

By: Representative Mickens

To: Education

HOUSE BILL NO. 101

1 AN ACT TO CREATE NEW SECTION 37-16-2, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO CONTRACT WITH A
3 SINGLE ENTITY FOR THE DEVELOPMENT AND ADMINISTRATION OF THE ACT
4 ASPIRE ASSESSMENT COMPONENTS AS THE COMPREHENSIVE STATEWIDE
5 ASSESSMENT PROGRAM FOR PUBLIC SCHOOL STUDENTS IN GRADES 3 THROUGH
6 10 AS WELL AS ALGEBRA I AND ENGLISH II; TO REQUIRE THE STATE
7 DEPARTMENT OF EDUCATION TO PROVIDE A JOB SKILLS ASSESSMENT SYSTEM
8 THAT ALLOWS STUDENTS TO EARN A NATIONALLY RECOGNIZED CAREER
9 READINESS CERTIFICATE CREDENTIALING WORKPLACE EMPLOYABILITY
10 SKILLS; TO REQUIRE THE ACT ASPIRE AS THE STATEWIDE ASSESSMENT
11 PROGRAM TO BE FULLY IMPLEMENTED IN ALL PUBLIC SCHOOLS IN THE
12 2024-2025 SCHOOL YEAR; TO PROHIBIT THE STATE BOARD OF EDUCATION
13 FROM CONTRACTING WITH ANY ENTITY FOR THE DEVELOPMENT OF A
14 STATEWIDE ASSESSMENT WHOSE ALIGNMENT OF CURRICULUM AND TESTING
15 STANDARDS ARE IN COMPLIANCE WITH THE PARTNERSHIP FOR ASSESSMENT OF
16 READINESS FOR COLLEGE AND CAREERS (PARCC) WITHOUT EXPRESS
17 LEGISLATIVE AUTHORITY; TO AMEND SECTIONS 37-16-1, 37-16-3,
18 37-16-4, 37-16-5, 37-16-7, 37-16-9 AND 37-16-17, MISSISSIPPI CODE
19 OF 1972, WHICH RELATE TO THE STATEWIDE TESTING PROGRAM, AND
20 SECTIONS 37-3-49, 37-15-38, 37-17-6, 37-18-1, 37-18-3, 37-20-5,
21 37-20-7 AND 37-28-45, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
22 THE PRECEDING PROVISIONS OF THIS ACT; TO AMEND SECTION 37-16-11,
23 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ISSUANCE OF A
24 STANDARD DIPLOMA TO CERTAIN EXCEPTIONAL CHILDREN WITH INTELLECTUAL
25 IMPAIRMENTS WHO HAVE IEP'S UPON THEIR MEETING THE EDUCATIONAL
26 REQUIREMENTS OF THEIR IEP AND THOSE ESTABLISHED BY THE STATE BOARD
27 OF EDUCATION; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** The following shall be codified as Section

30 37-16-2, Mississippi Code of 1972:



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

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

42 (b) The entity must have no less than fifty (50) years
43 experience in the administration of a nationally recognized
44 college entrance readiness examination that, as of the effective
45 date of House Bill No. 101, 2023 Regular Session, is required to
46 be taken by all public school students in eleventh grade in
47 certain states, including Mississippi; and

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

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



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

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

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

70 (3) As soon as practicable following the effective date of
71 House Bill No. 101, 2023 Regular Session, the State Board of
72 Education shall enter into an agreement with an entity meeting the
73 criteria set forth in subsection (1) to begin the process of
74 establishing the statewide assessment system required under this
75 section. The State Department of Education shall collaborate with
76 the entity in its development of the statewide assessment system
77 to be administered in Mississippi, which must be fully implemented
78 in all public schools throughout the state in the 2024-2025 school
79 year.



80 (4) Unless otherwise specifically authorized by law,
81 beginning in the 2024-2025 school year, examinations administered
82 under the statewide assessment system implemented pursuant to this
83 section are the only statewide assessments given in all public
84 schools during a school year, except for the Kindergarten
85 Readiness Assessment, the Third Grade Summative Assessment and the
86 ACT for students in Grade 11.

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

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



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

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

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

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

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

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

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

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

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



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

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

138 (b) Conduct * * * the statewide * * * assessment
139 program * * * in the public schools, including charter schools, in
140 accordance with the terms and conditions set forth in the contract
141 for the administration of the statewide assessment program
142 required under Section 37-16-2. * * * The statewide assessment
143 program shall include the administration of a career-readiness
144 assessment, such as, but not limited to, the ACT WorkKeys
145 Assessment, deemed appropriate by the Mississippi Department of
146 Education working in coordination with the Office of Workforce
147 Development, to any students electing to take the assessment.
148 Each individual school district shall determine whether the
149 assessment is administered in the tenth, eleventh or twelfth
150 grade. The program may test skill areas, basic skills and high
151 school course content.

152 (c) Monitor the results of the assessment program and,
153 at any time the composite student performance of a school or basic
154 program is found to be below the established minimum standards,



155 notify the district superintendent or the governing board of the
156 charter school, as the case may be, the school principal and the
157 school advisory committee or other existing parent group of the
158 situation within thirty (30) days of its determination. The
159 department shall further provide technical assistance to a school
160 district in the identification of the causes of this deficiency
161 and shall recommend courses of action for its correction.

162 (d) Provide technical assistance to the school
163 districts, when requested, in the development of student
164 performance standards in addition to the established minimum
165 statewide standards.

166 (e) Issue security procedure regulations providing for
167 the security and integrity of the tests that are administered
168 under the * * * statewide assessment program.

169 (f) In case of an allegation of a testing irregularity
170 that prompts a need for an investigation by the State Department
171 of Education, the department may, in its discretion, take complete
172 control of the statewide * * * assessment administration in a
173 school district or any part thereof, including, but not limited
174 to, obtaining control of the test booklets and answer documents.
175 In the case of any verified testing irregularity that jeopardized
176 the security and integrity of the test(s), validity or the
177 accuracy of the * * * assessment results, the cost of the
178 investigation and any other actual and necessary costs related to
179 the investigation paid by the State Department of Education shall



180 be reimbursed by the local school district from funds other than
181 federal funds, Mississippi Adequate Education Program funds, or
182 any other state funds within six (6) months from the date of
183 notice by the department to the school district to make
184 reimbursement to the department.

185 (2) * * * Annual examinations administered under the
186 statewide assessment program, pursuant to Section 37-16-2, shall
187 be completed by each student in the appropriate grade. These
188 tests shall be administered in such a manner as to preserve the
189 integrity and validity of the assessment. In the event of excused
190 or unexcused student absences, make-up tests shall be given. The
191 school superintendent of every school district in the state and
192 the principal of each charter school shall annually certify to the
193 State Department of Education that each student enrolled in the
194 appropriate grade has completed the required * * * statewide
195 assessment * * * for his or her grade in a valid test
196 administration.

197 (3) Within five (5) days of completing the administration of
198 a statewide * * * assessment, the principal of the school where
199 the * * * assessment was administered shall certify under oath to
200 the State Department of Education that the statewide * * *
201 assessment was administered in strict accordance with the
202 Requirements of the Mississippi Statewide Assessment System as
203 adopted by the State Board of Education. The principal's sworn
204 certification shall be set forth on a form developed and approved



205 by the State Department of Education. If, following the
206 administration of a statewide * * * assessment, the principal has
207 reason to believe that the * * * assessment was not administered
208 in strict accordance with the Requirements of the Mississippi
209 Statewide Assessment System as adopted by the State Board of
210 Education, the principal shall submit a sworn certification to the
211 State Department of Education setting forth all information known
212 or believed by the principal about all potential violations of the
213 Requirements of the Mississippi Statewide Assessment System as
214 adopted by the State Board of Education. The submission of false
215 information or false certification to the State Department of
216 Education by any licensed educator may result in licensure
217 disciplinary action pursuant to Section 37-3-2 and criminal
218 prosecution pursuant to Section 37-16-4.

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

221 37-16-4. (1) It is unlawful for anyone knowingly and
222 willfully to do any of the following acts regarding mandatory
223 uniform tests administered to students as required by the State
224 Department of Education:

- 225 (a) Give examinees access to * * * assessment questions
226 prior to testing;
- 227 (b) Copy or reproduce all or any portion of any secure
228 test booklet;



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

231 (d) Make answer keys available to examinees;

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

234 (f) Participate in, direct, aid, counsel, assist in,
235 encourage or fail to report any of the acts prohibited in this
236 section.

237 (2) Any person violating any provisions of subsection (1) of
238 this section is guilty of a misdemeanor and upon conviction shall
239 be fined not more than One Thousand Dollars (\$1,000.00), or be
240 imprisoned for not more than ninety (90) days, or both. Upon
241 conviction, the State Board of Education may suspend or revoke the
242 administrative or teaching credentials, or both, of the person
243 convicted.

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



254 (4) The district attorney shall investigate allegations of
255 violations of this section, either on its own initiative following
256 a receipt of allegations, or at the request of a school district
257 or the State Department of Education.

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

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

275 * * *

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



278 37-16-5. The school board of * * * each local school
279 district * * * may periodically assess student performance and
280 achievement in each school. Such assessment programs shall be
281 based upon local goals and objectives which are compatible with
282 the state's plan for education and which supplement the minimum
283 performance standards approved by the State Board of Education.
284 Data from district assessment programs shall be provided to the
285 State Department of Education when such data is required in order
286 to evaluate specific instructional programs or processes or when
287 the data is needed for other research or evaluation projects.
288 Each district may provide acceptable, compatible district
289 assessment data to substitute for any assessment data needed at
290 the state level when the State Department of Education certifies
291 that such data is acceptable for the purposes of Section 37-16-3.

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

294 37-16-7. (1) Each district school board shall establish
295 standards for graduation from its schools which shall include as a
296 minimum:

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

300 (b) Completion of a minimum number of academic credits,
301 and all other applicable requirements prescribed by the district
302 school board.



303 (* * *2) The school board of each school district shall
304 compile, by school, information on high school graduation rates.
305 High schools with graduation rates lower than eighty percent (80%)
306 must submit a detailed plan to the * * * State Department of
307 Education to restructure the high school experience to improve
308 graduation rates.

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

312 (* * *4) The State Board of Education may establish student
313 proficiency standards for promotion to grade levels leading to
314 graduation.

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

317 37-16-9. (1) The state board shall, after a public hearing
318 and consideration, make provision for appropriate accommodations
319 for testing instruments and procedures for students with
320 identified handicaps or disabilities in order to ensure that the
321 results of the testing represent the student's achievement, rather
322 than reflecting the student's impaired sensory, manual, speaking
323 or psychological process skills, except when such skills are the
324 factors the test purports to measure.

325 (2) The public hearing and consideration required hereunder
326 shall not be construed to amend or nullify the requirements of



327 security relating to the contents of examinations or assessment
328 instruments and related materials or data.

329 (3) Children with disabilities shall be included in general
330 statewide assessment program implemented pursuant to Section
331 37-16-2 and in any district-wide assessments * * * administered in
332 a particular school district, with appropriate accommodations,
333 where necessary. As appropriate, the State Department of
334 Education and the local educational agency shall:

335 (a) Develop policies and procedures for the
336 participation of children with disabilities in alternate
337 assessments for those children who cannot participate in statewide
338 and district-wide assessment programs; and

339 (b) Develop and * * * conduct those alternate
340 assessments.

341 (4) The State Department of Education shall make available
342 to the public, and report to the public with the same frequency
343 and in the same detail as it reports on the assessment of
344 nondisabled children, the following:

345 (a) The number of children with disabilities
346 participating in regular assessments;

347 (b) The number of children participating in alternate
348 assessments;

349 (c) The performance of those children on regular
350 assessments * * * and on alternate assessments, * * * if doing so
351 would be statistically sound and would not result in the



352 disclosure of performance results identifiable to individual
353 children; and

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

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

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

374 (b) The State Board of Education shall develop and
375 adopt course and curriculum requirements for career technical
376 education pathways offered by local public school boards in



377 accordance with this section. The Mississippi Community College
378 Board and the State Board of Education jointly shall determine
379 course and curriculum requirements for the career technical
380 education pathways. The State Board of Education shall require
381 school districts to provide notice to all incoming middle school
382 students and junior high students of the career technical
383 education pathways offered by local school boards. Such notice
384 shall include the career technical education pathways available,
385 the course requirements of each pathway, how to enroll in the
386 pathway and any other necessary information as determined by the
387 State Board of Education.

388 (2) Career technical education pathway; description;
389 curriculum. (a) A career technical education pathway shall
390 provide a student with greater technical skill and a strong
391 academic core and shall be offered to each high school student
392 enrolled in a public school district. The career technical
393 education pathway shall be linked to postsecondary options and
394 shall prepare students to pursue either a degree or certification
395 from a postsecondary institution, an industry-based training or
396 certification, an apprenticeship, the military, or immediate
397 entrance into a career field. The career technical education
398 pathway shall provide students with alternatives to entrance into
399 a four-year university or college after high school graduation.

400 (b) Students pursuing a career technical education
401 pathway shall be afforded the opportunity to dually enroll in a



402 community or technical college or to participate in a business
403 internship or work-study program, when such opportunities are
404 available and appropriate.

405 (c) Each public school district shall offer a career
406 technical education pathway approved by the State Board of
407 Education.

408 (d) Students in a career technical education pathway
409 shall complete an academic core of courses and a career and
410 technical sequence of courses.

411 (e) Students pursuing a career technical education
412 pathway must complete the twenty-four (24) course unit
413 requirements for a regular high school diploma, which may include,
414 but not be limited to the following course content:

415 (i) English I;

416 (ii) English II;

417 (iii) Technical writing;

418 (iv) Computer programming;

419 (v) Algebra I;

420 (vi) Personal Finance;

421 (vii) Advanced technical mathematics;

422 (viii) Computer Science;

423 (ix) Biology;

424 (x) Earth and Space Science;

425 (xi) U.S. History;

426 (xii) Mississippi Studies/U.S. Government;



- 427 (xiii) Health;
- 428 (xiv) Physical Education;
- 429 (xv) Soft skills, which include, but are not
430 limited to, communication ability, language skills, time
431 management, teamwork and leadership traits;
- 432 (xvi) Career technical education pathway courses;
433 and
- 434 (xvii) Integrated technology.

435 Academic courses within the career technical education
436 pathway of the standard diploma shall provide the knowledge and
437 skill necessary for proficiency on the state subject area tests.

438 (f) The courses provided in paragraph (e) of this
439 subsection may be tailored to the individual needs of the school
440 district as long as the amendments align with the basic course
441 requirements of paragraph (e).

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

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

450 37-3-49. (1) The State Department of Education shall
451 provide an instructional program and establish guidelines and



452 procedures for managing such program in the public schools within
453 the school districts throughout the state as part of the State
454 Program of Educational Accountability and Assessment of
455 Performance as prescribed in Section 37-3-46. Public school
456 districts may (a) elect to adopt the instructional program and
457 management system provided by the State Department of Education,
458 or (b) elect to adopt an instructional program and management
459 system which meets or exceeds criteria established by the State
460 Department of Education for such. This provision shall begin with
461 the courses taught in Grades K-8 which contain skills tested
462 through the * * * statewide assessment program and shall proceed
463 through all secondary school courses mandated for
464 graduation * * *. Other state core objectives must be included in
465 the district's instructional program as they are provided by the
466 State Department of Education along with instructional practices,
467 resources, evaluation items and management procedures. Districts
468 are encouraged to adapt this program and accompanying procedures
469 to all other instructional areas. The department shall provide
470 that such program and guidelines, or a program and guidelines
471 developed by a local school district which incorporates the core
472 objectives from the curriculum structure are enforced through the
473 performance-based accreditation system. It is the intent of the
474 Legislature that every effort be made to protect the instructional
475 time in the classroom and reduce the amount of paperwork which
476 must be completed by teachers. The State Department of Education



477 shall take steps to insure that school districts properly use
478 staff development time to work on the districts' instructional
479 management plans.

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

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

488 (b) The local school board must adopt the objectives
489 that will form the core curriculum which will be systematically
490 delivered throughout the district.

491 (c) The set of objectives provided by the State
492 Department of Education must be accompanied by suggested
493 instructional practices and resources that would help teachers
494 organize instruction so as to promote student learning of the
495 objectives. Objectives added by the school district must also be
496 accompanied by suggested instructional practices and resources
497 that would help teachers organize instruction. The instructional
498 practices and resources that are identified are to be used as
499 suggestions and not as requirements that teachers must follow.
500 The goal of the program is to have students to achieve the desired
501 objective and not to limit teachers in the way they teach.



502 (d) Standards for student performance must be
503 established for each core objective in the local program and those
504 standards establish the district's definition of mastery for each
505 objective.

506 (e) There shall be an annual review of student
507 performance in the instructional program against locally
508 established standards. When weaknesses exist in the local
509 instructional program, the district shall take action to improve
510 student performance.

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

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

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

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



525 37-15-38. (1) The following phrases have the meanings
526 ascribed in this section unless the context clearly requires
527 otherwise:

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

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

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

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

546 (4) **Admission criteria for dual enrollment in community and**
547 **junior college or university programs.** The Mississippi Community
548 College Board and the Board of Trustees of State Institutions of
549 Higher Learning may recommend to the State Board of Education



550 admission criteria for dual enrollment programs under which high
551 school students may enroll at a community or junior college or
552 university while they are still attending high school and enrolled
553 in high school courses. Students may be admitted to enroll in
554 community or junior college courses under the dual enrollment
555 programs if they meet that individual institution's stated dual
556 enrollment admission requirements.

557 (5) **Tuition and cost responsibility.** Tuition and costs for
558 university-level courses and community and junior college courses
559 offered under a dual enrollment program may be paid for by the
560 postsecondary institution, the local school district, the parents
561 or legal guardians of the student, or by grants, foundations or
562 other private or public sources. Payment for tuition and any
563 other costs must be made directly to the credit-granting
564 institution.

565 (6) **Transportation responsibility.** Any transportation
566 required by a student to participate in the dual enrollment
567 program is the responsibility of the parent, custodian or legal
568 guardian of the student. Transportation costs may be paid from
569 any available public or private sources, including the local
570 school district.

571 (7) **School district average daily attendance credit.** When
572 dually enrolled, the student may be counted, for adequate
573 education program funding purposes, in the average daily



574 attendance of the public school district in which the student
575 attends high school.

576 (8) **High school student transcript transfer requirements.**

577 Grades and college credits earned by a student admitted to a dual
578 credit program must be recorded on the high school student record
579 and on the college transcript at the university or community or
580 junior college where the student attends classes. The transcript
581 of the university or community or junior college coursework may be
582 released to another institution or applied toward college
583 graduation requirements.

584 (9) **Determining factor of prerequisites for dual enrollment**

585 **courses.** Each university and community or junior college
586 participating in a dual enrollment program shall determine course
587 prerequisites. Course prerequisites shall be the same for dual
588 enrolled students as for regularly enrolled students at that
589 university or community or junior college.

590 (10) **Process for determining articulation of curriculum**
591 **between high school, university, and community and junior college**

592 **courses.** All dual credit courses must meet the standards
593 established at the postsecondary level. Postsecondary level
594 developmental courses may not be considered as meeting the
595 requirements of the dual credit program. Dual credit memorandum
596 of understandings must be established between each postsecondary
597 institution and the school district implementing a dual credit
598 program.



599 (11) [Deleted]

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

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

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

621 (15) **Maximum dual credits allowed.** It is the intent of the
622 dual enrollment program to make it possible for every eligible
623 student who desires to earn a semester's worth of college credit



624 in high school to do so. A qualified dually enrolled high school
625 student must be allowed to earn an unlimited number of college or
626 university credits for dual credit.

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

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

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

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

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

645 (17) **Qualifications of dual credit instructors.** A dual
646 credit academic instructor must meet the requirements set forth by
647 the regional accrediting association (Southern Association of
648 College and Schools). University and community and junior college



649 personnel have the sole authority in the selection of dual credit
650 instructors.

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

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

663 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
664 A local school board and the local community * * * college board
665 shall establish a Mississippi Works Dual Enrollment-Dual Credit
666 Option Program under which potential or recent student dropouts
667 may dually enroll in their home school and a local community
668 college in a dual credit program consisting of high school
669 completion coursework and a community college credential,
670 certificate or degree program. Students completing the dual
671 enrollment-credit option may obtain their high school diploma
672 while obtaining a community college credential, certificate or
673 degree. The Mississippi Department of Employment Security shall



674 assist students who have successfully completed the Mississippi
675 Works Dual Enrollment-Dual Credit Option in securing a job upon
676 the application of the student or the participating school or
677 community college. The Mississippi Works Dual Enrollment-Dual
678 Credit Option Program will be implemented statewide in the
679 2012-2013 school year and thereafter. The State Board of
680 Education, local school board and the local community college
681 board shall establish criteria for the Dual Enrollment-Dual Credit
682 Program. Students enrolled in the program will not be eligible to
683 participate in interscholastic sports or other extracurricular
684 activities at the home school district. Tuition and costs for
685 community college courses offered under the Dual Enrollment-Dual
686 Credit Program shall not be charged to the student, parents or
687 legal guardians. When dually enrolled, the student shall be
688 counted for adequate education program funding purposes, in the
689 average daily attendance of the public school district in which
690 the student attends high school, as provided in Section
691 37-151-7(1)(a). Any transportation required by the student to
692 participate in the Dual Enrollment-Dual Credit Program is the
693 responsibility of the parent or legal guardian of the student, and
694 transportation costs may be paid from any available public or
695 private sources, including the local school district. Grades and
696 college credits earned by a student admitted to this Dual
697 Enrollment-Dual Credit Program shall be recorded on the high
698 school student record and on the college transcript at the



699 community college and high school where the student attends
700 classes. The transcript of the community college coursework may
701 be released to another institution or applied toward college
702 graduation requirements. Any course that is * * * a requirement
703 for graduation from a public school in Mississippi is eligible for
704 dual credit, and courses eligible for dual credit shall also
705 include career, technical and degree program courses. All courses
706 eligible for dual credit shall be approved by the superintendent
707 of the local school district and the chief instructional officer
708 at the participating community college in order for college credit
709 to be awarded. A community college shall make the final decision
710 on what courses are eligible for semester hour credits and the
711 local school superintendent, subject to approval by the
712 Mississippi Department of Education, shall make the final decision
713 on the transfer of college courses credited to the student's high
714 school transcript.

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

717 37-17-6. (1) The State Board of Education, acting through
718 the Commission on School Accreditation, shall establish and
719 implement a permanent performance-based accreditation system, and
720 all noncharter public elementary and secondary schools shall be
721 accredited under this system.

722 (2) * * * The State Board of Education, acting through the
723 Commission on School Accreditation, shall require school districts



724 to provide school classroom space that is air-conditioned as a
725 minimum requirement for accreditation.

726 (3) (a) * * *, The State Board of Education, acting through
727 the Commission on School Accreditation, shall require that school
728 districts employ certified school librarians according to the
729 following formula:

730	Number of Students	Number of Certified
731	Per School Library	School Librarians
732	0 - 499 Students	1/2 Full-time Equivalent
733		Certified Librarian
734	500 or More Students	1 Full-time Certified
735		Librarian

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

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

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



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

750 (f) Any additional millage levied to fund school
751 librarians required for accreditation under this subsection shall
752 be included in the tax increase limitation set forth in Sections
753 37-57-105 and 37-57-107 and shall not be deemed a new program for
754 purposes of the limitation.

755 (4) * * * The State Board of Education shall implement the
756 performance-based accreditation system for school districts and
757 for individual noncharter public schools which shall include the
758 following:

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

761 (b) Strong accountability for results with appropriate
762 local flexibility for local implementation;

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

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

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



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

773 (g) A determination of which schools are failing to
774 meet their standards and a determination of the appropriate role
775 of the State Board of Education and the State Department of
776 Education in providing assistance and initiating possible
777 intervention. A failing district is a district that fails to meet
778 both the absolute student achievement standards and the rate of
779 annual growth expectation standards as set by the State Board of
780 Education for two (2) consecutive years. The State Board of
781 Education shall establish the level of benchmarks by which
782 absolute student achievement and growth expectations shall be
783 assessed. In setting the benchmarks for school districts, the
784 State Board of Education may also take into account such factors
785 as graduation rates, dropout rates, completion rates, the extent
786 to which the school or district employs qualified teachers in
787 every classroom, and any other factors deemed appropriate by the
788 State Board of Education. The State Board of Education, acting
789 through the State Department of Education, shall apply a simple
790 "A," "B," "C," "D" and "F" designation to the current school and
791 school district statewide accountability performance
792 classification labels beginning with the State Accountability
793 Results for the 2011-2012 school year and following, and in the
794 school, district and state report cards required under state and



795 federal law. Under the new designations, a school or school
796 district that has earned a "Star" rating shall be designated an
797 "A" school or school district; a school or school district that
798 has earned a "High-Performing" rating shall be designated a "B"
799 school or school district; a school or school district that has
800 earned a "Successful" rating shall be designated a "C" school or
801 school district; a school or school district that has earned an
802 "Academic Watch" rating shall be designated a "D" school or school
803 district; a school or school district that has earned a
804 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
805 be designated an "F" school or school district. Effective with
806 the implementation of any new curriculum and assessment standards,
807 the State Board of Education, acting through the State Department
808 of Education, is further authorized and directed to change the
809 school and school district accreditation rating system to a simple
810 "A," "B," "C," "D," and "F" designation based on a combination of
811 student achievement scores and student growth as measured by the
812 statewide * * * assessment program required under Chapter 16,
813 Title 37, Mississippi Code of 1972. In any statute or regulation
814 containing the former accreditation designations, the new
815 designations shall be applicable;

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

818 (i) The State Board of Education may, based on a
819 written request that contains specific reasons for requesting a



820 waiver from the school districts affected by Hurricane Katrina of
821 2005, hold harmless school districts from assignment of district
822 and school level accountability ratings for the 2005-2006 school
823 year. The State Board of Education upon finding an extreme
824 hardship in the school district may grant the request. It is the
825 intent of the Legislature that all school districts maintain the
826 highest possible academic standards and instructional programs in
827 all schools as required by law and the State Board of Education.

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

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

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

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

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



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

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

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

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

858 (iv) Categories shall identify schools as Reward
859 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
860 at least five percent (5%) of schools in the state are not graded
861 as "F" schools, the lowest five percent (5%) of school grade point
862 designees will be identified as Priority schools. If at least ten
863 percent (10%) of schools in the state are not graded as "D"
864 schools, the lowest ten percent (10%) of school grade point
865 designees will be identified as Focus schools;

866 (v) The State Department of Education shall
867 discontinue the use of Star School, High-Performing, Successful,
868 Academic Watch, Low-Performing, At-Risk of Failing and Failing
869 school accountability designations;



870 (vi) The system shall include the federally
871 compliant four-year graduation rate in school and school district
872 accountability system calculations. Graduation rate will apply to
873 high school and school district accountability ratings as a
874 compensatory component. The system shall discontinue the use of
875 the High School Completer Index (HSCI);

876 (vii) The school and school district
877 accountability system shall incorporate a standards-based growth
878 model, in order to support improvement of individual student
879 learning;

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

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

891 (x) Standards for student, school and school
892 district performance will be increased when student proficiency is
893 at a seventy-five percent (75%) and/or when sixty-five percent
894 (65%) of the schools and/or school districts are earning a grade



895 of "B" or higher, in order to raise the standard on performance
896 after targets are met;

897 (xi) The system shall include student performance
898 on the administration of a career-readiness assessment, such as,
899 but not limited to, the ACT WorkKeys Assessment, deemed
900 appropriate by the Mississippi Department of Education working in
901 coordination with the Office of Workforce Development.

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

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

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

914 (9) [Deleted]

915 (10) The State Board of Education shall establish, for those
916 school districts failing to meet accreditation standards, a
917 program of development to be complied with in order to receive
918 state funds, except as otherwise provided in subsection (15) of
919 this section when the Governor has declared a state of emergency



920 in a school district or as otherwise provided in Section 206,
921 Mississippi Constitution of 1890. The state board, in
922 establishing these standards, shall provide for notice to schools
923 and sufficient time and aid to enable schools to attempt to meet
924 these standards, unless procedures under subsection (15) of this
925 section have been invoked.

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

929 (a) Develop an impairment report for each district
930 failing to meet accreditation standards in conjunction with school
931 district officials;

932 (b) Notify any applicable school district failing to
933 meet accreditation standards that it is on probation until
934 corrective actions are taken or until the deficiencies have been
935 removed. The local school district shall develop a corrective
936 action plan to improve its deficiencies. For district academic
937 deficiencies, the corrective action plan for each such school
938 district shall be based upon a complete analysis of the following:
939 student test data, student grades, student attendance reports,
940 student dropout data, existence and other relevant data. The
941 corrective action plan shall describe the specific measures to be
942 taken by the particular school district and school to improve:
943 (i) instruction; (ii) curriculum; (iii) professional development;
944 (iv) personnel and classroom organization; (v) student incentives



945 for performance; (vi) process deficiencies; and (vii) reporting to
946 the local school board, parents and the community. The corrective
947 action plan shall describe the specific individuals responsible
948 for implementing each component of the recommendation and how each
949 will be evaluated. All corrective action plans shall be provided
950 to the State Board of Education as may be required. The decision
951 of the State Board of Education establishing the probationary
952 period of time shall be final;

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

955 * * * Subject to the availability of funds, the State Department
956 of Education shall provide technical and/or financial assistance
957 to all such school districts in order to implement each measure
958 identified in that district's corrective action plan through
959 professional development and on-site assistance. Each such school
960 district shall apply for and utilize all available federal funding
961 in order to support its corrective action plan in addition to
962 state funds made available under this paragraph;

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

968 (e) Provide for publication of public notice at least
969 one time during the probationary period, in a newspaper published



970 within the jurisdiction of the school district failing to meet
971 accreditation standards, or if no newspaper is published therein,
972 then in a newspaper having a general circulation therein. The
973 publication shall include the following: declaration of school
974 system's status as being on probation; all details relating to the
975 impairment report; and other information as the State Board of
976 Education deems appropriate. Public notices issued under this
977 section shall be subject to Section 13-3-31 and not contrary to
978 other laws regarding newspaper publication.

979 (12) (a) If the recommendations for corrective action are
980 not taken by the local school district or if the deficiencies are
981 not removed by the end of the probationary period, the Commission
982 on School Accreditation shall conduct a hearing to allow the
983 affected school district to present evidence or other reasons why
984 its accreditation should not be withdrawn. Additionally, if the
985 local school district violates accreditation standards that have
986 been determined by the policies and procedures of the State Board
987 of Education to be a basis for withdrawal of school district's
988 accreditation without a probationary period, the Commission on
989 School Accreditation shall conduct a hearing to allow the affected
990 school district to present evidence or other reasons why its
991 accreditation should not be withdrawn. After its consideration of
992 the results of the hearing, the Commission on School Accreditation
993 shall be authorized, with the approval of the State Board of
994 Education, to withdraw the accreditation of a public school



995 district, and issue a request to the Governor that a state of
996 emergency be declared in that district.

997 (b) If the State Board of Education and the Commission
998 on School Accreditation determine that an extreme emergency
999 situation exists in a school district that jeopardizes the safety,
1000 security or educational interests of the children enrolled in the
1001 schools in that district and that emergency situation is believed
1002 to be related to a serious violation or violations of
1003 accreditation standards or state or federal law, or when a school
1004 district meets the State Board of Education's definition of a
1005 failing school district for two (2) consecutive full school years,
1006 or if more than fifty percent (50%) of the schools within the
1007 school district are designated as Schools At-Risk in any one (1)
1008 year, the State Board of Education may request the Governor to
1009 declare a state of emergency in that school district. For
1010 purposes of this paragraph, the declarations of a state of
1011 emergency shall not be limited to those instances when a school
1012 district's impairments are related to a lack of financial
1013 resources, but also shall include serious failure to meet minimum
1014 academic standards, as evidenced by a continued pattern of poor
1015 student performance.

1016 (c) Whenever the Governor declares a state of emergency
1017 in a school district in response to a request made under paragraph
1018 (a) or (b) of this subsection, the State Board of Education may
1019 take one or more of the following actions:



1020 (i) Declare a state of emergency, under which some
1021 or all of state funds can be escrowed except as otherwise provided
1022 in Section 206, Constitution of 1890, until the board determines
1023 corrective actions are being taken or the deficiencies have been
1024 removed, or that the needs of students warrant the release of
1025 funds. The funds may be released from escrow for any program
1026 which the board determines to have been restored to standard even
1027 though the state of emergency may not as yet be terminated for the
1028 district as a whole;

1029 (ii) Override any decision of the local school
1030 board or superintendent of education, or both, concerning the
1031 management and operation of the school district, or initiate and
1032 make decisions concerning the management and operation of the
1033 school district;

1034 (iii) Assign an interim superintendent, or in its
1035 discretion, contract with a private entity with experience in the
1036 academic, finance and other operational functions of schools and
1037 school districts, who will have those powers and duties prescribed
1038 in subsection (15) of this section;

1039 (iv) Grant transfers to students who attend this
1040 school district so that they may attend other accredited schools
1041 or districts in a manner that is not in violation of state or
1042 federal law;

1043 (v) For states of emergency declared under
1044 paragraph (a) only, if the accreditation deficiencies are related



1045 to the fact that the school district is too small, with too few
1046 resources, to meet the required standards and if another school
1047 district is willing to accept those students, abolish that
1048 district and assign that territory to another school district or
1049 districts. If the school district has proposed a voluntary
1050 consolidation with another school district or districts, then if
1051 the State Board of Education finds that it is in the best interest
1052 of the pupils of the district for the consolidation to proceed,
1053 the voluntary consolidation shall have priority over any such
1054 assignment of territory by the State Board of Education;

1055 (vi) For states of emergency declared under
1056 paragraph (b) only, reduce local supplements paid to school
1057 district employees, including, but not limited to, instructional
1058 personnel, assistant teachers and extracurricular activities
1059 personnel, if the district's impairment is related to a lack of
1060 financial resources, but only to an extent that will result in the
1061 salaries being comparable to districts similarly situated, as
1062 determined by the State Board of Education;

1063 (vii) For states of emergency declared under
1064 paragraph (b) only, the State Board of Education may take any
1065 action as prescribed in Section 37-17-13.

1066 (d) At the time that satisfactory corrective action has
1067 been taken in a school district in which a state of emergency has
1068 been declared, the State Board of Education may request the



1069 Governor to declare that the state of emergency no longer exists
1070 in the district.

1071 (e) The parent or legal guardian of a school-age child
1072 who is enrolled in a school district whose accreditation has been
1073 withdrawn by the Commission on School Accreditation and without
1074 approval of that school district may file a petition in writing to
1075 a school district accredited by the Commission on School
1076 Accreditation for a legal transfer. The school district
1077 accredited by the Commission on School Accreditation may grant the
1078 transfer according to the procedures of Section 37-15-31(1)(b).
1079 In the event the accreditation of the student's home district is
1080 restored after a transfer has been approved, the student may
1081 continue to attend the transferee school district. The per-pupil
1082 amount of the adequate education program allotment, including the
1083 collective "add-on program" costs for the student's home school
1084 district shall be transferred monthly to the school district
1085 accredited by the Commission on School Accreditation that has
1086 granted the transfer of the school-age child.

1087 (f) Upon the declaration of a state of emergency for
1088 any school district in which the Governor has previously declared
1089 a state of emergency, the State Board of Education may either:

1090 (i) Place the school district into district
1091 transformation, in which the school district shall remain until it
1092 has fulfilled all conditions related to district transformation.
1093 If the district was assigned an accreditation rating of "D" or "F"



1094 when placed into district transformation, the district shall be
1095 eligible to return to local control when the school district has
1096 attained a "C" rating or higher for five (5) consecutive years,
1097 unless the State Board of Education determines that the district
1098 is eligible to return to local control in less than the five-year
1099 period;

1100 (ii) Abolish the school district and
1101 administratively consolidate the school district with one or more
1102 existing school districts;

1103 (iii) Reduce the size of the district and
1104 administratively consolidate parts of the district, as determined
1105 by the State Board of Education. However, no school district
1106 which is not in district transformation shall be required to
1107 accept additional territory over the objection of the district; or

1108 (iv) Require the school district to develop and
1109 implement a district improvement plan with prescriptive guidance
1110 and support from the State Department of Education, with the goal
1111 of helping the district improve student achievement. Failure of
1112 the school board, superintendent and school district staff to
1113 implement the plan with fidelity and participate in the activities
1114 provided as support by the department shall result in the school
1115 district retaining its eligibility for district transformation.

1116 (g) There is established a Mississippi Recovery School
1117 District within the State Department of Education under the
1118 supervision of a deputy superintendent appointed by the State



1119 Superintendent of Public Education, who is subject to the approval
1120 by the State Board of Education. The Mississippi Recovery School
1121 District shall provide leadership and oversight of all school
1122 districts that are subject to district transformation status, as
1123 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
1124 and shall have all the authority granted under these two (2)
1125 chapters. The Mississippi Department of Education, with the
1126 approval of the State Board of Education, shall develop policies
1127 for the operation and management of the Mississippi Recovery
1128 School District. The deputy state superintendent is responsible
1129 for the Mississippi Recovery School District and shall be
1130 authorized to oversee the administration of the Mississippi
1131 Recovery School District, oversee the interim superintendent
1132 assigned by the State Board of Education to a local school
1133 district, hear appeals that would normally be filed by students,
1134 parents or employees and heard by a local school board, which
1135 hearings on appeal shall be conducted in a prompt and timely
1136 manner in the school district from which the appeal originated in
1137 order to ensure the ability of appellants, other parties and
1138 witnesses to appeal without undue burden of travel costs or loss
1139 of time from work, and perform other related duties as assigned by
1140 the State Superintendent of Public Education. The deputy state
1141 superintendent is responsible for the Mississippi Recovery School
1142 District and shall determine, based on rigorous professional
1143 qualifications set by the State Board of Education, the



1144 appropriate individuals to be engaged to be interim
1145 superintendents and financial advisors, if applicable, of all
1146 school districts subject to district transformation status. After
1147 State Board of Education approval, these individuals shall be
1148 deemed independent contractors.

1149 (13) Upon the declaration of a state of emergency in a
1150 school district under subsection (12) of this section, the
1151 Commission on School Accreditation shall be responsible for public
1152 notice at least once a week for at least three (3) consecutive
1153 weeks in a newspaper published within the jurisdiction of the
1154 school district failing to meet accreditation standards, or if no
1155 newspaper is published therein, then in a newspaper having a
1156 general circulation therein. The size of the notice shall be no
1157 smaller than one-fourth (1/4) of a standard newspaper page and
1158 shall be printed in bold print. If an interim superintendent has
1159 been appointed for the school district, the notice shall begin as
1160 follows: "By authority of Section 37-17-6, Mississippi Code of
1161 1972, as amended, adopted by the Mississippi Legislature during
1162 the 1991 Regular Session, this school district (name of school
1163 district) is hereby placed under the jurisdiction of the State
1164 Department of Education acting through its appointed interim
1165 superintendent (name of interim superintendent)."

1166 The notice also shall include, in the discretion of the State
1167 Board of Education, any or all details relating to the school
1168 district's emergency status, including the declaration of a state



1169 of emergency in the school district and a description of the
1170 district's impairment deficiencies, conditions of any district
1171 transformation status and corrective actions recommended and being
1172 taken. Public notices issued under this section shall be subject
1173 to Section 13-3-31 and not contrary to other laws regarding
1174 newspaper publication.

1175 Upon termination of the state of emergency in a school
1176 district, the Commission on School Accreditation shall cause
1177 notice to be published in the school district in the same manner
1178 provided in this section, to include any or all details relating
1179 to the corrective action taken in the school district that
1180 resulted in the termination of the state of emergency.

1181 (14) The State Board of Education or the Commission on
1182 School Accreditation shall have the authority to require school
1183 districts to produce the necessary reports, correspondence,
1184 financial statements, and any other documents and information
1185 necessary to fulfill the requirements of this section.

1186 Nothing in this section shall be construed to grant any
1187 individual, corporation, board or interim superintendent the
1188 authority to levy taxes except in accordance with presently
1189 existing statutory provisions.

1190 (15) (a) Whenever the Governor declares a state of
1191 emergency in a school district in response to a request made under
1192 subsection (12) of this section, the State Board of Education, in
1193 its discretion, may assign an interim superintendent to the school



1194 district, or in its discretion, may contract with an appropriate
1195 private entity with experience in the academic, finance and other
1196 operational functions of schools and school districts, who will be
1197 responsible for the administration, management and operation of
1198 the school district, including, but not limited to, the following
1199 activities:

1200 (i) Approving or disapproving all financial
1201 obligations of the district, including, but not limited to, the
1202 employment, termination, nonrenewal and reassignment of all
1203 licensed and nonlicensed personnel, contractual agreements and
1204 purchase orders, and approving or disapproving all claim dockets
1205 and the issuance of checks; in approving or disapproving
1206 employment contracts of superintendents, assistant superintendents
1207 or principals, the interim superintendent shall not be required to
1208 comply with the time limitations prescribed in Sections 37-9-15
1209 and 37-9-105;

1210 (ii) Supervising the day-to-day activities of the
1211 district's staff, including reassigning the duties and
1212 responsibilities of personnel in a manner which, in the
1213 determination of the interim superintendent, will best suit the
1214 needs of the district;

1215 (iii) Reviewing the district's total financial
1216 obligations and operations and making recommendations to the
1217 district for cost savings, including, but not limited to,
1218 reassigning the duties and responsibilities of staff;



- 1219 (iv) Attending all meetings of the district's
1220 school board and administrative staff;
- 1221 (v) Approving or disapproving all athletic, band
1222 and other extracurricular activities and any matters related to
1223 those activities;
- 1224 (vi) Maintaining a detailed account of
1225 recommendations made to the district and actions taken in response
1226 to those recommendations;
- 1227 (vii) Reporting periodically to the State Board of
1228 Education on the progress or lack of progress being made in the
1229 district to improve the district's impairments during the state of
1230 emergency; and
- 1231 (viii) Appointing a parent advisory committee,
1232 comprised of parents of students in the school district that may
1233 make recommendations to the interim superintendent concerning the
1234 administration, management and operation of the school district.

1235 The cost of the salary of the interim superintendent and any
1236 other actual and necessary costs related to district
1237 transformation status paid by the State Department of Education
1238 shall be reimbursed by the local school district from funds other
1239 than adequate education program funds. The department shall
1240 submit an itemized statement to the superintendent of the local
1241 school district for reimbursement purposes, and any unpaid balance
1242 may be withheld from the district's adequate education program
1243 funds.



1244 At the time that the Governor, in accordance with the request
1245 of the State Board of Education, declares that the state of
1246 emergency no longer exists in a school district, the powers and
1247 responsibilities of the interim superintendent assigned to the
1248 district shall cease.

1249 (b) In order to provide loans to school districts under
1250 a state of emergency or in district transformation status that
1251 have impairments related to a lack of financial resources, the
1252 School District Emergency Assistance Fund is created as a special
1253 fund in the State Treasury into which monies may be transferred or
1254 appropriated by the Legislature from any available public
1255 education funds. Funds in the School District Emergency
1256 Assistance Fund up to a maximum balance of Three Million Dollars
1257 (\$3,000,000.00) annually shall not lapse but shall be available
1258 for expenditure in subsequent years subject to approval of the
1259 State Board of Education. Any amount in the fund in excess of
1260 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1261 year shall lapse into the State General Fund or the Education
1262 Enhancement Fund, depending on the source of the fund.

1263 The State Board of Education may loan monies from the School
1264 District Emergency Assistance Fund to a school district that is
1265 under a state of emergency or in district transformation status,
1266 in those amounts, as determined by the board, that are necessary
1267 to correct the district's impairments related to a lack of
1268 financial resources. The loans shall be evidenced by an agreement



1269 between the school district and the State Board of Education and
1270 shall be repayable in principal, without necessity of interest, to
1271 the School District Emergency Assistance Fund by the school
1272 district from any allowable funds that are available. The total
1273 amount loaned to the district shall be due and payable within five
1274 (5) years after the impairments related to a lack of financial
1275 resources are corrected. If a school district fails to make
1276 payments on the loan in accordance with the terms of the agreement
1277 between the district and the State Board of Education, the State
1278 Department of Education, in accordance with rules and regulations
1279 established by the State Board of Education, may withhold that
1280 district's adequate education program funds in an amount and
1281 manner that will effectuate repayment consistent with the terms of
1282 the agreement; the funds withheld by the department shall be
1283 deposited into the School District Emergency Assistance Fund.

1284 The State Board of Education shall develop a protocol that
1285 will outline the performance standards and requisite timeline
1286 deemed necessary for extreme emergency measures. If the State
1287 Board of Education determines that an extreme emergency exists,
1288 simultaneous with the powers exercised in this subsection, it
1289 shall take immediate action against all parties responsible for
1290 the affected school districts having been determined to be in an
1291 extreme emergency. The action shall include, but not be limited
1292 to, initiating civil actions to recover funds and criminal actions
1293 to account for criminal activity. Any funds recovered by the



1294 State Auditor or the State Board of Education from the surety
1295 bonds of school officials or from any civil action brought under
1296 this subsection shall be applied toward the repayment of any loan
1297 made to a school district hereunder.

1298 (16) If a majority of the membership of the school board of
1299 any school district resigns from office, the State Board of
1300 Education shall be authorized to assign an interim superintendent,
1301 who shall be responsible for the administration, management and
1302 operation of the school district until the time as new board
1303 members are selected or the Governor declares a state of emergency
1304 in that school district under subsection (12), whichever occurs
1305 first. In that case, the State Board of Education, acting through
1306 the interim superintendent, shall have all powers which were held
1307 by the previously existing school board, and may take any action
1308 as prescribed in Section 37-17-13 and/or one or more of the
1309 actions authorized in this section.

1310 (17) (a) If the Governor declares a state of emergency in a
1311 school district, the State Board of Education may take all such
1312 action pertaining to that school district as is authorized under
1313 subsection (12) or (15) of this section, including the appointment
1314 of an interim superintendent. The State Board of Education shall
1315 also have the authority to issue a written request with
1316 documentation to the Governor asking that the office of the
1317 superintendent of the school district be subject to recall. If
1318 the Governor declares that the office of the superintendent of the



1319 school district is subject to recall, the local school board or
1320 the county election commission, as the case may be, shall take the
1321 following action:

1322 (i) If the office of superintendent is an elected
1323 office, in those years in which there is no general election, the
1324 name shall be submitted by the State Board of Education to the
1325 county election commission, and the county election commission
1326 shall submit the question at a special election to the voters
1327 eligible to vote for the office of superintendent within the
1328 county, and the special election shall be held within sixty (60)
1329 days from notification by the State Board of Education. The
1330 ballot shall read substantially as follows:

1331 "Shall County Superintendent of Education _____ (here the
1332 name of the superintendent shall be inserted) of the _____
1333 (here the title of the school district shall be inserted) be
1334 retained in office? Yes _____ No _____"

1335 If a majority of those voting on the question votes against
1336 retaining the superintendent in office, a vacancy shall exist
1337 which shall be filled in the manner provided by law; otherwise,
1338 the superintendent shall remain in office for the term of that
1339 office, and at the expiration of the term shall be eligible for
1340 qualification and election to another term or terms.

1341 (ii) If the office of superintendent is an
1342 appointive office, the name of the superintendent shall be
1343 submitted by the president of the local school board at the next



1344 regular meeting of the school board for retention in office or
1345 dismissal from office. If a majority of the school board voting
1346 on the question vote against retaining the superintendent in
1347 office, a vacancy shall exist which shall be filled as provided by
1348 law, otherwise the superintendent shall remain in office for the
1349 duration of his employment contract.

1350 (b) The State Board of Education may issue a written
1351 request with documentation to the Governor asking that the
1352 membership of the school board of the school district shall be
1353 subject to recall. Whenever the Governor declares that the
1354 membership of the school board is subject to recall, the county
1355 election commission or the local governing authorities, as the
1356 case may be, shall take the following action:

1357 (i) If the members of the local school board are
1358 elected to office, in those years in which the specific member's
1359 office is not up for election, the name of the school board member
1360 shall be submitted by the State Board of Education to the county
1361 election commission, and the county election commission at a
1362 special election shall submit the question to the voters eligible
1363 to vote for the particular member's office within the county or
1364 school district, as the case may be, and the special election
1365 shall be held within sixty (60) days from notification by the
1366 State Board of Education. The ballot shall read substantially as
1367 follows:



1368 "Members of the _____ (here the title of the school
1369 district shall be inserted) School Board who are not up for
1370 election this year are subject to recall because of the school
1371 district's failure to meet critical accountability standards as
1372 defined in the letter of notification to the Governor from the
1373 State Board of Education. Shall the member of the school board
1374 representing this area, _____ (here the name of the school
1375 board member holding the office shall be inserted), be retained in
1376 office? Yes _____ No _____"

1377 If a majority of those voting on the question vote against
1378 retaining the member of the school board in office, a vacancy in
1379 that board member's office shall exist, which shall be filled in
1380 the manner provided by law; otherwise, the school board member
1381 shall remain in office for the term of that office, and at the
1382 expiration of the term of office, the member shall be eligible for
1383 qualification and election to another term or terms of office.
1384 However, if a majority of the school board members are recalled in
1385 the special election, the Governor shall authorize the board of
1386 supervisors of the county in which the school district is situated
1387 to appoint members to fill the offices of the members recalled.
1388 The board of supervisors shall make those appointments in the
1389 manner provided by law for filling vacancies on the school board,
1390 and the appointed members shall serve until the office is filled
1391 at the next regular special election or general election.



1392 (ii) If the local school board is an appointed
1393 school board, the name of all school board members shall be
1394 submitted as a collective board by the president of the municipal
1395 or county governing authority, as the case may be, at the next
1396 regular meeting of the governing authority for retention in office
1397 or dismissal from office. If a majority of the governing
1398 authority voting on the question vote against retaining the board
1399 in office, a vacancy shall exist in each school board member's
1400 office, which shall be filled as provided by law; otherwise, the
1401 members of the appointed school board shall remain in office for
1402 the duration of their term of appointment, and those members may
1403 be reappointed.

1404 (iii) If the local school board is comprised of
1405 both elected and appointed members, the elected members shall be
1406 subject to recall in the manner provided in subparagraph (i) of
1407 this paragraph (b), and the appointed members shall be subject to
1408 recall in the manner provided in subparagraph (ii).

1409 (18) * * * The State Board of Education, acting through the
1410 Commission on School Accreditation, shall require each school
1411 district to comply with standards established by the State
1412 Department of Audit for the verification of fixed assets and the
1413 auditing of fixed assets records as a minimum requirement for
1414 accreditation.

1415 (19) * * * The State Board of Education shall recommend a
1416 program to the Education Committees of the House of



1417 Representatives and the Senate for identifying and rewarding
1418 public schools that improve or are high performing. The program
1419 shall be described by the board in a written report, which shall
1420 include criteria and a process through which improving schools and
1421 high-performing schools will be identified and rewarded.

1422 The State Superintendent of Public Education and the State
1423 Board of Education also shall develop a comprehensive
1424 accountability plan to ensure that local school boards,
1425 superintendents, principals and teachers are held accountable for
1426 student achievement. * * *

1427 (20) * * * The State Board of Education shall evaluate and
1428 submit a recommendation to the Education Committees of the House
1429 of Representatives and the Senate on inclusion of graduation rate
1430 and dropout rate in the school level accountability system.

1431 (21) If a local school district is determined as failing and
1432 placed into district transformation status for reasons authorized
1433 by the provisions of this section, the interim superintendent
1434 appointed to the district shall, within forty-five (45) days after
1435 being appointed, present a detailed and structured corrective
1436 action plan to move the local school district out of district
1437 transformation status to the deputy superintendent. A copy of the
1438 interim superintendent's corrective action plan shall also be
1439 filed with the State Board of Education.

1440 **SECTION 12.** Section 37-18-1, Mississippi Code of 1972, is
1441 amended as follows:



1442 37-18-1. (1) The State Board of Education shall establish,
1443 design and implement a Superior-Performing Schools Program and an
1444 Exemplary Schools Program for identifying and rewarding public
1445 schools, including charter schools, that improve. The State Board
1446 of Education shall develop rules and regulations for the program,
1447 establish criteria and establish a process through which
1448 Superior-Performing and Exemplary Schools will be identified and
1449 rewarded. * * * Based upon the results of assessments
1450 administered under the statewide * * * assessment program,
1451 Superior-Performing, Exemplary or School At-Risk designation shall
1452 be made by the State Board of Education in accordance with the
1453 following:

1454 (a) A growth expectation will be established by testing
1455 students annually under the statewide assessment program and,
1456 using a psychometrically approved formula, by tracking their
1457 progress. This growth expectation will result in a composite
1458 score each year for each school.

1459 (b) A determination will be made as to the percentage
1460 of students proficient in each school. This measurement will
1461 define what a student must know in order to be deemed proficient
1462 at each grade level and will clearly show how well a student is
1463 performing. The definition of proficiency shall be developed for
1464 each grade, based on a demonstrated range of performance in
1465 relation to content as reflected in the Mississippi Curriculum
1466 Frameworks. This range of performance must be established through



1467 a formal procedure including educators, parents, community leaders
1468 and other stakeholders.

1469 (c) A school has the following two (2) methods for
1470 designation as either a Superior-Performing or an Exemplary
1471 School, to be determined on an annual basis:

1472 (i) A school exceeds its growth expectation by a
1473 percentage established by the State Board of Education; or

1474 (ii) A school achieves the grade level proficiency
1475 standard established by the State Board of Education.

1476 Any school designated as a School At-Risk which exceeds its
1477 growth expectation by a percentage established by the State Board
1478 of Education shall no longer be considered a School At-Risk and
1479 shall be eligible for monetary awards under this section.

1480 (2) Superior-Performing and Exemplary Schools may apply to
1481 the State Board of Education for monetary incentives to be used
1482 for selected school needs, as identified by a vote of all licensed
1483 and instructional personnel employed at the school. These
1484 incentive funds may be used for specific school needs, including,
1485 but not limited to:

1486 (a) Funding for professional development activities.
1487 Staff participating in such activities will report to the school
1488 and school district or, in the case of a charter school, the
1489 governing board of the school about the benefits and lessons
1490 learned from such training;

1491 (b) Technology needs;



1492 (c) Sabbaticals for teachers or administrators, or
1493 both, to pursue additional professional development or educational
1494 enrichment;

1495 (d) Paid professional leave;

1496 (e) Training for parents, including, but not limited
1497 to, the following:

1498 (i) Curriculum;

1499 (ii) Chapter 1;

1500 (iii) Special need students;

1501 (iv) Student rights and responsibility;

1502 (v) School and community relations;

1503 (vi) Effective parenting.

1504 All funds awarded under this subsection shall be subject to
1505 specific appropriation therefor by the Legislature.

1506 (3) The State Board of Education shall provide special
1507 recognition to all schools receiving Superior-Performing or
1508 Exemplary designation and, in the case of noncharter public
1509 schools, their school districts. Examples of such recognition
1510 include, but are not limited to: public announcements and events;
1511 special recognition of student progress and effort; certificates
1512 of recognition and plaques for teachers, principals,
1513 superintendents, support and classified personnel and parents; and
1514 media announcements utilizing the services of Mississippi
1515 Educational Television.



1516 (4) The State Department of Education may benefit from the
1517 use of growth expectation measurements under this section in
1518 making evaluations under Section 37-19-9.

1519 **SECTION 13.** Section 37-18-3, Mississippi Code of 1972, is
1520 amended as follows:

1521 37-18-3. (1) * * * The State Board of Education shall
1522 establish for those individual schools failing to meet
1523 accreditation standards established under this chapter for Schools
1524 At-Risk, a program of development to be complied with in order to
1525 receive state funds. The Legislature shall, subject to the
1526 availability of funds, annually appropriate adequate funds to
1527 implement the provisions of this chapter. The State Board of
1528 Education may, in its discretion, assess local school districts
1529 for the costs of implementing the provisions of this chapter.

1530 (2) Following a thorough analysis of school data each year,
1531 the State Department of Education shall identify those schools
1532 that are deficient in educating students and are in need of
1533 improvement. This analysis shall measure the individual school
1534 performance by determining if a school met its assigned yearly
1535 growth expectation and by determining what percentage of the
1536 students in the school are proficient. A school shall be
1537 identified as a School At-Risk and in need of assistance if the
1538 school:



1539 (a) Does not meet its growth expectation and has a
1540 percentage of students functioning below grade level, as
1541 designated by the State Board of Education;

1542 (b) Is designated as a * * * "F" school, or other
1543 future comparable performance designation by the State Board of
1544 Education; or

1545 (c) Is designated as a * * * "D" school, or other
1546 future comparable performance designation by the State Board of
1547 Education, for two (2) consecutive years.

1548 (3) Within fifteen (15) days after a School At-Risk has been
1549 identified, written notice shall be sent by the State Board of
1550 Education by certified mail to both the school principal and the
1551 local board of education. Within fifteen (15) days after
1552 notification the State Board of Education shall assign an
1553 evaluation team to the school, subject to the availability of
1554 funding. The evaluation team shall be independent of the school
1555 being evaluated and may include employees of the State Department
1556 of Education. The team may include retired educators who have met
1557 certain standards and have completed all necessary training.

1558 (4) An approved evaluation team shall have the following
1559 powers and duties:

1560 (a) The evaluation team may request any financial
1561 documentation that it deems necessary, and the School At-Risk,
1562 with the assistance and cooperation of the school district central



1563 office, shall submit such requested financial information to the
1564 evaluation team.

1565 (b) The evaluation team shall analyze the School
1566 At-Risk data to determine probable areas of weakness before
1567 conducting an on-site audit. The evaluation team shall proceed to
1568 conduct an on-site audit and shall prepare an evaluation report.
1569 If necessary, the evaluation team may request additional
1570 individuals in specialty areas to participate as team members in
1571 preparing the evaluation. After completing the evaluation of the
1572 School At-Risk, the team shall prepare and adopt its school
1573 evaluation report, which shall be submitted to the State
1574 Superintendent of Public Education for approval within ninety (90)
1575 calendar days. The school evaluation report shall identify any
1576 personnel who were found by the evaluation team to be in need of
1577 improvement and need to participate in a professional development
1578 plan. Evaluation instruments used to evaluate teachers,
1579 principals, superintendents or any other certified or classified
1580 personnel will be instruments which have been validated for such
1581 purposes.

1582 (5) Following the approval of the evaluation report by the
1583 State Superintendent of Public Education, a representative of the
1584 State Superintendent of Public Education and the evaluation team
1585 leader shall present the evaluation report to the principal of the
1586 School At-Risk and to the superintendent and school board members
1587 of the local school district. Following this presentation, the



1588 evaluation report shall be presented to the community served by
1589 the School At-Risk at an advertised public meeting.

1590 **SECTION 14.** Section 37-20-5, Mississippi Code of 1972, is
1591 amended as follows:

1592 37-20-5. The funds which may be appropriated annually for
1593 this chapter shall be based on a formula developed by the State
1594 Department of Education and allocated to each school district on
1595 the basis of (a) the number of students whose scores on the * * *
1596 statewide assessment program tests are at the twenty-fifth
1597 percentile or below, and (b) the number of students identified as
1598 failing any section of the Functional Literacy Exam (FLE).

1599 **SECTION 15.** Section 37-20-7, Mississippi Code of 1972, is
1600 amended as follows:

1601 37-20-7. (1) To be eligible to receive funds under this
1602 chapter a school district shall describe in writing its remedial
1603 education program. The description shall include all special
1604 remedial and compensatory instruction to be provided by the
1605 district from all fund sources. The district description shall
1606 include a description of the program to be conducted at each
1607 separate school or location in the district and shall include the
1608 estimated number of students to participate in the program; the
1609 estimated number of teachers, volunteers and others to be utilized
1610 in the program; and the estimated budget for each such program.

1611 (2) The programs provided by funds received under this
1612 chapter shall meet the following criteria:



1613 (a) Each participating student must be determined by
1614 the school district, on the basis of the * * * statewide
1615 assessment program tests, to need special educational assistance
1616 in order that the student's level of educational attainment in
1617 basic skills may be raised to that appropriate for children of the
1618 student's age.

1619 (b) The program must be based on performance objectives
1620 related to educational achievement in the basic skills and provide
1621 supplementary services designed to meet the special educational
1622 needs of each participating student.

1623 (c) The program must be evaluated in a manner
1624 consistent with the performance objectives and include a pretest
1625 and a post-test for each participating student. The evaluation
1626 may use local measures designed to measure the local instructional
1627 management plan.

1628 (d) The state and local funds expended in the program
1629 must be accounted for separately from all other funds expended by
1630 the district.

1631 (e) The program must establish a teacher support team
1632 in each building wherein the program is implemented to play a key
1633 role in determining the instructional services required by a
1634 child.

1635 **SECTION 16.** Section 37-28-45, Mississippi Code of 1972, is
1636 amended as follows:



1637 37-28-45. (1) Charter schools are subject to the same civil
1638 rights, health and safety requirements applicable to noncharter
1639 public schools in the state, except as otherwise specifically
1640 provided in this chapter.

1641 (2) Charter schools are subject to the student assessment
1642 and accountability requirements applicable to noncharter public
1643 schools in the state; however, this requirement does not preclude
1644 a charter school from establishing additional student assessment
1645 measures that go beyond state requirements if the authorizer
1646 approves those measures.

1647 (3) Although a charter school is geographically located
1648 within the boundaries of a particular school district and enrolls
1649 students who reside within the school district, the charter school
1650 may not be considered a school within that district under the
1651 purview of the school district's school board. The rules,
1652 regulations, policies and procedures established by the school
1653 board for the noncharter public schools that are in the school
1654 district in which the charter school is geographically located do
1655 not apply to the charter school unless otherwise required under
1656 the charter contract or any contract entered into between the
1657 charter school governing board and the local school board.

1658 (4) Whenever the provisions of Title 37, Mississippi Code of
1659 1972, relating to the elementary and secondary education of public
1660 school students establish a requirement for or grant authority to
1661 local school districts, their school boards and the schools within



1662 the respective school districts, the language "school districts,"
1663 "school boards," "boards of trustees," "the schools within a
1664 school district," or any other similar phraseology does not
1665 include a charter school and the governing board of a charter
1666 school unless the statute specifically is made applicable to
1667 charter schools as well as noncharter public schools.

1668 (5) A charter school is not subject to any rule, regulation,
1669 policy or procedure adopted by the State Board of Education or the
1670 State Department of Education unless otherwise required by the
1671 authorizer or in the charter contract.

1672 (6) Charter schools are not exempt from the following
1673 statutes:

1674 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1675 which relate to open meetings of public bodies.

1676 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1677 which relate to public access to public records.

1678 (c) Section 37-3-51, which requires notice by the
1679 district attorney of licensed school employees who are convicted
1680 of certain sex offenses.

1681 (d) Section 37-3-53, which requires publication of the
1682 Mississippi Report Card by the State Board of Education.

1683 (e) Section 37-11-18, which requires the automatic
1684 expulsion of a student possessing a weapon or controlled substance
1685 on educational property.



1686 (f) Section 37-11-18.1, which requires expulsion of
1687 certain habitually disruptive students.

1688 (g) Section 37-11-19, which requires suspension or
1689 expulsion of a student who damages school property.

1690 (h) Section 37-11-20, which prohibits acts of
1691 intimidation intended to keep a student from attending school.

1692 (i) Section 37-11-21, which prohibits parental abuse of
1693 school staff.

1694 (j) Section 37-11-23, which prohibits the willful
1695 disruption of school and school meetings.

1696 (k) Sections 37-11-29 and 37-11-31, which relate to
1697 reporting requirements regarding unlawful or violent acts on
1698 school property.

1699 (l) Section 37-11-67, which prohibits bullying or
1700 harassing behavior in public schools.

1701 (m) Section 37-13-3, which prohibits doctrinal,
1702 sectarian or denominational teaching in public schools.

1703 (n) Sections 37-13-5 and 37-13-6, which require the
1704 flags of the United States and the State of Mississippi to be
1705 displayed near the school building.

1706 (o) Section 37-13-63(1), which prescribes the minimum
1707 number of days which public schools must be kept in session during
1708 a scholastic year.

1709 (p) Section 37-13-91, which is the Mississippi
1710 Compulsory School Attendance Law.



1711 (q) Section 37-13-171(2) and (4), which requires any
1712 course containing sex-related education to include instruction in
1713 abstinence-only or abstinence-plus education.

1714 (r) Section 37-13-173, which requires notice to parents
1715 before instruction on human sexuality is provided in public
1716 classrooms.

1717 (s) Section 37-13-193, which relates to civil rights
1718 and human rights education in the public schools.

1719 (t) Sections 37-15-1 and 37-15-3, which relate to the
1720 maintenance and transfer of permanent student records in public
1721 schools.

1722 (u) Section 37-15-6, which requires the State
1723 Department of Education to maintain a record of expulsions from
1724 the public schools.

1725 (v) Section 37-15-9, which establishes minimum age
1726 requirements for kindergarten and first grade enrollment in public
1727 schools.

1728 (w) Section 37-15-11, which requires a parent, legal
1729 guardian or custodian to accompany a child seeking enrollment in a
1730 public school.

1731 (x) Sections 37-16-1, 37-16-2, 37-16-3, 37-16-4 and
1732 37-16-9, which relate to the statewide assessment testing program.

1733 (y) Section 37-18-1, which establishes the
1734 Superior-Performing Schools Program and Exemplary Schools Program
1735 to recognize public schools that improve.



1736 **SECTION 17.** Section 37-16-11, Mississippi Code of 1972, is
1737 amended as follows:

1738 37-16-11. (1) A student who has been properly classified,
1739 in accordance with rules established by the State Board of
1740 Education shall, upon meeting all applicable requirements
1741 prescribed by the district school board, be awarded a standard
1742 diploma in a form prescribed by the State Board of Education if
1743 the student has an Individualized Education Plan before entering
1744 the ninth grade and complies with one (1) of the following:

1745 (a) Meets all requirements of Section 37-16-7 with the
1746 exception of achieving a passing score on any tests mandated by
1747 the state for graduation; or

1748 (b) Meets all terms of the student's Individualized
1749 Education Plan for graduation, including the satisfactory
1750 completion of minimum requirements prescribed by the State Board
1751 of Education.

1752 (2) A student classified as an exceptional child may not be
1753 required to meet all the requirements of Section 37-16-7. Upon
1754 meeting all applicable requirements prescribed by the district
1755 school board, the student must be awarded a special diploma in a
1756 form prescribed by the State Board of Education; however, such
1757 special graduation requirements prescribed by the district school
1758 board shall include minimum graduation requirements as prescribed
1759 by the state board. Any such student who meets all special
1760 requirements of the district school board for his exceptionality,



1761 but is unable to meet the appropriate special state minimum
1762 requirements, shall be awarded a special certificate of completion
1763 in a form prescribed by the state board. Nothing provided in this
1764 section, however, shall be construed to limit or restrict the
1765 right of an exceptional student solely to a special diploma. Any
1766 such student shall, upon proper request, be afforded the
1767 opportunity to fully meet all requirements of Section 37-16-7
1768 through the standard procedures established therein and thereby
1769 qualify for a standard diploma upon graduation.

1770 (* * *3) The State Board of Education shall develop and
1771 issue criteria for a Mississippi Occupational Diploma for students
1772 having a disability as defined by the federal Individuals with
1773 Disabilities Education Act. Beginning with the 2002-2003 school
1774 year, any such student, upon proper request, shall be afforded the
1775 opportunity to fully meet such requirements and qualify for an
1776 occupational diploma upon graduation.

1777 (* * *4) The special Mississippi Occupational Diploma for
1778 students with disabilities shall not be available to any student
1779 entering the ninth grade in the 2017-2018 school year or
1780 thereafter, pending State Board of Education approval of new
1781 graduation options.

1782 **SECTION 18.** This act shall take effect and be in force from
1783 and after July 1, 2023.

