
529 "A" school or school district; a school or school district that
530 has earned a "High-Performing" rating shall be designated a "B"
531 school or school district; a school or school district that has
532 earned a "Successful" rating shall be designated a "C" school or
533 school district; a school or school district that has earned an
534 "Academic Watch" rating shall be designated a "D" school or school
535 district; a school or school district that has earned a
536 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
537 be designated an "F" school or school district. Effective with
538 the implementation of any new curriculum and assessment standards,
539 the State Board of Education, acting through the State Department
540 of Education, is further authorized and directed to change the
541 school and school district accreditation rating system to a simple
542 "A," "B," "C," "D," and "F" designation based on a combination of
543 student achievement scores and student growth * * *. In any
544 statute or regulation containing the former accreditation
545 designations, the new designations shall be applicable;



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

548 (i) The State Board of Education may, based on a
549 written request that contains specific reasons for requesting a
550 waiver from the school districts affected by Hurricane Katrina of
551 2005, hold harmless school districts from assignment of district
552 and school level accountability ratings for the 2005-2006 school
553 year. The State Board of Education upon finding an extreme
554 hardship in the school district may grant the request. It is the
555 intent of the Legislature that all school districts maintain the
556 highest possible academic standards and instructional programs in
557 all schools as required by law and the State Board of Education.

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

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

567 (ii) To reduce the student dropout rate to
568 thirteen percent (13%) by 2015 * * *.



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

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

575 (i) Student achievement * * *;

576 (ii) Individual student growth * * *;

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

580 (iv) Categories shall identify schools as Reward
581 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
582 at least five percent (5%) of schools in the state are not graded
583 as "F" schools, the lowest five percent (5%) of school grade point
584 designees will be identified as Priority schools. If at least ten
585 percent (10%) of schools in the state are not graded as "D"
586 schools, the lowest ten percent (10%) of school grade point
587 designees will be identified as Focus schools;

588 (v) The State Department of Education shall
589 discontinue the use of Star School, High-Performing, Successful,
590 Academic Watch, Low-Performing, At-Risk of Failing and Failing
591 school accountability designations;

592 (vi) The system shall include the federally
593 compliant four-year graduation rate in school and school district



594 accountability system calculations. Graduation rate will apply to
595 high school and school district accountability ratings as a
596 compensatory component. The system shall discontinue the use of
597 the High School Completer Index (HSCI);

598 (vii) The school and school district
599 accountability system shall incorporate a standards-based growth
600 model, in order to support improvement of individual student
601 learning;

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

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

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

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

617 (8) The State Board of Education shall be specifically
618 authorized and empowered to withhold Adequate Education Program



619 fund allocations, whichever is applicable, to any public school
620 district for failure to timely report student, school personnel
621 and fiscal data necessary to meet state and/or federal
622 requirements.

623 (9) [Deleted]

624 (10) The State Board of Education shall establish, for those
625 school districts failing to meet accreditation standards, a
626 program of development to be complied with in order to receive
627 state funds, except as otherwise provided in subsection (15) of
628 this section when the Governor has declared a state of emergency
629 in a school district or as otherwise provided in Section 206,
630 Mississippi Constitution of 1890. The state board, in
631 establishing these standards, shall provide for notice to schools
632 and sufficient time and aid to enable schools to attempt to meet
633 these standards, unless procedures under subsection (15) of this
634 section have been invoked.

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

638 (a) Develop an impairment report for each district
639 failing to meet accreditation standards in conjunction with school
640 district officials;

641 (b) Notify any applicable school district failing to
642 meet accreditation standards that it is on probation until
643 corrective actions are taken or until the deficiencies have been



644 removed. The local school district shall develop a corrective
645 action plan to improve its deficiencies. For district academic
646 deficiencies, the corrective action plan for each such school
647 district shall be based upon a complete analysis of the following:
648 student test data, student grades, student attendance reports,
649 student dropout data, existence and other relevant data. The
650 corrective action plan shall describe the specific measures to be
651 taken by the particular school district and school to improve:
652 (i) instruction; (ii) curriculum; (iii) professional development;
653 (iv) personnel and classroom organization; (v) student incentives
654 for performance; (vi) process deficiencies; and (vii) reporting to
655 the local school board, parents and the community. The corrective
656 action plan shall describe the specific individuals responsible
657 for implementing each component of the recommendation and how each
658 will be evaluated. All corrective action plans shall be provided
659 to the State Board of Education as may be required. The decision
660 of the State Board of Education establishing the probationary
661 period of time shall be final;

662 (c) Offer, during the probationary period, technical
663 assistance to the school district in making corrective actions.
664 Beginning July 1, 1998, subject to the availability of funds, the
665 State Department of Education shall provide technical and/or
666 financial assistance to all such school districts in order to
667 implement each measure identified in that district's corrective
668 action plan through professional development and on-site



669 assistance. Each such school district shall apply for and utilize
670 all available federal funding in order to support its corrective
671 action plan in addition to state funds made available under this
672 paragraph;

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

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

689 (12) (a) If the recommendations for corrective action are
690 not taken by the local school district or if the deficiencies are
691 not removed by the end of the probationary period, the Commission
692 on School Accreditation shall conduct a hearing to allow the
693 affected school district to present evidence or other reasons why



694 its accreditation should not be withdrawn. Additionally, if the
695 local school district violates accreditation standards that have
696 been determined by the policies and procedures of the State Board
697 of Education to be a basis for withdrawal of school district's
698 accreditation without a probationary period, the Commission on
699 School Accreditation shall conduct a hearing to allow the affected
700 school district to present evidence or other reasons why its
701 accreditation should not be withdrawn. After its consideration of
702 the results of the hearing, the Commission on School Accreditation
703 shall be authorized, with the approval of the State Board of
704 Education, to withdraw the accreditation of a public school
705 district, and issue a request to the Governor that a state of
706 emergency be declared in that district.

707 (b) If the State Board of Education and the Commission
708 on School Accreditation determine that an extreme emergency
709 situation exists in a school district that jeopardizes the safety,
710 security or educational interests of the children enrolled in the
711 schools in that district and that emergency situation is believed
712 to be related to a serious violation or violations of
713 accreditation standards or state or federal law, or when a school
714 district meets the State Board of Education's definition of a
715 failing school district for two (2) consecutive full school years,
716 or if more than fifty percent (50%) of the schools within the
717 school district are designated as Schools At-Risk in any one (1)
718 year, the State Board of Education may request the Governor to



719 declare a state of emergency in that school district. For
720 purposes of this paragraph, the declarations of a state of
721 emergency shall not be limited to those instances when a school
722 district's impairments are related to a lack of financial
723 resources, but also shall include serious failure to meet minimum
724 academic standards, as evidenced by a continued pattern of poor
725 student performance.

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

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

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



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

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

753 (v) For states of emergency declared under
754 paragraph (a) only, if the accreditation deficiencies are related
755 to the fact that the school district is too small, with too few
756 resources, to meet the required standards and if another school
757 district is willing to accept those students, abolish that
758 district and assign that territory to another school district or
759 districts. If the school district has proposed a voluntary
760 consolidation with another school district or districts, then if
761 the State Board of Education finds that it is in the best interest
762 of the pupils of the district for the consolidation to proceed,
763 the voluntary consolidation shall have priority over any such
764 assignment of territory by the State Board of Education;

765 (vi) For states of emergency declared under
766 paragraph (b) only, reduce local supplements paid to school
767 district employees, including, but not limited to, instructional
768 personnel, assistant teachers and extracurricular activities



769 personnel, if the district's impairment is related to a lack of
770 financial resources, but only to an extent that will result in the
771 salaries being comparable to districts similarly situated, as
772 determined by the State Board of Education;

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

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

781 (e) The parent or legal guardian of a school-age child
782 who is enrolled in a school district whose accreditation has been
783 withdrawn by the Commission on School Accreditation and without
784 approval of that school district may file a petition in writing to
785 a school district accredited by the Commission on School
786 Accreditation for a legal transfer. The school district
787 accredited by the Commission on School Accreditation may grant the
788 transfer according to the procedures of Section 37-15-31(1)(b).
789 In the event the accreditation of the student's home district is
790 restored after a transfer has been approved, the student may
791 continue to attend the transferee school district. The per-pupil
792 amount of the Adequate Education Program allotment, including the
793 collective "add-on program" costs for the student's home school



794 district shall be transferred monthly to the school district
795 accredited by the Commission on School Accreditation that has
796 granted the transfer of the school-age child.

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

800 (i) Place the school district into district
801 transformation, in which the school district shall remain until it
802 has fulfilled all conditions related to district transformation.
803 If the district was assigned an accreditation rating of "D" or "F"
804 when placed into district transformation, the district shall be
805 eligible to return to local control when the school district has
806 attained a "C" rating or higher for five (5) consecutive years,
807 unless the State Board of Education determines that the district
808 is eligible to return to local control in less than the five-year
809 period;

810 (ii) Abolish the school district and
811 administratively consolidate the school district with one or more
812 existing school districts;

813 (iii) Reduce the size of the district and
814 administratively consolidate parts of the district, as determined
815 by the State Board of Education. However, no school district
816 which is not in district transformation shall be required to
817 accept additional territory over the objection of the district; or



818 (iv) Require the school district to develop and
819 implement a district improvement plan with prescriptive guidance
820 and support from the State Department of Education, with the goal
821 of helping the district improve student achievement. Failure of
822 the school board, superintendent and school district staff to
823 implement the plan with fidelity and participate in the activities
824 provided as support by the department shall result in the school
825 district retaining its eligibility for district transformation.

826 (g) There is established a Mississippi Recovery School
827 District within the State Department of Education under the
828 supervision of a deputy superintendent appointed by the State
829 Superintendent of Public Education, who is subject to the approval
830 by the State Board of Education. The Mississippi Recovery School
831 District shall provide leadership and oversight of all school
832 districts that are subject to district transformation status, as
833 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
834 and shall have all the authority granted under these two (2)
835 chapters. The Mississippi Department of Education, with the
836 approval of the State Board of Education, shall develop policies
837 for the operation and management of the Mississippi Recovery
838 School District. The deputy state superintendent is responsible
839 for the Mississippi Recovery School District and shall be
840 authorized to oversee the administration of the Mississippi
841 Recovery School District, oversee the interim superintendent
842 assigned by the State Board of Education to a local school



843 district, hear appeals that would normally be filed by students,
844 parents or employees and heard by a local school board, which
845 hearings on appeal shall be conducted in a prompt and timely
846 manner in the school district from which the appeal originated in
847 order to ensure the ability of appellants, other parties and
848 witnesses to appeal without undue burden of travel costs or loss
849 of time from work, and perform other related duties as assigned by
850 the State Superintendent of Public Education. The deputy state
851 superintendent is responsible for the Mississippi Recovery School
852 District and shall determine, based on rigorous professional
853 qualifications set by the State Board of Education, the
854 appropriate individuals to be engaged to be interim
855 superintendents and financial advisors, if applicable, of all
856 school districts subject to district transformation status. After
857 State Board of Education approval, these individuals shall be
858 deemed independent contractors.

859 (13) Upon the declaration of a state of emergency in a
860 school district under subsection (12) of this section, the
861 Commission on School Accreditation shall be responsible for public
862 notice at least once a week for at least three (3) consecutive
863 weeks in a newspaper published within the jurisdiction of the
864 school district failing to meet accreditation standards, or if no
865 newspaper is published therein, then in a newspaper having a
866 general circulation therein. The size of the notice shall be no
867 smaller than one-fourth (1/4) of a standard newspaper page and



868 shall be printed in bold print. If an interim superintendent has
869 been appointed for the school district, the notice shall begin as
870 follows: "By authority of Section 37-17-6, Mississippi Code of
871 1972, as amended, adopted by the Mississippi Legislature during
872 the 1991 Regular Session, this school district (name of school
873 district) is hereby placed under the jurisdiction of the State
874 Department of Education acting through its appointed interim
875 superintendent (name of interim superintendent)."

876 The notice also shall include, in the discretion of the State
877 Board of Education, any or all details relating to the school
878 district's emergency status, including the declaration of a state
879 of emergency in the school district and a description of the
880 district's impairment deficiencies, conditions of any district
881 transformation status and corrective actions recommended and being
882 taken. Public notices issued under this section shall be subject
883 to Section 13-3-31 and not contrary to other laws regarding
884 newspaper publication.

885 Upon termination of the state of emergency in a school
886 district, the Commission on School Accreditation shall cause
887 notice to be published in the school district in the same manner
888 provided in this section, to include any or all details relating
889 to the corrective action taken in the school district that
890 resulted in the termination of the state of emergency.

891 (14) The State Board of Education or the Commission on
892 School Accreditation shall have the authority to require school



893 districts to produce the necessary reports, correspondence,
894 financial statements, and any other documents and information
895 necessary to fulfill the requirements of this section.

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

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

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



918 comply with the time limitations prescribed in Sections 37-9-15
919 and 37-9-105;

920 (ii) Supervising the day-to-day activities of the
921 district's staff, including reassigning the duties and
922 responsibilities of personnel in a manner which, in the
923 determination of the interim superintendent, will best suit the
924 needs of the district;

925 (iii) Reviewing the district's total financial
926 obligations and operations and making recommendations to the
927 district for cost savings, including, but not limited to,
928 reassigning the duties and responsibilities of staff;

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

931 (v) Approving or disapproving all athletic, band
932 and other extracurricular activities and any matters related to
933 those activities;

934 (vi) Maintaining a detailed account of
935 recommendations made to the district and actions taken in response
936 to those recommendations;

937 (vii) Reporting periodically to the State Board of
938 Education on the progress or lack of progress being made in the
939 district to improve the district's impairments during the state of
940 emergency; and

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



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

945 The cost of the salary of the interim superintendent and any
946 other actual and necessary costs related to district
947 transformation status paid by the State Department of Education
948 shall be reimbursed by the local school district from funds other
949 than adequate education program funds. The department shall
950 submit an itemized statement to the superintendent of the local
951 school district for reimbursement purposes, and any unpaid balance
952 may be withheld from the district's adequate education program
953 funds.

954 At the time that the Governor, in accordance with the request
955 of the State Board of Education, declares that the state of
956 emergency no longer exists in a school district, the powers and
957 responsibilities of the interim superintendent assigned to the
958 district shall cease.

959 (b) In order to provide loans to school districts under
960 a state of emergency or in district transformation status that
961 have impairments related to a lack of financial resources, the
962 School District Emergency Assistance Fund is created as a special
963 fund in the State Treasury into which monies may be transferred or
964 appropriated by the Legislature from any available public
965 education funds. Funds in the School District Emergency
966 Assistance Fund up to a maximum balance of Three Million Dollars
967 (\$3,000,000.00) annually shall not lapse but shall be available



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

973 The State Board of Education may loan monies from the School
974 District Emergency Assistance Fund to a school district that is
975 under a state of emergency or in district transformation status,
976 in those amounts, as determined by the board, that are necessary
977 to correct the district's impairments related to a lack of
978 financial resources. The loans shall be evidenced by an agreement
979 between the school district and the State Board of Education and
980 shall be repayable in principal, without necessity of interest, to
981 the School District Emergency Assistance Fund by the school
982 district from any allowable funds that are available. The total
983 amount loaned to the district shall be due and payable within five
984 (5) years after the impairments related to a lack of financial
985 resources are corrected. If a school district fails to make
986 payments on the loan in accordance with the terms of the agreement
987 between the district and the State Board of Education, the State
988 Department of Education, in accordance with rules and regulations
989 established by the State Board of Education, may withhold that
990 district's Adequate Education Program funds in an amount and
991 manner that will effectuate repayment consistent with the terms of



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

994 The State Board of Education shall develop a protocol that
995 will outline the performance standards and requisite timeline
996 deemed necessary for extreme emergency measures. If the State
997 Board of Education determines that an extreme emergency exists,
998 simultaneous with the powers exercised in this subsection, it
999 shall take immediate action against all parties responsible for
1000 the affected school districts having been determined to be in an
1001 extreme emergency. The action shall include, but not be limited
1002 to, initiating civil actions to recover funds and criminal actions
1003 to account for criminal activity. Any funds recovered by the
1004 State Auditor or the State Board of Education from the surety
1005 bonds of school officials or from any civil action brought under
1006 this subsection shall be applied toward the repayment of any loan
1007 made to a school district hereunder.

1008 (16) If a majority of the membership of the school board of
1009 any school district resigns from office, the State Board of
1010 Education shall be authorized to assign an interim superintendent,
1011 who shall be responsible for the administration, management and
1012 operation of the school district until the time as new board
1013 members are selected or the Governor declares a state of emergency
1014 in that school district under subsection (12), whichever occurs
1015 first. In that case, the State Board of Education, acting through
1016 the interim superintendent, shall have all powers which were held



1017 by the previously existing school board, and may take any action
1018 as prescribed in Section 37-17-13 and/or one or more of the
1019 actions authorized in this section.

1020 (17) (a) If the Governor declares a state of emergency in a
1021 school district, the State Board of Education may take all such
1022 action pertaining to that school district as is authorized under
1023 subsection (12) or (15) of this section, including the appointment
1024 of an interim superintendent. The State Board of Education shall
1025 also have the authority to issue a written request with
1026 documentation to the Governor asking that the office of the
1027 superintendent of the school district be subject to recall. If
1028 the Governor declares that the office of the superintendent of the
1029 school district is subject to recall, the local school board or
1030 the county election commission, as the case may be, shall take the
1031 following action:

1032 (i) If the office of superintendent is an elected
1033 office, in those years in which there is no general election, the
1034 name shall be submitted by the State Board of Education to the
1035 county election commission, and the county election commission
1036 shall submit the question at a special election to the voters
1037 eligible to vote for the office of superintendent within the
1038 county, and the special election shall be held within sixty (60)
1039 days from notification by the State Board of Education. The
1040 ballot shall read substantially as follows:



1041 "Shall County Superintendent of Education _____ (here the
1042 name of the superintendent shall be inserted) of the _____
1043 (here the title of the school district shall be inserted) be
1044 retained in office? Yes _____ No _____"

1045 If a majority of those voting on the question votes against
1046 retaining the superintendent in office, a vacancy shall exist
1047 which shall be filled in the manner provided by law; otherwise,
1048 the superintendent shall remain in office for the term of that
1049 office, and at the expiration of the term shall be eligible for
1050 qualification and election to another term or terms.

1051 (ii) If the office of superintendent is an
1052 appointive office, the name of the superintendent shall be
1053 submitted by the president of the local school board at the next
1054 regular meeting of the school board for retention in office or
1055 dismissal from office. If a majority of the school board voting
1056 on the question vote against retaining the superintendent in
1057 office, a vacancy shall exist which shall be filled as provided by
1058 law, otherwise the superintendent shall remain in office for the
1059 duration of his employment contract.

1060 (b) The State Board of Education may issue a written
1061 request with documentation to the Governor asking that the
1062 membership of the school board of the school district shall be
1063 subject to recall. Whenever the Governor declares that the
1064 membership of the school board is subject to recall, the county



1065 election commission or the local governing authorities, as the
1066 case may be, shall take the following action:

1067 (i) If the members of the local school board are
1068 elected to office, in those years in which the specific member's
1069 office is not up for election, the name of the school board member
1070 shall be submitted by the State Board of Education to the county
1071 election commission, and the county election commission at a
1072 special election shall submit the question to the voters eligible
1073 to vote for the particular member's office within the county or
1074 school district, as the case may be, and the special election
1075 shall be held within sixty (60) days from notification by the
1076 State Board of Education. The ballot shall read substantially as
1077 follows:

1078 "Members of the _____ (here the title of the school
1079 district shall be inserted) School Board who are not up for
1080 election this year are subject to recall because of the school
1081 district's failure to meet critical accountability standards as
1082 defined in the letter of notification to the Governor from the
1083 State Board of Education. Shall the member of the school board
1084 representing this area, _____ (here the name of the school
1085 board member holding the office shall be inserted), be retained in
1086 office? Yes _____ No _____"

1087 If a majority of those voting on the question vote against
1088 retaining the member of the school board in office, a vacancy in
1089 that board member's office shall exist, which shall be filled in



1090 the manner provided by law; otherwise, the school board member
1091 shall remain in office for the term of that office, and at the
1092 expiration of the term of office, the member shall be eligible for
1093 qualification and election to another term or terms of office.
1094 However, if a majority of the school board members are recalled in
1095 the special election, the Governor shall authorize the board of
1096 supervisors of the county in which the school district is situated
1097 to appoint members to fill the offices of the members recalled.
1098 The board of supervisors shall make those appointments in the
1099 manner provided by law for filling vacancies on the school board,
1100 and the appointed members shall serve until the office is filled
1101 at the next regular special election or general election.

1102 (ii) If the local school board is an appointed
1103 school board, the name of all school board members shall be
1104 submitted as a collective board by the president of the municipal
1105 or county governing authority, as the case may be, at the next
1106 regular meeting of the governing authority for retention in office
1107 or dismissal from office. If a majority of the governing
1108 authority voting on the question vote against retaining the board
1109 in office, a vacancy shall exist in each school board member's
1110 office, which shall be filled as provided by law; otherwise, the
1111 members of the appointed school board shall remain in office for
1112 the duration of their term of appointment, and those members may
1113 be reappointed.



1114 (iii) If the local school board is comprised of
1115 both elected and appointed members, the elected members shall be
1116 subject to recall in the manner provided in subparagraph (i) of
1117 this paragraph (b), and the appointed members shall be subject to
1118 recall in the manner provided in subparagraph (ii).

1119 (18) Beginning with the school district audits conducted for
1120 the 1997-1998 fiscal year, the State Board of Education, acting
1121 through the Commission on School Accreditation, shall require each
1122 school district to comply with standards established by the State
1123 Department of Audit for the verification of fixed assets and the
1124 auditing of fixed assets records as a minimum requirement for
1125 accreditation.

1126 (19) * * * The State Board of Education shall recommend a
1127 program to the Education Committees of the House of
1128 Representatives and the Senate for identifying and rewarding
1129 public schools that improve or are high performing. The program
1130 shall be described by the board in a written report, which shall
1131 include criteria and a process through which improving schools and
1132 high-performing schools will be identified and rewarded.

1133 The State Superintendent of Public Education and the State
1134 Board of Education also shall develop a comprehensive
1135 accountability plan to ensure that local school boards,
1136 superintendents, principals and teachers are held accountable for
1137 student achievement. * * *



1138 (20) Before January 1, 2008, the State Board of Education
1139 shall evaluate and submit a recommendation to the Education
1140 Committees of the House of Representatives and the Senate on
1141 inclusion of graduation rate and dropout rate in the school level
1142 accountability system.

1143 (21) If a local school district is determined as failing and
1144 placed into district transformation status for reasons authorized
1145 by the provisions of this section, the interim superintendent
1146 appointed to the district shall, within forty-five (45) days after
1147 being appointed, present a detailed and structured corrective
1148 action plan to move the local school district out of district
1149 transformation status to the deputy superintendent. A copy of the
1150 interim superintendent's corrective action plan shall also be
1151 filed with the State Board of Education.

1152 **SECTION 13.** Section 37-35-3, Mississippi Code of 1972, is
1153 amended as follows:

1154 37-35-3. (1) The board of trustees of any school district,
1155 including any community/junior college, may establish and maintain
1156 classes for adults, including general educational development
1157 classes, under the regulations authorized in this chapter and
1158 pursuant to the standards prescribed in subsection (3). The
1159 property and facilities of the public school districts may be used
1160 for this purpose where such use does not conflict with uses
1161 already established.



1162 (2) The trustees of any school district desiring to
1163 establish such program may request the taxing authority of the
1164 district to levy additional ad valorem taxes for the support of
1165 this program. The board of supervisors, in the case of a county
1166 school district, a special municipal separate school district, or
1167 a community/junior college district, and the governing authority
1168 of any municipality, in the case of a municipal separate school
1169 district, is authorized, in its discretion, to levy a tax not
1170 exceeding one (1) mill upon all the taxable property of the
1171 district for the support of this program. The tax shall be in
1172 addition to all other taxes authorized by law to be levied. In
1173 addition to the funds realized from any such levy, the board of
1174 trustees of any school district is authorized to use any surplus
1175 funds that it may have or that may be made available to it from
1176 local sources to supplement this program.

1177 (3) (a) Any student participating in an approved High
1178 School Equivalency Diploma Option program administered by a local
1179 school district or a local school district with an approved
1180 contractual agreement with a community/junior college or other
1181 local entity shall not be considered a dropout. Students in such
1182 a program administered by a local school district shall be
1183 considered as enrolled within the school district of origin for
1184 the purpose of enrollment for * * * Adequate Education Program
1185 funding only. Such students shall not be considered as enrolled



1186 in the regular school program for academic or programmatic
1187 purposes.

1188 (b) Students participating in an approved High School
1189 Equivalency Diploma Option program shall have an individual career
1190 plan developed at the time of placement to insure that the
1191 student's academic and job skill needs will be met. The
1192 Individual Career Plan will address, but is not limited to, the
1193 following:

1194 (i) Academic/instructional needs of the student;
1195 (ii) Job readiness needs of the student; and
1196 (iii) Work experience program options available
1197 for the student.

1198 (c) Students participating in an approved High School
1199 Equivalency Diploma Option program may participate in existing job
1200 and skills development programs or in similar programs developed
1201 in conjunction with the High School Equivalency Diploma Option
1202 program and the vocational director.

1203 (d) High School Equivalency Diploma Option programs may
1204 be operated by local school districts or may be operated by two
1205 (2) or more adjacent school districts, pursuant to a contract
1206 approved by the State Board of Education. When two (2) or more
1207 school districts contract to operate a High School Equivalency
1208 Diploma Option program, the school board of a district designated
1209 to be the lead district shall serve as the governing board of the
1210 High School Equivalency Diploma Option program. Transportation



1211 for students placed in the High School Equivalency Diploma Option
1212 program shall be the responsibility of the school district of
1213 origin. The expense of establishing, maintaining and operating
1214 such High School Equivalency Diploma Option programs may be paid
1215 from funds made available to the school district through
1216 contributions, * * * Adequate Education Program funds or from
1217 local district maintenance funds.

1218 (e) The State Department of Education will develop
1219 procedures and criteria for placement of a student in the High
1220 School Equivalency Diploma Option programs. Students placed in
1221 High School Equivalency Diploma Option programs shall have
1222 parental approval for such placement and must meet the following
1223 criteria:

1224 (i) The student must be at least sixteen (16)
1225 years of age;

1226 (ii) The student must be at least one (1) full
1227 grade level behind his or her ninth grade cohort or must have
1228 acquired less than four (4) Carnegie units;

1229 (iii) The student must have taken every
1230 opportunity to continue to participate in coursework leading to a
1231 diploma; and

1232 (iv) The student must be certified to be eligible
1233 to participate in the GED course by the school district
1234 superintendent, based on the developed criteria.

1235 * * *



1236 **SECTION 14.** Section 37-177-1, Mississippi Code of 1972, is
1237 amended as follows:

1238 37-177-1. (1) There is established an act prohibiting
1239 social promotion to be known as the "Literacy-Based Promotion
1240 Act," the purpose of which is to improve the reading skills of
1241 kindergarten and first- through third-grade students enrolled in
1242 the public schools so that every student completing the third
1243 grade is able to read at or above grade level. It is the intent
1244 of the Legislature, in establishing this act, to ensure that:
1245 each kindergarten and first- through third-grade student's
1246 progression is determined, in part, upon the student's proficiency
1247 in reading; the policies of local school boards facilitate this
1248 proficiency; and each student and the student's parent or legal
1249 guardian is informed of the student's academic progress.

1250 (2) Each public school student who exhibits a substantial
1251 deficiency in reading at any time, as demonstrated through
1252 performance on a reading screener approved or developed by the
1253 State Department of Education or through locally determined
1254 assessments and teacher observations conducted in kindergarten and
1255 grades 1 through 3 * * *, must be given intensive reading
1256 instruction and intervention immediately following the
1257 identification of the reading deficiency. The intensive reading
1258 instruction and intervention must be documented for each student
1259 in an individual reading plan, which includes, at a minimum, the
1260 following:



1261 (a) The student's specific, diagnosed reading skill
1262 deficiencies as determined (or identified) by diagnostic
1263 assessment data;

1264 (b) The goals and benchmarks for growth;

1265 (c) How progress will be monitored and evaluated;

1266 (d) The type of additional instructional services and
1267 interventions the student will receive;

1268 (e) The research-based reading instructional
1269 programming the teacher will use to provide reading instruction,
1270 addressing the areas of phonemic awareness, phonics, fluency,
1271 vocabulary and comprehension;

1272 (f) The strategies the student's parent is encouraged
1273 to use in assisting the student to achieve reading competency; and

1274 (g) Any additional services the teacher deems available
1275 and appropriate to accelerate the student's reading skill
1276 development.

1277 (3) The universal reading screener or locally determined
1278 reading assessment may be given in the first thirty (30) days of
1279 the school year and repeated if indicated at midyear and at the
1280 end of the school year to determine student progression in reading
1281 in kindergarten through third grade. If it is determined that the
1282 student continues to have a reading deficiency, the student must
1283 be provided with continued intensive reading instruction and
1284 intervention by the school district until the reading deficiency
1285 is remedied. A student exhibiting continued reading deficiency



1286 with continued intensive interventions should be considered for
1287 exceptional criteria evaluation.

1288 (4) A kindergarten or first-, second- or third-grade student
1289 identified with a deficiency in reading must be provided intensive
1290 interventions in reading to ameliorate the student's specific
1291 reading deficiency, as identified by a valid and reliable
1292 diagnostic assessment. The intensive intervention must include
1293 effective instructional strategies, and appropriate teaching
1294 methodologies necessary to assist the student in becoming a
1295 successful reader, able to read at or above grade level, and ready
1296 for promotion to the next grade. A kindergarten, first-, second-
1297 or third-grade student identified with a reading deficiency or not
1298 promoted may be placed in a transition class.

1299 **SECTION 15.** Section 37-177-3, Mississippi Code of 1972, is
1300 amended as follows:

1301 37-177-3. Immediately upon the determination of a reading
1302 deficiency, and subsequently with each quarterly progress report
1303 until the deficiency is remediated, the parent or legal guardian
1304 of a kindergarten or first-, second- or third-grade student who
1305 exhibits a substantial deficiency in reading must be notified in
1306 writing by the student's teacher of the following:

1307 (a) That the student has been identified as having a
1308 substantial deficiency in reading;

1309 (b) A description of the services that the school
1310 district currently is providing to the student;



1311 (c) A description of the proposed supplemental
1312 instructional services and supports that are designed to remediate
1313 the identified area of reading deficiency which the school
1314 district plans to provide the student, as outlined in the
1315 student's individual reading plan;

1316 (d) That if the student's reading deficiency is not
1317 remediated before the end of the student's third-grade year, the
1318 student will not be promoted to fourth grade unless a good cause
1319 exemption specified under Section 37-177-11 is met; and

1320 (e) Strategies for parents and guardians to use in
1321 helping the student to succeed in reading proficiency * * *.

1322 **SECTION 16.** Section 37-177-5, Mississippi Code of 1972, is
1323 amended as follows:

1324 37-177-5. The State Department of Education shall establish
1325 a Mississippi Reading Panel to collaborate with the State
1326 Department of Education in recommending appropriate equitable
1327 alternative * * * assessments * * *. The panel should have
1328 knowledge and input in the adoption or development of a universal
1329 screener * * * to identify reading deficiencies and determine
1330 progress. A suggestive list of no less than four (4) screening
1331 assessments should be available to schools * * *, taking into
1332 consideration those screening assessments already being used
1333 satisfactorily in Mississippi elementary schools. * * * The panel
1334 shall consist of six (6) members as follows: the State
1335 Superintendent of Public Education, or his/her designee, who will



1336 chair the committee; the Chair of the House Education Committee,
1337 or his designee; the Chairman of the Senate Education Committee,
1338 or his designee; one (1) member appointed by the Governor; and two
1339 (2) additional members appointed by the State Superintendent of
1340 Public Education.

1341 **SECTION 17.** Section 37-177-7, Mississippi Code of 1972, is
1342 amended as follows:

1343 37-177-7. The State Department of Education shall:

1344 (a) Select schools most in need for the reading
1345 intervention program and create criteria for selection for
1346 participation based on * * * screening results * * * and other
1347 relevant data;

1348 (b) Assign a supervisory position within each school to
1349 be responsible for the faithful implementation of the Reading
1350 Intervention Program; and

1351 (c) Subject to legislative appropriation, the
1352 Mississippi Department of Education shall conduct a program with
1353 willing "C" level or low-performing districts and/or schools. The
1354 program shall focus on the use of data coaches to improve reading
1355 and literacy, to determine the effectiveness of intense
1356 data-focused professional development, provide expert support in
1357 literacy and early reading instruction but it shall not
1358 necessarily be limited to literacy. Data coaches should be
1359 experts in both pedagogy and data analysis who facilitate
1360 professional learning community meetings, and provide observation



1361 and feedback, to help teachers and district leaders build skills
1362 in using data to inform instruction. Schools and districts
1363 selected by the department to participate in the program shall
1364 agree to involve the school and district leadership team as
1365 directed by the department. The * * * State Department of
1366 Education is authorized to include pre-school programs it deems
1367 appropriate. The department is authorized to contract with a
1368 private sector provider to implement the program and work in
1369 partnership with four-year institutions of higher learning to
1370 develop and implement the program.

1371 **SECTION 18.** Section 37-177-9, Mississippi Code of 1972, is
1372 amended as follows:

1373 37-177-9. A public school student may not be assigned a
1374 grade level based solely on the student's age or any other factors
1375 that constitute social promotion.

1376 * * *

1377 **SECTION 19.** Section 37-177-11, Mississippi Code of 1972, is
1378 amended as follows:

1379 37-177-11. (1) A third-grade student who does not meet the
1380 academic requirements for promotion to the fourth grade may be
1381 promoted by the school district only for good cause. Good cause
1382 exemptions for promotion are limited to the following students:

1383 (a) Limited English proficient students who have had
1384 less than two (2) years of instruction in an English Language
1385 Learner program;



1386 (b) Students with disabilities * * * who have an IEP or
1387 a Section 504 plan that reflects that the individual student has
1388 received intensive remediation in reading for more than two (2)
1389 years but still demonstrates a deficiency in reading or previously
1390 was retained in kindergarten or first, second or third grade; and
1391 * * *

1392 (* * *c) Students who have received intensive
1393 intervention in reading for two (2) or more years but still
1394 demonstrate a deficiency in reading and who previously were
1395 retained in kindergarten or first, second or third grade for a
1396 total of two (2) years and have not met exceptional education
1397 criteria. A student who is promoted to fourth grade with a good
1398 cause exemption shall be provided an individual reading plan as
1399 described in Section 37-177-1(2), which outlines intensive reading
1400 instruction and intervention informed by specialized diagnostic
1401 information and delivered through specific reading strategies to
1402 meet the needs of each student so promoted. The school district
1403 shall assist schools and teachers in implementing reading
1404 strategies that research has shown to be successful in improving
1405 reading among students with persistent reading difficulties.

1406 (2) A request for good cause exemptions for a third-grade
1407 student from the academic requirements established for promotion
1408 to fourth grade must be made consistent with the following:

1409 (a) Documentation must be submitted from the student's
1410 teacher to the school principal which indicates that the promotion



1411 of the student is appropriate and is based upon the student's
1412 record. The documentation must consist of the good cause
1413 exemption being requested and must clearly prove that the student
1414 is covered by one (1) of the good cause exemptions listed in
1415 subsection (1) (a) through (* * *c) of this section.

1416 (b) The principal shall review and discuss the
1417 recommendations with the teacher and parents and make a
1418 determination as to whether or not the student should be promoted
1419 based on requirements set forth in this chapter. If the principal
1420 determines that the student should be promoted, based on the
1421 documentation provided, the principal must make the recommendation
1422 in writing to the school district superintendent, who, in writing,
1423 may accept or reject the principal's recommendation. The parents
1424 of any student promoted may choose that the student be retained
1425 for one (1) year, even if the principal and district
1426 superintendent determines otherwise.

1427 **SECTION 20.** Section 37-177-17, Mississippi Code of 1972, is
1428 amended as follows:

1429 37-177-17. (1) Within thirty (30) days of final State Board
1430 of Education approval of state accountability results, the school
1431 board of each school district must publish, in a newspaper having
1432 a general circulation within the school district, and report to
1433 the State Board of Education and the Mississippi Reading Panel the
1434 following information relating to the preceding school year:



1435 (a) The provisions of this chapter relating to public
1436 school student progression and the school district's policies and
1437 procedures on student retention and promotion;

1438 (b) By grade, * * * the number and percentage of all
1439 students retained in kindergarten through Grade 8;

1440 (* * * c) Information on the total number and
1441 percentage of students who were promoted for good cause, by each
1442 category of good cause described in Section 37-177-11; and

1443 (* * * d) Any revisions to the school board's policy on
1444 student retention and promotion from the prior school year.

1445 (2) The State Department of Education shall establish a
1446 uniform format for school districts to report the information
1447 required in subsection (1) of this section. The format must be
1448 developed with input from school boards and must be provided no
1449 later than ninety (90) days before the annual due date of the
1450 information. The department shall compile annually the required
1451 district information, along with state-level summary information,
1452 and report the information to the Governor, Senate, House of
1453 Representatives and general public.

1454 **SECTION 21.** This act shall take effect and be in force from
1455 and after July 1, 2022.

