

By: Representatives Hopkins, Williamson

To: Education

HOUSE BILL NO. 332

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

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

20 **SECTION 1.** Beginning in the 2023-2024 school year, the State
 21 Board of Education shall cease the administration of all
 22 assessments under the statewide testing program, except as
 23 otherwise provided in Section 37-16-3. These assessments include,
 24 but are not limited to, the Third-Grade Reading Assessment, all
 25 tests administered under the Mississippi Academic Assessment
 26 Program (MAAP), the Eleventh Grade ACT and all end-of-course tests



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

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

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

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

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



51 37-16-3. (1) The State Department of Education is directed
52 to * * * establish, with the approval of the State Board of
53 Education, * * * performance standards related to the goals for
54 education * * * including, but not limited to, basic skills in
55 reading, writing and mathematics. The * * * performance standards
56 shall be approved by April 1 in each year they are established.
57 The department shall provide technical assistance to the school
58 districts, when requested, in the development of student
59 performance standards in addition to the established statewide
60 standards.

61 (* * *2) * * * The State Department of Education is
62 directed to administer a career-readiness assessment, such as, but
63 not limited to, the ACT WorkKeys Assessment, deemed appropriate by
64 the Mississippi Department of Education working in coordination
65 with the Office of Workforce Development, to any students electing
66 to take the assessment. Each individual school district shall
67 determine whether the assessment is administered in the tenth,
68 eleventh or twelfth grade. The program may test skill areas,
69 basic skills and high school course content.

70 * * *

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

73 37-16-5. The school board of every district in this state
74 shall periodically assess student performance and achievement in
75 each school. Such assessment programs shall be based upon local



76 goals and objectives which are compatible with the state's plan
77 for education and * * * the * * * performance standards approved
78 by the State Board of Education. Data from district assessment
79 programs shall be provided to the State Department of Education
80 when such data is required in order to evaluate specific
81 instructional programs or processes or when the data is needed for
82 other research or evaluation projects. Each district may provide
83 acceptable, compatible district assessment data to substitute for
84 any assessment data needed at the state level when the State
85 Department of Education certifies that such data is
86 acceptable * * *.

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

89 37-16-7. (1) Each district school board shall establish
90 standards for graduation from its schools which shall include as a
91 minimum:

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

93 (b) Completion of a minimum number of academic
94 credits * * * and all other applicable requirements prescribed by
95 the district school board.

96 (* * *2) The school board of each school district shall
97 maintain, by school, information on high school graduation rates.
98 High schools with graduation rates lower than eighty percent (80%)
99 must submit a detailed plan to the * * * State Department of



100 Education to restructure the high school experience to improve
101 graduation rates.

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

105 * * *

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

108 37-16-15. * * * Any person who has withdrawn from high
109 school before graduation may be granted a diploma from the
110 Mississippi public high school that the person last attended if
111 the person has:

112 (a) Completed all requisite graduation course work
113 requirements and has achieved a passing score on an
114 assessment * * *; and

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

118 * * *

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

121 37-16-17. (1) Purpose. (a) The purpose of this section is
122 to create a quality option in Mississippi's high schools for
123 students not wishing to pursue a baccalaureate degree, which shall
124 consist of challenging academic courses and modern



125 career-technical studies. The goal for students pursuing the
126 career technical education pathways is to graduate from high
127 school with a standard diploma and credit toward a community
128 college certification in a career-technical field. These students
129 also shall be encouraged to take the national assessment in the
130 career-technical field in which they become certified.

131 (b) The State Board of Education shall develop and
132 adopt course and curriculum requirements for career technical
133 education pathways offered by local public school boards in
134 accordance with this section. The Mississippi Community College
135 Board and the State Board of Education jointly shall determine
136 course and curriculum requirements for the career technical
137 education pathways. The State Board of Education shall require
138 school districts to provide notice to all incoming middle school
139 students and junior high students of the career technical
140 education pathways offered by local school boards. Such notice
141 shall include the career technical education pathways available,
142 the course requirements of each pathway, how to enroll in the
143 pathway and any other necessary information as determined by the
144 State Board of Education.

145 (2) Career technical education pathway; description;
146 curriculum. (a) A career technical education pathway shall
147 provide a student with greater technical skill and a strong
148 academic core and shall be offered to each high school student
149 enrolled in a public school district. The career technical



150 education pathway shall be linked to postsecondary options and
151 shall prepare students to pursue either a degree or certification
152 from a postsecondary institution, an industry-based training or
153 certification, an apprenticeship, the military, or immediate
154 entrance into a career field. The career technical education
155 pathway shall provide students with alternatives to entrance into
156 a four-year university or college after high school graduation.

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

162 (c) Each public school district shall offer a career
163 technical education pathway approved by the State Board of
164 Education.

165 (d) Students in a career technical education pathway
166 shall complete an academic core of courses and a career and
167 technical sequence of courses.

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

- 172 (i) English I;
173 (ii) English II;
174 (iii) Technical writing;



- 175 (iv) Computer programming;
- 176 (v) Algebra I;
- 177 (vi) Personal Finance;
- 178 (vii) Advanced technical mathematics;
- 179 (viii) Computer Science;
- 180 (ix) Biology;
- 181 (x) Earth and Space Science;
- 182 (xi) U.S. History;
- 183 (xii) Mississippi Studies/U.S. Government;
- 184 (xiii) Health;
- 185 (xiv) Physical Education;
- 186 (xv) Soft skills, which include, but are not
- 187 limited to, communication ability, language skills, time
- 188 management, teamwork and leadership traits;
- 189 (xvi) Career technical education pathway courses;
- 190 and
- 191 (xvii) Integrated technology.

192 * * *

193 (f) The courses provided in paragraph (e) of this

194 subsection may be tailored to the individual needs of the school

195 district as long as the amendments align with the basic course

196 requirements of paragraph (e).

197 (3) Nothing in this section shall disallow the development

198 of a dual enrollment program with a technical college so long as

199 an individual school district, with approval from the State



200 Department of Education, agrees to implement such a program in
201 connection with a technical college and the agreement is also
202 approved by the proprietary school's commission.

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

205 37-3-49. (1) The State Department of Education shall
206 provide an instructional program and establish guidelines and
207 procedures for managing such program in the public schools within
208 the school districts throughout the state as part of the State
209 Program of Educational Accountability and Assessment of
210 Performance as prescribed in Section 37-3-46. Public school
211 districts may: (a) elect to adopt the instructional program and
212 management system provided by the State Department of
213 Education * * *; or (b) elect to adopt an instructional program
214 and management system which meets or exceeds criteria established
215 by the State Department of Education for such. This provision
216 shall begin with the courses taught in Grades K-8 * * * and shall
217 proceed through all secondary school courses mandated for
218 graduation * * *. Other state core objectives must be included in
219 the district's instructional program as they are provided by the
220 State Department of Education along with instructional practices,
221 resources, evaluation items and management procedures. Districts
222 are encouraged to adapt this program and accompanying procedures
223 to all other instructional areas. The department shall provide
224 that such program and guidelines, or a program and guidelines



225 developed by a local school district which incorporates the core
226 objectives from the curriculum structure, are enforced through the
227 performance-based accreditation system. It is the intent of the
228 Legislature that every effort be made to protect the instructional
229 time in the classroom and reduce the amount of paperwork which
230 must be completed by teachers. The State Department of Education
231 shall take steps to insure that school districts properly use
232 staff development time to work on the districts' instructional
233 management plans.

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

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

241 (b) The local school board must adopt the objectives
242 that will form the core curriculum which will be systematically
243 delivered throughout the district.

244 (c) The set of objectives provided by the State
245 Department of Education must be accompanied by suggested
246 instructional practices and resources that would help teachers
247 organize instruction so as to promote student learning of the
248 objectives. Objectives added by the school district must also be
249 accompanied by suggested instructional practices and resources



250 that would help teachers organize instruction. The instructional
251 practices and resources that are identified are to be used as
252 suggestions and not as requirements that teachers must follow.
253 The goal of the program is to have students to achieve the desired
254 objective and not to limit teachers in the way they teach.

255 (d) Standards for student performance must be
256 established for each core objective in the local program and those
257 standards establish the district's definition of mastery for each
258 objective.

259 (e) There shall be an annual review of student
260 performance in the instructional program against locally
261 established standards. When weaknesses exist in the local
262 instructional program, the district shall take action to improve
263 student performance.

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

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



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

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

278 37-15-38. (1) The following phrases have the meanings
279 ascribed in this section unless the context clearly requires
280 otherwise:

281 (a) A dual enrolled student is a student who is
282 enrolled in a community or junior college or state institution of
283 higher learning while enrolled in high school.

284 (b) A dual credit student is a student who is enrolled
285 in a community or junior college or state institution of higher
286 learning while enrolled in high school and who is receiving high
287 school and college credit for postsecondary coursework.

288 (2) A local school board, the Board of Trustees of State
289 Institutions of Higher Learning and the Mississippi Community
290 College Board shall establish a dual enrollment system under which
291 students in the school district who meet the prescribed criteria
292 of this section may be enrolled in a postsecondary institution in
293 Mississippi while they are still in school.

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



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

299 (4) **Admission criteria for dual enrollment in community and**
300 **junior college or university programs.** The Mississippi Community
301 College Board and the Board of Trustees of State Institutions of
302 Higher Learning may recommend to the State Board of Education
303 admission criteria for dual enrollment programs under which high
304 school students may enroll at a community or junior college or
305 university while they are still attending high school and enrolled
306 in high school courses. Students may be admitted to enroll in
307 community or junior college courses under the dual enrollment
308 programs if they meet that individual institution's stated dual
309 enrollment admission requirements.

310 (5) **Tuition and cost responsibility.** Tuition and costs for
311 university-level courses and community and junior college courses
312 offered under a dual enrollment program may be paid for by the
313 postsecondary institution, the local school district, the parents
314 or legal guardians of the student, or by grants, foundations or
315 other private or public sources. Payment for tuition and any
316 other costs must be made directly to the credit-granting
317 institution.

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



322 any available public or private sources, including the local
323 school district.

324 (7) **School district average daily attendance credit.** When
325 dually enrolled, the student may be counted, for adequate
326 education program funding purposes, in the average daily
327 attendance of the public school district in which the student
328 attends high school.

329 (8) **High school student transcript transfer requirements.**
330 Grades and college credits earned by a student admitted to a dual
331 credit program must be recorded on the high school student record
332 and on the college transcript at the university or community or
333 junior college where the student attends classes. The transcript
334 of the university or community or junior college coursework may be
335 released to another institution or applied toward college
336 graduation requirements.

337 (9) **Determining factor of prerequisites for dual enrollment**
338 **courses.** Each university and community or junior college
339 participating in a dual enrollment program shall determine course
340 prerequisites. Course prerequisites shall be the same for dual
341 enrolled students as for regularly enrolled students at that
342 university or community or junior college.

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



347 developmental courses may not be considered as meeting the
348 requirements of the dual credit program. Dual credit memorandum
349 of understandings must be established between each postsecondary
350 institution and the school district implementing a dual credit
351 program.

352 (11) [Deleted]

353 (12) **Eligible courses for dual credit programs.** Courses
354 eligible for dual credit include, but are not necessarily limited
355 to, foreign languages, advanced math courses, advanced science
356 courses, performing arts, advanced business and technology, and
357 career and technical courses. Distance Learning Collaborative
358 Program courses approved under Section 37-67-1 shall be fully
359 eligible for dual credit. All courses being considered for dual
360 credit must receive unconditional approval from the superintendent
361 of the local school district and the chief instructional officer
362 at the participating community or junior college or university in
363 order for college credit to be awarded. A university or community
364 or junior college shall make the final decision on what courses
365 are eligible for semester hour credits.

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

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



372 of dual credit courses within the context of their traditional
373 offerings.

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

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

382 (a) Examination preparation taught at a high school by
383 a qualified teacher. A student may receive credit at the
384 secondary level after completion of an approved course and passing
385 the standard examination, such as an Advanced Placement or
386 International Baccalaureate course through which a high school
387 student is allowed CLEP credit by making a three (3) or higher on
388 the end-of-course examination.

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

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



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

398 (17) **Qualifications of dual credit instructors.** A dual
399 credit academic instructor must meet the requirements set forth by
400 the regional accrediting association (Southern Association of
401 College and Schools). University and community and junior college
402 personnel have the sole authority in the selection of dual credit
403 instructors.

404 A dual credit career and technical education instructor must
405 meet the requirements set forth by the Mississippi Community
406 College Board in the qualifications manual for postsecondary
407 career and technical personnel.

408 (18) **Guidance on local agreements.** The Chief Academic
409 Officer of the State Board of Trustees of State Institutions of
410 Higher Learning and the Chief Instructional Officers of the
411 Mississippi Community College Board and the State Department of
412 Education, working collaboratively, shall develop a template to be
413 used by the individual community and junior colleges and
414 institutions of higher learning for consistent implementation of
415 the dual enrollment program throughout the State of Mississippi.

416 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
417 A local school board and the local community colleges board shall
418 establish a Mississippi Works Dual Enrollment-Dual Credit Option
419 Program under which potential or recent student dropouts may
420 dually enroll in their home school and a local community college



421 in a dual credit program consisting of high school completion
422 coursework and a community college credential, certificate or
423 degree program. Students completing the dual enrollment-credit
424 option may obtain their high school diploma while obtaining a
425 community college credential, certificate or degree. The
426 Mississippi Department of Employment Security shall assist
427 students who have successfully completed the Mississippi Works
428 Dual Enrollment-Dual Credit Option in securing a job upon the
429 application of the student or the participating school or
430 community college. The Mississippi Works Dual Enrollment-Dual
431 Credit Option Program will be implemented statewide in the
432 2012-2013 school year and thereafter. The State Board of
433 Education, local school board and the local community college
434 board shall establish criteria for the Dual Enrollment-Dual Credit
435 Program. Students enrolled in the program will not be eligible to
436 participate in interscholastic sports or other extracurricular
437 activities at the home school district. Tuition and costs for
438 community college courses offered under the Dual Enrollment-Dual
439 Credit Program shall not be charged to the student, parents or
440 legal guardians. When dually enrolled, the student shall be
441 counted for Adequate Education Program funding purposes, in the
442 average daily attendance of the public school district in which
443 the student attends high school, as provided in Section
444 37-151-7(1)(a). Any transportation required by the student to
445 participate in the Dual Enrollment-Dual Credit Program is the



446 responsibility of the parent or legal guardian of the student, and
447 transportation costs may be paid from any available public or
448 private sources, including the local school district. Grades and
449 college credits earned by a student admitted to this Dual
450 Enrollment-Dual Credit Program shall be recorded on the high
451 school student record and on the college transcript at the
452 community college and high school where the student attends
453 classes. The transcript of the community college coursework may
454 be released to another institution or applied toward college
455 graduation requirements. Any course that is * * * a requirement
456 for graduation from a public school in Mississippi is eligible for
457 dual credit, and courses eligible for dual credit shall also
458 include career, technical and degree program courses. All courses
459 eligible for dual credit shall be approved by the superintendent
460 of the local school district and the chief instructional officer
461 at the participating community college in order for college credit
462 to be awarded. A community college shall make the final decision
463 on what courses are eligible for semester hour credits and the
464 local school superintendent, subject to approval by the
465 Mississippi Department of Education, shall make the final decision
466 on the transfer of college courses credited to the student's high
467 school transcript.

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



470 37-17-6. (1) The State Board of Education, acting through
471 the Commission on School Accreditation, shall establish and
472 implement a permanent performance-based accreditation system, and
473 all noncharter public elementary and secondary schools shall be
474 accredited under this system.

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

479 (3) (a) * * * The State Board of Education, acting through
480 the Commission on School Accreditation, shall require that school
481 districts employ * * * licensed school librarians according to the
482 following formula:

483	Number of Students	Number of * * * <u>Licensed</u>
484	Per School Library	School Librarians
485	0 - 499 Students	1/2 Full-time Equivalent
486		* * * <u>Licensed</u>
487	Librarian	
488	500 or More Students	1 Full-time * * * <u>Licensed</u>
489		Librarian

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

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



495 licensed school librarian without appropriate training and * * *
496 licensed as a school librarian by the State Department of
497 Education.

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

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

505 (f) Any additional millage levied to fund school
506 librarians required for accreditation under this subsection shall
507 be included in the tax increase limitation set forth in Sections
508 37-57-105 and 37-57-107 and shall not be deemed a new program for
509 purposes of the limitation.

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

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

516 (b) Strong accountability for results with appropriate
517 local flexibility for local implementation;

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



520 (d) Individual schools shall be held accountable for
521 student growth and performance;

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

525 (f) A determination of which schools exceed their
526 standards and a plan for providing recognition and rewards to
527 those schools;

528 (g) A determination of which schools are failing to
529 meet their standards and a determination of the appropriate role
530 of the State Board of Education and the State Department of
531 Education in providing assistance and initiating possible
532 intervention. A failing district is a district that fails to meet
533 both the absolute student achievement standards and the rate of
534 annual growth expectation standards as set by the State Board of
535 Education for two (2) consecutive years. The State Board of
536 Education shall establish the level of benchmarks by which
537 absolute student achievement and growth expectations shall be
538 assessed. In setting the benchmarks for school districts, the
539 State Board of Education may also take into account such factors
540 as graduation rates, dropout rates, completion rates, the extent
541 to which the school or district employs qualified teachers in
542 every classroom, and any other factors deemed appropriate by the
543 State Board of Education. The State Board of Education, acting
544 through the State Department of Education, shall apply a simple



545 "A," "B," "C," "D" and "F" designation to the current school and
546 school district statewide accountability performance
547 classification labels beginning with the State Accountability
548 Results for the 2011-2012 school year and following, and in the
549 school, district and state report cards required under state and
550 federal law. Under the new designations, a school or school
551 district that has earned a "Star" rating shall be designated an
552 "A" school or school district; a school or school district that
553 has earned a "High-Performing" rating shall be designated a "B"
554 school or school district; a school or school district that has
555 earned a "Successful" rating shall be designated a "C" school or
556 school district; a school or school district that has earned an
557 "Academic Watch" rating shall be designated a "D" school or school
558 district; a school or school district that has earned a
559 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
560 be designated an "F" school or school district. Effective with
561 the implementation of any new curriculum and assessment standards,
562 the State Board of Education, acting through the State Department
563 of Education, is further authorized and directed to change the
564 school and school district accreditation rating system to a simple
565 "A," "B," "C," "D," and "F" designation based on a combination of
566 student achievement scores and student growth * * *. In any
567 statute or regulation containing the former accreditation
568 designations, the new designations shall be applicable;



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

571 (i) The State Board of Education may, based on a
572 written request that contains specific reasons for requesting a
573 waiver from the school districts affected by Hurricane Katrina of
574 2005, hold harmless school districts from assignment of district
575 and school level accountability ratings for the 2005-2006 school
576 year. The State Board of Education upon finding an extreme
577 hardship in the school district may grant the request. It is the
578 intent of the Legislature that all school districts maintain the
579 highest possible academic standards and instructional programs in
580 all schools as required by law and the State Board of Education.

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

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

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

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



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

597 (i) Student Achievement * * *;

598 (ii) Individual student growth * * * with an
599 emphasis on the progress of the lowest twenty-five percent (25%)
600 of students in the school or district;

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

604 (iv) Categories shall identify schools as Reward
605 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
606 at least five percent (5%) of schools in the state are not graded
607 as "F" schools, the lowest five percent (5%) of school grade point
608 designees will be identified as Priority schools. If at least ten
609 percent (10%) of schools in the state are not graded as "D"
610 schools, the lowest ten percent (10%) of school grade point
611 designees will be identified as Focus schools;

612 (v) The State Department of Education shall
613 discontinue the use of Star School, High-Performing, Successful,
614 Academic Watch, Low-Performing, At-Risk of Failing and Failing
615 school accountability designations;

616 (vi) The system shall include the federally
617 compliant four-year graduation rate in school and school district
618 accountability system calculations. Graduation rate will apply to



619 high school and school district accountability ratings as a
620 compensatory component. The system shall discontinue the use of
621 the High School Completer Index (HSCI);

622 (vii) The school and school district
623 accountability system shall incorporate a standards-based growth
624 model, in order to support improvement of individual student
625 learning;

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

628 (ix) * * * Standards for student, school and
629 school district performance will be increased when student
630 proficiency is at a seventy-five percent (75%) and/or when
631 sixty-five percent (65%) of the schools and/or school districts
632 are earning a grade of "B" or higher, in order to raise the
633 standard on performance after targets are met;

634 (* * *x) The system shall include student
635 performance on the administration of a career-readiness
636 assessment, such as, but not limited to, the ACT WorkKeys
637 Assessment, deemed appropriate by the Mississippi Department of
638 Education working in coordination with the Office of Workforce
639 Development.

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



643 (7) The State Board of Education shall create an
644 accreditation audit unit under the Commission on School
645 Accreditation to determine whether schools are complying with
646 accreditation standards.

647 (8) The State Board of Education shall be specifically
648 authorized and empowered to withhold adequate education program
649 fund allocations, whichever is applicable, to any public school
650 district for failure to timely report student, school personnel
651 and fiscal data necessary to meet state and/or federal
652 requirements.

653 (9) [Deleted]

654 (10) The State Board of Education shall establish, for those
655 school districts failing to meet accreditation standards, a
656 program of development to be complied with in order to receive
657 state funds, except as otherwise provided in subsection (15) of
658 this section when the Governor has declared a state of emergency
659 in a school district or as otherwise provided in Section 206,
660 Mississippi Constitution of 1890. The state board, in
661 establishing these standards, shall provide for notice to schools
662 and sufficient time and aid to enable schools to attempt to meet
663 these standards, unless procedures under subsection (15) of this
664 section have been invoked.

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



668 (a) Develop an impairment report for each district
669 failing to meet accreditation standards in conjunction with school
670 district officials;

671 (b) Notify any applicable school district failing to
672 meet accreditation standards that it is on probation until
673 corrective actions are taken or until the deficiencies have been
674 removed. The local school district shall develop a corrective
675 action plan to improve its deficiencies. For district academic
676 deficiencies, the corrective action plan for each such school
677 district shall be based upon a complete analysis of the following:
678 student test data, student grades, student attendance reports,
679 student dropout data, existence and other relevant data. The
680 corrective action plan shall describe the specific measures to be
681 taken by the particular school district and school to improve:
682 (i) instruction; (ii) curriculum; (iii) professional development;
683 (iv) personnel and classroom organization; (v) student incentives
684 for performance; (vi) process deficiencies; and (vii) reporting to
685 the local school board, parents and the community. The corrective
686 action plan shall describe the specific individuals responsible
687 for implementing each component of the recommendation and how each
688 will be evaluated. All corrective action plans shall be provided
689 to the State Board of Education as may be required. The decision
690 of the State Board of Education establishing the probationary
691 period of time shall be final;



692 (c) Offer, during the probationary period, technical
693 assistance to the school district in making corrective actions.
694 Beginning July 1, 1998, subject to the availability of funds, the
695 State Department of Education shall provide technical and/or
696 financial assistance to all such school districts in order to
697 implement each measure identified in that district's corrective
698 action plan through professional development and on-site
699 assistance. Each such school district shall apply for and utilize
700 all available federal funding in order to support its corrective
701 action plan in addition to state funds made available under this
702 paragraph;

703 (d) Assign department personnel or contract, in its
704 discretion, with the institutions of higher learning or other
705 appropriate private entities with experience in the academic,
706 finance and other operational functions of schools to assist
707 school districts;

708 (e) Provide for publication of public notice at least
709 one time during the probationary period, in a newspaper published
710 within the jurisdiction of the school district failing to meet
711 accreditation standards, or if no newspaper is published therein,
712 then in a newspaper having a general circulation therein. The
713 publication shall include the following: declaration of school
714 system's status as being on probation; all details relating to the
715 impairment report; and other information as the State Board of
716 Education deems appropriate. Public notices issued under this



717 section shall be subject to Section 13-3-31 and not contrary to
718 other laws regarding newspaper publication.

719 (12) (a) If the recommendations for corrective action are
720 not taken by the local school district or if the deficiencies are
721 not removed by the end of the probationary period, the Commission
722 on School Accreditation shall conduct a hearing to allow the
723 affected school district to present evidence or other reasons why
724 its accreditation should not be withdrawn. Additionally, if the
725 local school district violates accreditation standards that have
726 been determined by the policies and procedures of the State Board
727 of Education to be a basis for withdrawal of school district's
728 accreditation without a probationary period, the Commission on
729 School Accreditation shall conduct a hearing to allow the affected
730 school district to present evidence or other reasons why its
731 accreditation should not be withdrawn. After its consideration of
732 the results of the hearing, the Commission on School Accreditation
733 shall be authorized, with the approval of the State Board of
734 Education, to withdraw the accreditation of a public school
735 district, and issue a request to the Governor that a state of
736 emergency be declared in that district.

737 (b) If the State Board of Education and the Commission
738 on School Accreditation determine that an extreme emergency
739 situation exists in a school district that jeopardizes the safety,
740 security or educational interests of the children enrolled in the
741 schools in that district and that emergency situation is believed



742 to be related to a serious violation or violations of
743 accreditation standards or state or federal law, or when a school
744 district meets the State Board of Education's definition of a
745 failing school district for two (2) consecutive full school years,
746 or if more than fifty percent (50%) of the schools within the
747 school district are designated as Schools At-Risk in any one (1)
748 year, the State Board of Education may request the Governor to
749 declare a state of emergency in that school district. For
750 purposes of this paragraph, the declarations of a state of
751 emergency shall not be limited to those instances when a school
752 district's impairments are related to a lack of financial
753 resources, but also shall include serious failure to meet minimum
754 academic standards, as evidenced by a continued pattern of poor
755 student performance.

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

760 (i) Declare a state of emergency, under which some
761 or all of state funds can be escrowed except as otherwise provided
762 in Section 206, Constitution of 1890, until the board determines
763 corrective actions are being taken or the deficiencies have been
764 removed, or that the needs of students warrant the release of
765 funds. The funds may be released from escrow for any program
766 which the board determines to have been restored to standard even



767 though the state of emergency may not as yet be terminated for the
768 district as a whole;

769 (ii) Override any decision of the local school
770 board or superintendent of education, or both, concerning the
771 management and operation of the school district, or initiate and
772 make decisions concerning the management and operation of the
773 school district;

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

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

783 (v) For states of emergency declared under
784 paragraph (a) only, if the accreditation deficiencies are related
785 to the fact that the school district is too small, with too few
786 resources, to meet the required standards and if another school
787 district is willing to accept those students, abolish that
788 district and assign that territory to another school district or
789 districts. If the school district has proposed a voluntary
790 consolidation with another school district or districts, then if
791 the State Board of Education finds that it is in the best interest



792 of the pupils of the district for the consolidation to proceed,
793 the voluntary consolidation shall have priority over any such
794 assignment of territory by the State Board of Education;

795 (vi) For states of emergency declared under
796 paragraph (b) only, reduce local supplements paid to school
797 district employees, including, but not limited to, instructional
798 personnel, assistant teachers and extracurricular activities
799 personnel, if the district's impairment is related to a lack of
800 financial resources, but only to an extent that will result in the
801 salaries being comparable to districts similarly situated, as
802 determined by the State Board of Education;

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

806 (d) At the time that satisfactory corrective action has
807 been taken in a school district in which a state of emergency has
808 been declared, the State Board of Education may request the
809 Governor to declare that the state of emergency no longer exists
810 in the district.

811 (e) The parent or legal guardian of a school-age child
812 who is enrolled in a school district whose accreditation has been
813 withdrawn by the Commission on School Accreditation and without
814 approval of that school district may file a petition in writing to
815 a school district accredited by the Commission on School
816 Accreditation for a legal transfer. The school district



817 accredited by the Commission on School Accreditation may grant the
818 transfer according to the procedures of Section 37-15-31(1)(b).
819 In the event the accreditation of the student's home district is
820 restored after a transfer has been approved, the student may
821 continue to attend the transferee school district. The per-pupil
822 amount of the adequate education program allotment, including the
823 collective "add-on program" costs for the student's home school
824 district shall be transferred monthly to the school district
825 accredited by the Commission on School Accreditation that has
826 granted the transfer of the school-age child.

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

830 (i) Place the school district into district
831 transformation, in which the school district shall remain until it
832 has fulfilled all conditions related to district transformation.
833 If the district was assigned an accreditation rating of "D" or "F"
834 when placed into district transformation, the district shall be
835 eligible to return to local control when the school district has
836 attained a "C" rating or higher for five (5) consecutive years,
837 unless the State Board of Education determines that the district
838 is eligible to return to local control in less than the five-year
839 period;



840 (ii) Abolish the school district and
841 administratively consolidate the school district with one or more
842 existing school districts;

843 (iii) Reduce the size of the district and
844 administratively consolidate parts of the district, as determined
845 by the State Board of Education. However, no school district
846 which is not in district transformation shall be required to
847 accept additional territory over the objection of the district; or

848 (iv) Require the school district to develop and
849 implement a district improvement plan with prescriptive guidance
850 and support from the State Department of Education, with the goal
851 of helping the district improve student achievement. Failure of
852 the school board, superintendent and school district staff to
853 implement the plan with fidelity and participate in the activities
854 provided as support by the department shall result in the school
855 district retaining its eligibility for district transformation.

856 (g) There is established a Mississippi Recovery School
857 District within the State Department of Education under the
858 supervision of a deputy superintendent appointed by the State
859 Superintendent of Public Education, who is subject to the approval
860 by the State Board of Education. The Mississippi Recovery School
861 District shall provide leadership and oversight of all school
862 districts that are subject to district transformation status, as
863 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
864 and shall have all the authority granted under these two (2)



865 chapters. The Mississippi Department of Education, with the
866 approval of the State Board of Education, shall develop policies
867 for the operation and management of the Mississippi Recovery
868 School District. The deputy state superintendent is responsible
869 for the Mississippi Recovery School District and shall be
870 authorized to oversee the administration of the Mississippi
871 Recovery School District, oversee the interim superintendent
872 assigned by the State Board of Education to a local school
873 district, hear appeals that would normally be filed by students,
874 parents or employees and heard by a local school board, which
875 hearings on appeal shall be conducted in a prompt and timely
876 manner in the school district from which the appeal originated in
877 order to ensure the ability of appellants, other parties and
878 witnesses to appeal without undue burden of travel costs or loss
879 of time from work, and perform other related duties as assigned by
880 the State Superintendent of Public Education. The deputy state
881 superintendent is responsible for the Mississippi Recovery School
882 District and shall determine, based on rigorous professional
883 qualifications set by the State Board of Education, the
884 appropriate individuals to be engaged to be interim
885 superintendents and financial advisors, if applicable, of all
886 school districts subject to district transformation status. After
887 State Board of Education approval, these individuals shall be
888 deemed independent contractors.



889 (13) Upon the declaration of a state of emergency in a
890 school district under subsection (12) of this section, the
891 Commission on School Accreditation shall be responsible for public
892 notice at least once a week for at least three (3) consecutive
893 weeks in a newspaper published within the jurisdiction of the
894 school district failing to meet accreditation standards, or if no
895 newspaper is published therein, then in a newspaper having a
896 general circulation therein. The size of the notice shall be no
897 smaller than one-fourth (1/4) of a standard newspaper page and
898 shall be printed in bold print. If an interim superintendent has
899 been appointed for the school district, the notice shall begin as
900 follows: "By authority of Section 37-17-6, Mississippi Code of
901 1972, as amended, adopted by the Mississippi Legislature during
902 the 1991 Regular Session, this school district (name of school
903 district) is hereby placed under the jurisdiction of the State
904 Department of Education acting through its appointed interim
905 superintendent (name of interim superintendent)."

906 The notice also shall include, in the discretion of the State
907 Board of Education, any or all details relating to the school
908 district's emergency status, including the declaration of a state
909 of emergency in the school district and a description of the
910 district's impairment deficiencies, conditions of any district
911 transformation status and corrective actions recommended and being
912 taken. Public notices issued under this section shall be subject



913 to Section 13-3-31 and not contrary to other laws regarding
914 newspaper publication.

915 Upon termination of the state of emergency in a school
916 district, the Commission on School Accreditation shall cause
917 notice to be published in the school district in the same manner
918 provided in this section, to include any or all details relating
919 to the corrective action taken in the school district that
920 resulted in the termination of the state of emergency.

921 (14) The State Board of Education or the Commission on
922 School Accreditation shall have the authority to require school
923 districts to produce the necessary reports, correspondence,
924 financial statements, and any other documents and information
925 necessary to fulfill the requirements of this section.

926 Nothing in this section shall be construed to grant any
927 individual, corporation, board or interim superintendent the
928 authority to levy taxes except in accordance with presently
929 existing statutory provisions.

930 (15) (a) Whenever the Governor declares a state of
931 emergency in a school district in response to a request made under
932 subsection (12) of this section, the State Board of Education, in
933 its discretion, may assign an interim superintendent to the school
934 district, or in its discretion, may contract with an appropriate
935 private entity with experience in the academic, finance and other
936 operational functions of schools and school districts, who will be
937 responsible for the administration, management and operation of



938 the school district, including, but not limited to, the following
939 activities:

940 (i) Approving or disapproving all financial
941 obligations of the district, including, but not limited to, the
942 employment, termination, nonrenewal and reassignment of all
943 licensed and nonlicensed personnel, contractual agreements and
944 purchase orders, and approving or disapproving all claim dockets
945 and the issuance of checks; in approving or disapproving
946 employment contracts of superintendents, assistant superintendents
947 or principals, the interim superintendent shall not be required to
948 comply with the time limitations prescribed in Sections 37-9-15
949 and 37-9-105;

950 (ii) Supervising the day-to-day activities of the
951 district's staff, including reassigning the duties and
952 responsibilities of personnel in a manner which, in the
953 determination of the interim superintendent, will best suit the
954 needs of the district;

955 (iii) Reviewing the district's total financial
956 obligations and operations and making recommendations to the
957 district for cost savings, including, but not limited to,
958 reassigning the duties and responsibilities of staff;

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



961 (v) Approving or disapproving all athletic, band
962 and other extracurricular activities and any matters related to
963 those activities;

964 (vi) Maintaining a detailed account of
965 recommendations made to the district and actions taken in response
966 to those recommendations;

967 (vii) Reporting periodically to the State Board of
968 Education on the progress or lack of progress being made in the
969 district to improve the district's impairments during the state of
970 emergency; and

971 (viii) Appointing a parent advisory committee,
972 comprised of parents of students in the school district that may
973 make recommendations to the interim superintendent concerning the
974 administration, management and operation of the school district.

975 The cost of the salary of the interim superintendent and any
976 other actual and necessary costs related to district
977 transformation status paid by the State Department of Education
978 shall be reimbursed by the local school district from funds other
979 than adequate education program funds. The department shall
980 submit an itemized statement to the superintendent of the local
981 school district for reimbursement purposes, and any unpaid balance
982 may be withheld from the district's adequate education program
983 funds.

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



986 emergency no longer exists in a school district, the powers and
987 responsibilities of the interim superintendent assigned to the
988 district shall cease.

989 (b) In order to provide loans to school districts under
990 a state of emergency or in district transformation status that
991 have impairments related to a lack of financial resources, the
992 School District Emergency Assistance Fund is created as a special
993 fund in the State Treasury into which monies may be transferred or
994 appropriated by the Legislature from any available public
995 education funds. Funds in the School District Emergency
996 Assistance Fund up to a maximum balance of Three Million Dollars
997 (\$3,000,000.00) annually shall not lapse but shall be available
998 for expenditure in subsequent years subject to approval of the
999 State Board of Education. Any amount in the fund in excess of
1000 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
1001 year shall lapse into the State General Fund or the Education
1002 Enhancement Fund, depending on the source of the fund.

1003 The State Board of Education may loan monies from the School
1004 District Emergency Assistance Fund to a school district that is
1005 under a state of emergency or in district transformation status,
1006 in those amounts, as determined by the board, that are necessary
1007 to correct the district's impairments related to a lack of
1008 financial resources. The loans shall be evidenced by an agreement
1009 between the school district and the State Board of Education and
1010 shall be repayable in principal, without necessity of interest, to



1011 the School District Emergency Assistance Fund by the school
1012 district from any allowable funds that are available. The total
1013 amount loaned to the district shall be due and payable within five
1014 (5) years after the impairments related to a lack of financial
1015 resources are corrected. If a school district fails to make
1016 payments on the loan in accordance with the terms of the agreement
1017 between the district and the State Board of Education, the State
1018 Department of Education, in accordance with rules and regulations
1019 established by the State Board of Education, may withhold that
1020 district's adequate education program funds in an amount and
1021 manner that will effectuate repayment consistent with the terms of
1022 the agreement; the funds withheld by the department shall be
1023 deposited into the School District Emergency Assistance Fund.

1024 The State Board of Education shall develop a protocol that
1025 will outline the performance standards and requisite timeline
1026 deemed necessary for extreme emergency measures. If the State
1027 Board of Education determines that an extreme emergency exists,
1028 simultaneous with the powers exercised in this subsection, it
1029 shall take immediate action against all parties responsible for
1030 the affected school districts having been determined to be in an
1031 extreme emergency. The action shall include, but not be limited
1032 to, initiating civil actions to recover funds and criminal actions
1033 to account for criminal activity. Any funds recovered by the
1034 State Auditor or the State Board of Education from the surety
1035 bonds of school officials or from any civil action brought under



1036 this subsection shall be applied toward the repayment of any loan
1037 made to a school district hereunder.

1038 (16) If a majority of the membership of the school board of
1039 any school district resigns from office, the State Board of
1040 Education shall be authorized to assign an interim superintendent,
1041 who shall be responsible for the administration, management and
1042 operation of the school district until the time as new board
1043 members are selected or the Governor declares a state of emergency
1044 in that school district under subsection (12), whichever occurs
1045 first. In that case, the State Board of Education, acting through
1046 the interim superintendent, shall have all powers which were held
1047 by the previously existing school board, and may take any action
1048 as prescribed in Section 37-17-13 and/or one or more of the
1049 actions authorized in this section.

1050 (17) (a) If the Governor declares a state of emergency in a
1051 school district, the State Board of Education may take all such
1052 action pertaining to that school district as is authorized under
1053 subsection (12) or (15) of this section, including the appointment
1054 of an interim superintendent. The State Board of Education shall
1055 also have the authority to issue a written request with
1056 documentation to the Governor asking that the office of the
1057 superintendent of the school district be subject to recall. If
1058 the Governor declares that the office of the superintendent of the
1059 school district is subject to recall, the local school board or



1060 the county election commission, as the case may be, shall take the
1061 following action:

1062 (i) If the office of superintendent is an elected
1063 office, in those years in which there is no general election, the
1064 name shall be submitted by the State Board of Education to the
1065 county election commission, and the county election commission
1066 shall submit the question at a special election to the voters
1067 eligible to vote for the office of superintendent within the
1068 county, and the special election shall be held within sixty (60)
1069 days from notification by the State Board of Education. The
1070 ballot shall read substantially as follows:

1071 "Shall County Superintendent of Education _____ (here the
1072 name of the superintendent shall be inserted) of the _____
1073 (here the title of the school district shall be inserted) be
1074 retained in office? Yes _____ No _____"

1075 If a majority of those voting on the question votes against
1076 retaining the superintendent in office, a vacancy shall exist
1077 which shall be filled in the manner provided by law; otherwise,
1078 the superintendent shall remain in office for the term of that
1079 office, and at the expiration of the term shall be eligible for
1080 qualification and election to another term or terms.

1081 (ii) If the office of superintendent is an
1082 appointive office, the name of the superintendent shall be
1083 submitted by the president of the local school board at the next
1084 regular meeting of the school board for retention in office or



1085 dismissal from office. If a majority of the school board voting
1086 on the question vote against retaining the superintendent in
1087 office, a vacancy shall exist which shall be filled as provided by
1088 law, otherwise the superintendent shall remain in office for the
1089 duration of his employment contract.

1090 (b) The State Board of Education may issue a written
1091 request with documentation to the Governor asking that the
1092 membership of the school board of the school district shall be
1093 subject to recall. Whenever the Governor declares that the
1094 membership of the school board is subject to recall, the county
1095 election commission or the local governing authorities, as the
1096 case may be, shall take the following action:

1097 (i) If the members of the local school board are
1098 elected to office, in those years in which the specific member's
1099 office is not up for election, the name of the school board member
1100 shall be submitted by the State Board of Education to the county
1101 election commission, and the county election commission at a
1102 special election shall submit the question to the voters eligible
1103 to vote for the particular member's office within the county or
1104 school district, as the case may be, and the special election
1105 shall be held within sixty (60) days from notification by the
1106 State Board of Education. The ballot shall read substantially as
1107 follows:

1108 "Members of the _____ (here the title of the school
1109 district shall be inserted) School Board who are not up for



1110 election this year are subject to recall because of the school
1111 district's failure to meet critical accountability standards as
1112 defined in the letter of notification to the Governor from the
1113 State Board of Education. Shall the member of the school board
1114 representing this area, _____ (here the name of the school
1115 board member holding the office shall be inserted), be retained in
1116 office? Yes _____ No _____"

1117 If a majority of those voting on the question vote against
1118 retaining the member of the school board in office, a vacancy in
1119 that board member's office shall exist, which shall be filled in
1120 the manner provided by law; otherwise, the school board member
1121 shall remain in office for the term of that office, and at the
1122 expiration of the term of office, the member shall be eligible for
1123 qualification and election to another term or terms of office.
1124 However, if a majority of the school board members are recalled in
1125 the special election, the Governor shall authorize the board of
1126 supervisors of the county in which the school district is situated
1127 to appoint members to fill the offices of the members recalled.
1128 The board of supervisors shall make those appointments in the
1129 manner provided by law for filling vacancies on the school board,
1130 and the appointed members shall serve until the office is filled
1131 at the next regular special election or general election.

1132 (ii) If the local school board is an appointed
1133 school board, the name of all school board members shall be
1134 submitted as a collective board by the president of the municipal



1135 or county governing authority, as the case may be, at the next
1136 regular meeting of the governing authority for retention in office
1137 or dismissal from office. If a majority of the governing
1138 authority voting on the question vote against retaining the board
1139 in office, a vacancy shall exist in each school board member's
1140 office, which shall be filled as provided by law; otherwise, the
1141 members of the appointed school board shall remain in office for
1142 the duration of their term of appointment, and those members may
1143 be reappointed.

1144 (iii) If the local school board is comprised of
1145 both elected and appointed members, the elected members shall be
1146 subject to recall in the manner provided in subparagraph (i) of
1147 this paragraph (b), and the appointed members shall be subject to
1148 recall in the manner provided in subparagraph (ii).

1149 (18) Beginning with the school district audits conducted for
1150 the 1997-1998 fiscal year, the State Board of Education, acting
1151 through the Commission on School Accreditation, shall require each
1152 school district to comply with standards established by the State
1153 Department of Audit for the verification of fixed assets and the
1154 auditing of fixed assets records as a minimum requirement for
1155 accreditation.

1156 (19) * * * The State Board of Education shall recommend a
1157 program to the Education Committees of the House of
1158 Representatives and the Senate for identifying and rewarding
1159 public schools that improve or are high performing. The program



1160 shall be described by the board in a written report, which shall
1161 include criteria and a process through which improving schools and
1162 high-performing schools will be identified and rewarded.

1163 The State Superintendent of Public Education and the State
1164 Board of Education also shall develop a comprehensive
1165 accountability plan to ensure that local school boards,
1166 superintendents, principals and teachers are held accountable for
1167 student achievement. * * *

1168 (20) Before January 1, 2008, the State Board of Education
1169 shall evaluate and submit a recommendation to the Education
1170 Committees of the House of Representatives and the Senate on
1171 inclusion of graduation rate and dropout rate in the school level
1172 accountability system.

1173 (21) If a local school district is determined as failing and
1174 placed into district transformation status for reasons authorized
1175 by the provisions of this section, the interim superintendent
1176 appointed to the district shall, within forty-five (45) days after
1177 being appointed, present a detailed and structured corrective
1178 action plan to move the local school district out of district
1179 transformation status to the deputy superintendent. A copy of the
1180 interim superintendent's corrective action plan shall also be
1181 filed with the State Board of Education.

1182 **SECTION 13.** Section 37-35-3, Mississippi Code of 1972, is
1183 amended as follows:



1184 37-35-3. (1) The board of trustees of any school district,
1185 including any community/junior college, may establish and maintain
1186 classes for adults, including general educational development
1187 classes, under the regulations authorized in this chapter and
1188 pursuant to the standards prescribed in subsection (3). The
1189 property and facilities of the public school districts may be used
1190 for this purpose where such use does not conflict with uses
1191 already established.

1192 (2) The trustees of any school district desiring to
1193 establish such program may request the taxing authority of the
1194 district to levy additional ad valorem taxes for the support of
1195 this program. The board of supervisors, in the case of a county
1196 school district, a special municipal separate school district, or
1197 a community/junior college district, and the governing authority
1198 of any municipality, in the case of a municipal separate school
1199 district, is authorized, in its discretion, to levy a tax not
1200 exceeding one (1) mill upon all the taxable property of the
1201 district for the support of this program. The tax shall be in
1202 addition to all other taxes authorized by law to be levied. In
1203 addition to the funds realized from any such levy, the board of
1204 trustees of any school district is authorized to use any surplus
1205 funds that it may have or that may be made available to it from
1206 local sources to supplement this program.

1207 (3) (a) Any student participating in an approved High
1208 School Equivalency Diploma Option program administered by a local



1209 school district or a local school district with an approved
1210 contractual agreement with a community/junior college or other
1211 local entity shall not be considered a dropout. Students in such
1212 a program administered by a local school district shall be
1213 considered as enrolled within the school district of origin for
1214 the purpose of enrollment for * * * Adequate Education Program
1215 funding only. Such students shall not be considered as enrolled
1216 in the regular school program for academic or programmatic
1217 purposes.

1218 (b) Students participating in an approved High School
1219 Equivalency Diploma Option program shall have an individual career
1220 plan developed at the time of placement to insure that the
1221 student's academic and job skill needs will be met. The
1222 Individual Career Plan will address, but is not limited to, the
1223 following:

1224 (i) Academic/instructional needs of the student;
1225 (ii) Job readiness needs of the student; and
1226 (iii) Work experience program options available
1227 for the student.

1228 (c) Students participating in an approved High School
1229 Equivalency Diploma Option program may participate in existing job
1230 and skills development programs or in similar programs developed
1231 in conjunction with the High School Equivalency Diploma Option
1232 program and the vocational director.



1233 (d) High School Equivalency Diploma Option programs may
1234 be operated by local school districts or may be operated by two
1235 (2) or more adjacent school districts, pursuant to a contract
1236 approved by the State Board of Education. When two (2) or more
1237 school districts contract to operate a High School Equivalency
1238 Diploma Option program, the school board of a district designated
1239 to be the lead district shall serve as the governing board of the
1240 High School Equivalency Diploma Option program. Transportation
1241 for students placed in the High School Equivalency Diploma Option
1242 program shall be the responsibility of the school district of
1243 origin. The expense of establishing, maintaining and operating
1244 such High School Equivalency Diploma Option programs may be paid
1245 from funds made available to the school district through
1246 contributions, * * * Adequate Education Program funds or from
1247 local district maintenance funds.

1248 (e) The State Department of Education will develop
1249 procedures and criteria for placement of a student in the High
1250 School Equivalency Diploma Option programs. Students placed in
1251 High School Equivalency Diploma Option programs shall have
1252 parental approval for such placement and must meet the following
1253 criteria:

1254 (i) The student must be at least sixteen (16)
1255 years of age;



1256 (ii) The student must be at least one (1) full
1257 grade level behind his or her ninth grade cohort or must have
1258 acquired less than four (4) Carnegie units;

1259 (iii) The student must have taken every
1260 opportunity to continue to participate in coursework leading to a
1261 diploma; and

1262 (iv) The student must be certified to be eligible
1263 to participate in the GED course by the school district
1264 superintendent, based on the developed criteria.

1265 * * *

1266 **SECTION 14.** Section 37-177-1, Mississippi Code of 1972, is
1267 amended as follows:

1268 37-177-1. (1) There is established an act prohibiting
1269 social promotion to be known as the "Literacy-Based Promotion
1270 Act," the purpose of which is to improve the reading skills of
1271 kindergarten and first- through third-grade students enrolled in
1272 the public schools so that every student completing the third
1273 grade is able to read at or above grade level. It is the intent
1274 of the Legislature, in establishing this act, to ensure that:
1275 each kindergarten and first- through third-grade student's
1276 progression is determined, in part, upon the student's proficiency
1277 in reading; the policies of local school boards facilitate this
1278 proficiency; and each student and the student's parent or legal
1279 guardian is informed of the student's academic progress.



1280 (2) Each public school student who exhibits a substantial
1281 deficiency in reading at any time, as demonstrated through
1282 performance on a reading screener approved or developed by the
1283 State Department of Education or through locally determined
1284 assessments and teacher observations conducted in kindergarten and
1285 grades 1 through 3 * * *, must be given intensive reading
1286 instruction and intervention immediately following the
1287 identification of the reading deficiency. The intensive reading
1288 instruction and intervention must be documented for each student
1289 in an individual reading plan, which includes, at a minimum, the
1290 following:

1291 (a) The student's specific, diagnosed reading skill
1292 deficiencies as determined (or identified) by diagnostic
1293 assessment data;

1294 (b) The goals and benchmarks for growth;

1295 (c) How progress will be monitored and evaluated;

1296 (d) The type of additional instructional services and
1297 interventions the student will receive;

1298 (e) The research-based reading instructional
1299 programming the teacher will use to provide reading instruction,
1300 addressing the areas of phonemic awareness, phonics, fluency,
1301 vocabulary and comprehension;

1302 (f) The strategies the student's parent is encouraged
1303 to use in assisting the student to achieve reading competency; and



1304 (g) Any additional services the teacher deems available
1305 and appropriate to accelerate the student's reading skill
1306 development.

1307 (3) The universal reading screener or locally determined
1308 reading assessment may be given in the first thirty (30) days of
1309 the school year and repeated if indicated at midyear and at the
1310 end of the school year to determine student progression in reading
1311 in kindergarten through third grade. If it is determined that the
1312 student continues to have a reading deficiency, the student must
1313 be provided with continued intensive reading instruction and
1314 intervention by the school district until the reading deficiency
1315 is remedied. A student exhibiting continued reading deficiency
1316 with continued intensive interventions should be considered for
1317 exceptional criteria evaluation.

1318 (4) A kindergarten or first-, second- or third-grade student
1319 identified with a deficiency in reading must be provided intensive
1320 interventions in reading to ameliorate the student's specific
1321 reading deficiency, as identified by a valid and reliable
1322 diagnostic assessment. The intensive intervention must include
1323 effective instructional strategies, and appropriate teaching
1324 methodologies necessary to assist the student in becoming a
1325 successful reader, able to read at or above grade level, and ready
1326 for promotion to the next grade. A kindergarten, first-, second-
1327 or third-grade student identified with a reading deficiency or not
1328 promoted may be placed in a transition class.



1329 **SECTION 15.** Section 37-177-3, Mississippi Code of 1972, is
1330 amended as follows:

1331 37-177-3. Immediately upon the determination of a reading
1332 deficiency, and subsequently with each quarterly progress report
1333 until the deficiency is remediated, the parent or legal guardian
1334 of a kindergarten or first-, second- or third-grade student who
1335 exhibits a substantial deficiency in reading must be notified in
1336 writing by the student's teacher of the following:

1337 (a) That the student has been identified as having a
1338 substantial deficiency in reading;

1339 (b) A description of the services that the school
1340 district currently is providing to the student;

1341 (c) A description of the proposed supplemental
1342 instructional services and supports that are designed to remediate
1343 the identified area of reading deficiency which the school
1344 district plans to provide the student, as outlined in the
1345 student's individual reading plan;

1346 (d) That if the student's reading deficiency is not
1347 remediated before the end of the student's third-grade year, the
1348 student will not be promoted to fourth grade unless a good cause
1349 exemption specified under Section 37-177-11 is met; and

1350 (e) Strategies for parents and guardians to use in
1351 helping the student to succeed in reading proficiency * * *.

1352 **SECTION 16.** Section 37-177-5, Mississippi Code of 1972, is
1353 amended as follows:



1354 37-177-5. The State Department of Education shall establish
1355 a Mississippi Reading Panel to collaborate with the State
1356 Department of Education in recommending appropriate equitable
1357 alternative * * * assessments * * *. The panel should have
1358 knowledge and input in the adoption or development of a universal
1359 screener * * * to identify reading deficiencies and determine
1360 progress. A suggestive list of no less than four (4) screening
1361 assessments should be available to schools * * *, taking into
1362 consideration those screening assessments already being used
1363 satisfactorily in Mississippi elementary schools. * * * The panel
1364 shall consist of six (6) members as follows: the State
1365 Superintendent of Public Education, or his/her designee, who will
1366 chair the committee; the Chair of the House Education Committee,
1367 or his designee; the Chairman of the Senate Education Committee,
1368 or his designee; one (1) member appointed by the Governor; and two
1369 (2) additional members appointed by the State Superintendent of
1370 Public Education.

1371 **SECTION 17.** Section 37-177-7, Mississippi Code of 1972, is
1372 amended as follows:

1373 37-177-7. The State Department of Education shall:

1374 (a) Select schools most in need for the reading
1375 intervention program and create criteria for selection for
1376 participation based on * * * screening results * * * and other
1377 relevant data;



1378 (b) Assign a supervisory position within each school to
1379 be responsible for the faithful implementation of the Reading
1380 Intervention Program; and

1381 (c) Subject to legislative appropriation, the
1382 Mississippi Department of Education shall conduct a program with
1383 willing "C" level or low-performing districts and/or schools. The
1384 program shall focus on the use of data coaches to improve reading
1385 and literacy, to determine the effectiveness of intense
1386 data-focused professional development, provide expert support in
1387 literacy and early reading instruction but it shall not
1388 necessarily be limited to literacy. Data coaches should be
1389 experts in both pedagogy and data analysis who facilitate
1390 professional learning community meetings, and provide observation
1391 and feedback, to help teachers and district leaders build skills
1392 in using data to inform instruction. Schools and districts
1393 selected by the department to participate in the program shall
1394 agree to involve the school and district leadership team as
1395 directed by the department. The * * * State Department of
1396 Education is authorized to include pre-school programs it deems
1397 appropriate. The department is authorized to contract with a
1398 private sector provider to implement the program and work in
1399 partnership with four-year institutions of higher learning to
1400 develop and implement the program.

1401 **SECTION 18.** Section 37-177-9, Mississippi Code of 1972, is
1402 amended as follows:



1403 37-177-9. A public school student may not be assigned a
1404 grade level based solely on the student's age or any other factors
1405 that constitute social promotion.

1406 * * *

1407 **SECTION 19.** Section 37-177-11, Mississippi Code of 1972, is
1408 amended as follows:

1409 37-177-11. (1) A third-grade student who does not meet the
1410 academic requirements for promotion to the fourth grade may be
1411 promoted by the school district only for good cause. Good cause
1412 exemptions for promotion are limited to the following students:

1413 (a) Limited English proficient students who have had
1414 less than two (2) years of instruction in an English Language
1415 Learner program;

1416 (b) Students with disabilities * * * who have an IEP or
1417 a Section 504 plan that reflects that the individual student has
1418 received intensive remediation in reading for more than two (2)
1419 years but still demonstrates a deficiency in reading or previously
1420 was retained in kindergarten or first, second or third grade; and

1421 * * *

1422 (* * * c) Students who have received intensive
1423 intervention in reading for two (2) or more years but still
1424 demonstrate a deficiency in reading and who previously were
1425 retained in kindergarten or first, second or third grade for a
1426 total of two (2) years and have not met exceptional education
1427 criteria. A student who is promoted to fourth grade with a good



1428 cause exemption shall be provided an individual reading plan as
1429 described in Section 37-177-1(2), which outlines intensive reading
1430 instruction and intervention informed by specialized diagnostic
1431 information and delivered through specific reading strategies to
1432 meet the needs of each student so promoted. The school district
1433 shall assist schools and teachers in implementing reading
1434 strategies that research has shown to be successful in improving
1435 reading among students with persistent reading difficulties.

1436 (2) A request for good cause exemptions for a third-grade
1437 student from the academic requirements established for promotion
1438 to fourth grade must be made consistent with the following:

1439 (a) Documentation must be submitted from the student's
1440 teacher to the school principal which indicates that the promotion
1441 of the student is appropriate and is based upon the student's
1442 record. The documentation must consist of the good cause
1443 exemption being requested and must clearly prove that the student
1444 is covered by one (1) of the good cause exemptions listed in
1445 subsection (1)(a) through (* * *c) of this section.

1446 (b) The principal shall review and discuss the
1447 recommendations with the teacher and parents and make a
1448 determination as to whether or not the student should be promoted
1449 based on requirements set forth in this chapter. If the principal
1450 determines that the student should be promoted, based on the
1451 documentation provided, the principal must make the recommendation
1452 in writing to the school district superintendent, who, in writing,



1453 may accept or reject the principal's recommendation. The parents
1454 of any student promoted may choose that the student be retained
1455 for one (1) year, even if the principal and district
1456 superintendent determines otherwise.

1457 **SECTION 20.** Section 37-177-17, Mississippi Code of 1972, is
1458 amended as follows:

1459 37-177-17. (1) Within thirty (30) days of final State Board
1460 of Education approval of state accountability results, the school
1461 board of each school district must publish, in a newspaper having
1462 a general circulation within the school district, and report to
1463 the State Board of Education and the Mississippi Reading Panel the
1464 following information relating to the preceding school year:

1465 (a) The provisions of this chapter relating to public
1466 school student progression and the school district's policies and
1467 procedures on student retention and promotion;

1468 (b) By grade, * * * the number and percentage of all
1469 students retained in kindergarten through Grade 8;

1470 (* * * c) Information on the total number and
1471 percentage of students who were promoted for good cause, by each
1472 category of good cause described in Section 37-177-11; and

1473 (* * * d) Any revisions to the school board's policy on
1474 student retention and promotion from the prior school year.

1475 (2) The State Department of Education shall establish a
1476 uniform format for school districts to report the information
1477 required in subsection (1) of this section. The format must be



1478 developed with input from school boards and must be provided no
1479 later than ninety (90) days before the annual due date of the
1480 information. The department shall compile annually the required
1481 district information, along with state-level summary information,
1482 and report the information to the Governor, Senate, House of
1483 Representatives and general public.

1484 **SECTION 21.** This act shall take effect and be in force from
1485 and after July 1, 2023.

