

House Amendments to Senate Bill No. 2812

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

21 **SECTION 1.** Section 37-17-13, Mississippi Code of 1972, is
22 amended as follows:

23 37-17-13. (1) Whenever the Governor declares a state of
24 emergency in a school district in response to a certification by
25 the State Board of Education and the Commission on School
26 Accreditation made under Section 37-17-6(12)(b), the State Board
27 of Education, in addition to any actions taken under Section
28 37-17-6, may abolish the school district and assume control and
29 administration of the schools formerly constituting the district,
30 and appoint an interim superintendent to carry out this purpose
31 under the direction of the State Board of Education. In such
32 case, the State Board of Education shall have all powers which
33 were held by the previously existing school board, and the
34 previously existing superintendent of schools or county
35 superintendent of education, including, but not limited to, those
36 enumerated in Section 37-7-301, and the authority to request tax
37 levies from the appropriate governing authorities for the support

38 of the schools and to receive and expend the tax funds as provided
39 by Section 37-57-1 et seq. and Section 37-57-105 et seq.

40 (2) When a school district is abolished under this section,
41 loans from the School District Emergency Assistance Fund may be
42 made by the State Board of Education for the use and benefit of
43 the schools formerly constituting the district in accordance with
44 the procedures set forth in Section 37-17-6(15) for such loans to
45 the district. The abolition of a school district under this
46 section shall not impair or release the property of that school
47 district from liability for the payment of the loan indebtedness,
48 and it shall be the duty of the appropriate governing authorities
49 to levy taxes on the property of the district so abolished from
50 year to year according to the terms of the indebtedness until same
51 shall be fully paid.

52 (3) After a school district is abolished under this section,
53 at such time as the State Board of Education determines that the
54 impairments have been substantially corrected after a period of
55 maintaining a "C" accountability rating for five (5) consecutive
56 years, unless the State Board of Education determines that the
57 district is eligible to return to local control in less than the
58 five-year period, the State Board of Education shall reconstitute,
59 reorganize or change or alter the boundaries of the previously
60 existing district; however, no partition or assignment of
61 territory formerly included in the abolished district to one or
62 more other school districts may be made by the State Board of
63 Education without the consent of the school board of the school

64 district to which such territory is to be transferred, such
65 consent to be spread upon its minutes. At that time, the State
66 Board of Education, in appropriate cases, shall notify the
67 appropriate governing authority or authorities of its action and
68 request them to provide for the election or appointment of school
69 board members in the manner provided by law. In the event the
70 applicable statute provides that vacancies in an all-elected
71 membership of the school board will be filled by appointment by
72 the remaining members of the school board and no members of the
73 school board remain in office, the Governor shall call a special
74 election to fill the vacancies. In such situations, the Governor
75 will set the date of the special election and the election will be
76 conducted by the county election commission. The State Board of
77 Education shall also request the governing authority or
78 authorities to provide for the appointment of a superintendent or
79 superintendents to govern the reconstituted, reorganized or
80 changed district or districts, which such appointed position shall
81 apply in all school districts including those school districts in
82 which the position of superintendent was previously an elected
83 office. A board member or superintendent in office at the time
84 the Governor declares a state of emergency in a school district to
85 be abolished shall not be eligible to serve in that office for the
86 school district reconstituted, reorganized or changed after the
87 Governor declares that an emergency no longer exists.

88 (4) As an alternative to the procedure set forth in
89 subsection (3), in the event a local school board is abolished by

90 the State Board of Education pursuant to this section, after the
91 State Board of Education determines that the impairments are being
92 substantially corrected and the responsibility of the district
93 transformation in such district upon the conclusion of the final
94 scholastic year in which a district has maintained a "C"
95 accountability rating for five (5) consecutive years, unless the
96 State Board of Education determines that the district is eligible
97 to return to local control in less than the five-year period, the
98 State Board of Education may appoint a new five-member board for
99 the administration of the school district and shall notify the
100 local county board of supervisors and/or municipal governing
101 authority of such appointment, spreading the names of the new
102 school board members on its minutes. The new local school board
103 members shall be residents of the school district. The new local
104 school board members appointed by the State Board of Education may
105 serve in an advisory capacity to the interim superintendent for
106 its first year of service and thereafter shall have full
107 responsibility to administer the school district. Thirty (30)
108 days prior to the end of the first year of office as an advisory
109 board, each member shall draw lots to determine when the members
110 shall rotate off the board as follows: one (1) member shall serve
111 a one-year term of office; one (1) member shall serve a two-year
112 term of office; one (1) member shall serve a three-year term of
113 office; one (1) member shall serve a four-year term of office; and
114 one (1) member shall serve a five-year term of office. At that
115 time, the State Board of Education shall notify the appropriate

116 board of supervisors or municipal governing authority of this
117 action and request them to provide for the election or appointment
118 of school board members at the end of the terms of office in the
119 manner provided by law, in order for the local residents of the
120 school district to select a new school board on a phased-in basis.
121 In such situations, the Governor will set the date of any
122 necessary special election which shall be conducted by the county
123 election commission. The State Board of Education shall also
124 request the new school board to provide for the appointment of a
125 superintendent to govern the reconstituted or reorganized school
126 district, including those school districts in which the position
127 of superintendent was previously an elected office. A board
128 member or superintendent in office at the time the Governor
129 declares a state of emergency in a school district shall not be
130 eligible to serve in the office of school board member or
131 superintendent for the school district reconstituted or
132 reorganized following the district transformation period.

133 This subsection (4) shall stand repealed from and after July
134 1, * * * 2026.

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

137 37-179-1. (1) For purposes of this chapter, the following
138 terms shall have the meaning ascribed herein, unless the context
139 clearly indicates otherwise:

140 (a) "District of innovation" means a district that has
141 developed a plan of innovation in compliance with this section and

142 has been approved by the State Board of Education to be exempted
143 from certain administrative regulations and statutory provisions
144 to improve the educational performance of students within the
145 district;

146 (b) "Innovation" means a new or creative alternative to
147 existing instructional and administrative practices intended to
148 improve student learning and student performance of all students,
149 including community schools;

150 (c) "School of innovation" means a school that
151 voluntarily participates in a district of innovation plan to
152 improve instruction, including waivers and exemptions from local
153 school board policies, selected provisions of rules and
154 regulations promulgated by the State Board of Education, and
155 selected sections of the Mississippi Code of 1972, as permitted
156 under this section and Section * * * 37-179-3;

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

158 (e) "Department" means the State Department of
159 Education.

160 (f) "Community school" means a traditional district
161 public school that partners with community-based organizations to
162 coordinate academic, social, physical health and mental health
163 services, to reduce barriers to learning and improve education
164 outcomes. Community schools include all five (5) of the
165 following:

166 (i) Integrated student supports coordinated by a
167 community school director, which may include, but are not limited
168 to:

169 1. Medical, dental, vision care and mental
170 health services; or

171 2. Counselors to assist with housing,
172 transportation, nutrition, or criminal justice issues;

173 (ii) Expanded and enriched learning time and
174 opportunities including before school, after school, weekend and
175 summer programs, which provide additional academic instruction,
176 individualized academic support, enrichment activities, and
177 learning opportunities that emphasize real-world learning and
178 community problem solving, and which may include, but are not
179 limited to:

180 1. Art, music, drama and creative writing;

181 2. Hands-on experience with engineering or
182 science;

183 3. Tutoring and homework help; and

184 4. Recreational programs that enhance and are
185 consistent with the school's curriculum;

186 (iii) Active family and community engagement which
187 brings students' families and the community into the school as
188 partners in children's education and makes the school a
189 neighborhood hub, providing adults with educational opportunities
190 they want, including, but not limited to:

191 1. English as a second language class;

- 192 2. Citizenship preparation;
193 3. Computer skills;
194 4. Art;
195 5. GED classes; or
196 6. Other programs that bring community
197 members into the building for meetings or events;

198 (iv) Include, as a meaningful part of its
199 curriculum, a Science, Technology, Engineering and Mathematics
200 (STEM) program component commensurate and appropriate to the grade
201 level of the school; and

202 (v) Collaborative leadership and practices, which
203 build a culture of professional learning, collective trust, and
204 shared responsibility using strategies which shall, at a minimum,
205 include:

- 206 1. A school-based leadership team;
207 2. A community school director; and
208 3. A community-wide leadership team, which
209 may include, but not limited to:

- 210 A. Other leadership and governance
211 teams;
212 B. Teacher learning communities; and
213 C. Other staff to manage the multiple
214 complex, joint work of school and community organizations.

215 (g) "Community School Director" means a person who:

- 216 (i) Is a full-time staff member serving one (1)
217 eligible school;

218 (ii) Is responsible for the identification,
219 implementation and coordination of integrated student supports,
220 expanded and enriched learning time and opportunities, family and
221 community engagement and collaborative leadership and practices;
222 (iii) Serves as a member of the school-based
223 leadership team;
224 (iv) Serves as the lead for the needs and assets
225 assessment and community school plan; and
226 (v) Coordinates the needs and assets assessment
227 and stakeholder-driven approach to problem-solving and continuous
228 improvement.

229 (2) The State Board of Education is authorized to approve
230 districts of innovation for the purposes of improving students'
231 educational performance. Districts of innovation shall be
232 provided flexibility from selected board regulations, Title 37,
233 Mississippi Code of 1972, and local school board policies for
234 school administrators, teachers and staff to meet the diverse
235 needs of students. A low-performing school or school district
236 managing the transition of multiple schools to the community
237 school model shall be provided a three-year transition before
238 becoming eligible for state takeover. The initial approval of a
239 district of innovation shall be for a five-year period. Each
240 renewal of a district of innovation shall not exceed five (5)
241 years and shall comply with administrative regulations promulgated
242 by the board pursuant to subsection (4) of this section.

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

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

249 (a) The regulatory areas which may be exempted or
250 modified if approved by the board, except as provided in Section
251 37-179-3(2), and in addition to those areas identified in Section
252 37-179-3(3);

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

255 (c) Timelines for initial approval as a district of
256 innovation, the renewal process and ongoing evaluative procedures
257 required of the district;

258 (d) Acceptable documentation of a critical mass of
259 parental, community, educator and business support and capacity to
260 effect a change;

261 (e) Evidence of teacher collaboration and shared
262 leadership within the district and the schools to be designated as
263 schools of innovation;

264 (f) The process of revocation of the designation of
265 district of innovation or school of innovation;

266 (g) Reporting and oversight responsibilities of the
267 district and the State Department of Education;

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

270 (i) Acceptable areas of emphasis for innovation;

271 (j) Acceptable documentation of job-embedded
272 professional development within the proposed innovation design;
273 and

274 (k) Other components deemed necessary to implement this
275 section and Section 37-179-3.

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

278 37-179-3. (1) A district which is an applicant to be
279 designated as a district of innovation under Section 37-179-1
280 shall:

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

283 (i) Reducing socio-economic achievement gaps among
284 groups of public school students by expanding learning experiences
285 for students who are identified as academically low-achieving;

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

288 (iii) Increasing student attendance rates as well
289 as reducing chronic absenteeism;

290 (iv) Decreasing rates of student suspensions and
291 expulsions;

292 (* * *y) Increasing the participation of students
293 in various curriculum components and instructional components
294 within selected schools to enhance at each grade level;

295 (* * *vi) Increasing the number of students who
296 are college and career-ready and who have access to
297 dual-enrollment courses;

298 (vii) Increasing student college preparation to
299 enter secondary education in the areas of science, technology,
300 engineering and mathematics.

301 (* * *viii) Motivating students at different
302 grade levels by offering more curriculum choices and student
303 learning opportunities to parents and students within the
304 district;

305 (b) Make public its goals and performance targets and,
306 after five (5) years, share the performance target results with
307 members of the Mississippi House and Senate Education Committees,
308 as well as with the general public;

309 (* * *c) Identify changes needed from a comprehensive
310 needs and assets assessment in the district and schools to lead to
311 better prepared students for success in college, career and
312 life * * *;

313 (* * *d) Have a districtwide plan of innovation that
314 describes and justifies which schools and innovative practices
315 will be incorporated;

316 (* * *e) Provide documentation of community, educator,
317 parental, and the local board's support of the proposed
318 innovations;

319 (* * *f) Provide detailed information regarding the
320 rationale of requests for waivers from Title 37, Mississippi Code
321 of 1972, which relate to the elementary and secondary education of
322 public school students, and administrative regulations, and
323 exemptions for selected schools regarding waivers of local school
324 board policies;

325 (* * *g) Document the fiscal and human resources the
326 board will provide throughout the term of the implementation of
327 the innovations within its plan; and

328 (* * *h) Provide other materials as required by the
329 department in compliance with the board's administrative
330 regulations and application procedures.

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

333 (a) Ensure the same health, safety, civil rights, and
334 disability rights requirements as are applied to all public
335 schools;

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

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

342 (d) Ensure the student performance standards meet or
343 exceed those adopted by the State Board of Education as required
344 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
345 with the statewide assessment system specified in Chapter 16,
346 Title 37, Mississippi Code of 1972;

347 (e) Adhere to the same financial audits, audit
348 procedures, and audit requirements as are applied under Section
349 7-7-211(e);

350 (f) Require state and criminal background checks for
351 staff and volunteers as required of all public school employees
352 and volunteers within the public schools and specified in Section
353 37-9-17;

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

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

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

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

365 (3) (a) Only schools that choose to be designated as
366 schools of innovation shall be included in a district's
367 application;

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

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

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

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

380 (b) Hire persons for classified positions in
381 nontraditional school and district assignments who have bachelors
382 and advanced degrees from postsecondary education institutions
383 accredited by a regional accrediting association (Southern
384 Association of Colleges and Schools) or by an organization
385 affiliated with the National Commission on Accrediting;

386 (c) Employ teachers on extended employment contracts or
387 extra duty contracts and compensate them on a salary schedule
388 other than the single salary schedule;

389 (d) Extend the school days as is appropriate within the
390 district with compensation for the employees as determined
391 locally;

392 (e) Establish alternative education programs and
393 services that are delivered in nontraditional hours and which may

394 be jointly provided in cooperation with another school district or
395 consortia of districts;

396 (f) Establish online classes within the district for
397 delivering alternative classes in a blended environment to meet
398 high school graduation requirements;

399 (g) Use a flexible school calendar;

400 (h) Convert existing schools into schools of
401 innovation; * * *

402 (i) Modify the formula under Section 37-151-7 for
403 distributing support education funds for students in average daily
404 attendance in nontraditional programming time, including
405 alternative programs and virtual programs. Funds granted to a
406 district shall not exceed those that would have otherwise been
407 distributed based on average daily attendance during regular
408 instructional days * * *; and

409 (j) Allow community schools to seek and accept gifts,
410 grants, donations, and funds from federal and state agencies,
411 private foundations, organizations, or individuals for purposes
412 related to its function as a community school.

413 **SECTION 4.** This act shall take effect and be in force from
414 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL ON THE PROVISION AUTHORIZING THE
3 STATE BOARD OF EDUCATION TO APPOINT A NEW FIVE-MEMBER BOARD FOR
4 THE ADMINISTRATION OF A FAILING SCHOOL DISTRICT; TO AMEND SECTIONS

5 37-179-1 AND 37-179-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
6 STATE BOARD OF EDUCATION TO APPROVE THE CREATION OF DISTRICTS OF
7 INNOVATION; TO DEFINE CERTAIN TERMS RELATED TO "DISTRICTS OF
8 INNOVATION"; TO LIMIT THE INITIAL APPROVAL AND SUBSEQUENT RENEWALS
9 OF DISTRICTS OF INNOVATION TO FIVE-YEAR PERIODS; TO DIRECT THE
10 BOARD TO PROMULGATE ADMINISTRATIVE RULES AND REGULATIONS TO
11 PRESCRIBE THE CONDITIONS AND PROCEDURES TO BE USED BY LOCAL SCHOOL
12 BOARDS TO BE APPROVED AS A DISTRICT OF INNOVATION; TO SPECIFY THE
13 CRITERIA TO BE ADDRESSED BY THE ADMINISTRATIVE REGULATIONS; TO
14 PRESCRIBE THE REQUIREMENTS FOR A DISTRICT TO BE A DISTRICT OF
15 INNOVATION APPLICANT; TO PRESCRIBE THE STATUTORY REQUIREMENTS WITH
16 WHICH SCHOOLS OF INNOVATION WITHIN DISTRICTS OF INNOVATION MUST
17 COMPLY; TO IDENTIFY AREAS IN WHICH DISTRICTS OF INNOVATION MAY
18 REQUEST APPROVAL OF PRACTICES THAT ARE DIFFERENT THAN CURRENT
19 STATUTORY REQUIREMENTS; AND FOR RELATED PURPOSES.

HR43\SB2812A.J

Andrew Ketchings
Clerk of the House of Representatives