

By: Representative Arnold

To: Education

HOUSE BILL NO. 639

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE MISSISSIPPI ACCOUNTABILITY RATING SYSTEM FOR SCHOOLS
 3 AND SCHOOL DISTRICTS; TO ABOLISH THE "A," "B," "C," "D" AND "F"
 4 SYSTEM OF RATINGS AND REPLACING IT WITH A SIMPLE ZERO TO ONE
 5 THOUSAND POINTS SYSTEM DESIGNATION; TO AMEND SECTIONS 37-19-10,
 6 37-17-13, 37-17-15, 37-17-17, 37-7-315.1 AND 37-9-13, MISSISSIPPI
 7 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

11 37-17-6. (1) The State Board of Education, acting through
 12 the Commission on School Accreditation, shall establish and
 13 implement a permanent performance-based accreditation system, and
 14 all noncharter public elementary and secondary schools shall be
 15 accredited under this system.

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



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

25	Number of Students	Number of Certified
26	Per School Library	School Librarians
27	0 - 499 Students	1/2 Full-time Equivalent
28		Certified Librarian
29	500 or More Students	1 Full-time Certified
30		Librarian

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

33 (c) The assignment of certified school librarians to
34 the particular schools shall be at the discretion of the local
35 school district. No individual shall be employed as a certified
36 school librarian without appropriate training and certification as
37 a school librarian by the State Department of Education.

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

42 (e) Nothing in this subsection shall prohibit any
43 school district from employing more certified school librarians
44 than are provided for in this section.



45 (f) Any additional millage levied to fund school
46 librarians required for accreditation under this subsection shall
47 be included in the tax increase limitation set forth in Sections
48 37-57-105 and 37-57-107 and shall not be deemed a new program for
49 purposes of the limitation.

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

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

56 (b) Strong accountability for results with appropriate
57 local flexibility for local implementation;

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

60 (d) Individual schools shall be held accountable for
61 student growth and performance;

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

65 (f) A determination of which schools exceed their
66 standards and a plan for providing recognition and rewards to
67 those schools;

68 (g) A determination of which schools are failing to
69 meet their standards and a determination of the appropriate role



70 of the State Board of Education and the State Department of
71 Education in providing assistance and initiating possible
72 intervention. A failing district is a district that fails to meet
73 both the absolute student achievement standards and the rate of
74 annual growth expectation standards as set by the State Board of
75 Education for two (2) consecutive years. The State Board of
76 Education shall establish the level of benchmarks by which
77 absolute student achievement and growth expectations shall be
78 assessed. In setting the benchmarks for school districts, the
79 State Board of Education may also take into account such factors
80 as graduation rates, dropout rates, completion rates, the extent
81 to which the school or district employs qualified teachers in
82 every classroom, and any other factors deemed appropriate by the
83 State Board of Education. The State Board of Education, acting
84 through the State Department of Education, shall apply a
85 simple * * * zero (0) to one thousand (1,000) points system
86 designation to the current school and school district statewide
87 accountability performance classification labels beginning with
88 the State Accountability Results for the * * * 2024-2025 school
89 year and following, and in the school, district and state report
90 cards required under state and federal law. Under the new
91 designations, a school or school district that has:
92 (i) * * * Been designated an "A" school or school
93 district shall have a points assignment of:



94 1. Greater than six hundred sixty-eight (668)
95 points for school districts;

96 2. Greater than four hundred forty-two (442)
97 points on a scale of seven hundred (700) points for elementary and
98 middle schools; and

99 3. Greater than seven hundred fifty-four
100 (754) points on a scale of one thousand (1,000) points for high
101 schools; * * *

102 (ii) Been designated a "B" school or school
103 district; a school or school district * * * shall have a points
104 assignment of:

105 1. Greater than five hundred ninety-nine
106 (599) points for school districts but less than six hundred
107 sixty-eight (668) points;

108 2. Greater than three hundred seventy-seven
109 (377) points on a scale of seven hundred (700) points for
110 elementary and middle schools, but less than four hundred
111 forty-two (442) points; and

112 3. Greater than six hundred forty-eight (648)
113 points on a scale of one thousand (1,000) points for high schools,
114 but less than six hundred forty-eight (648) points;

115 (iii) Been designated a "C" school or school
116 district; a school or school district * * * shall have a points
117 assignment of:



118 1. Greater than five hundred thirty-six (536)
119 points for school districts, but less than five hundred
120 ninety-nine (599) points;

121 2. Greater than three hundred twenty-eight
122 (328) points on a scale of seven hundred (700) points for
123 elementary and middle schools, but less than three hundred
124 seventy-seven (377) points; and

125 3. Greater than five hundred eighty-four
126 (584) points on a scale of one thousand (1,000) points for high
127 schools, but less than five hundred eighty-four (584) points;

128 (iv) Been designated a "D" school or school
129 district; a school or school district; and * * * shall have a
130 points assignment of:

131 1. Greater than four hundred eighty-nine
132 (489) points for school districts, but less than five hundred
133 thirty-six (536) points;

134 2. Greater than two hundred sixty-nine (269)
135 points on a scale of seven hundred (700) points for elementary and
136 middle schools, but less than three hundred twenty-eight (328)
137 points; and

138 3. Greater than five hundred ten (510) points
139 on a scale of one thousand (1,000) points for high schools, but
140 less than five hundred eighty-four (584) points; and

141 (v) Been designated * * * a "F" school or school
142 district shall have a points assignment of:



- 143 1. Less than four hundred eighty-nine (489)
144 points for school districts;
- 145 2. Less than two hundred sixty-nine (269)
146 points on a scale of seven hundred (700) points for elementary and
147 middle schools; and
- 148 3. Less than five hundred ten (510) points on
149 a scale of one thousand (1,000) points for high schools.

150 Effective with the implementation of any new curriculum and
151 assessment standards, the State Board of Education, acting through
152 the State Department of Education, is further authorized and
153 directed to change the school and school district accreditation
154 rating system to a simple * * * zero (0) to one thousand (1,000)
155 points system designation based on a combination of student
156 achievement scores and student growth as measured by the statewide
157 testing programs developed by the State Board of Education
158 pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In
159 any statute or regulation containing the former accreditation
160 designations, the new designations shall be applicable;

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

163 (i) The State Board of Education may, based on a
164 written request that contains specific reasons for requesting a
165 waiver from the school districts affected by Hurricane Katrina of
166 2005, hold harmless school districts from assignment of district
167 and school level accountability ratings for the 2005-2006 school



168 year. The State Board of Education upon finding an extreme
169 hardship in the school district may grant the request. It is the
170 intent of the Legislature that all school districts maintain the
171 highest possible academic standards and instructional programs in
172 all schools as required by law and the State Board of Education.

173 (5) (a) Effective with the 2013-2014 school year, the State
174 Department of Education, acting through the Mississippi Commission
175 on School Accreditation, shall revise and implement a * * * simple
176 zero (0) to one thousand (1,000) points system school and school
177 district accountability system complying with applicable federal
178 and state requirements in order to reach the following educational
179 goals:

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

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

184 (iii) To have sixty percent (60%) of students
185 scoring proficient and advanced on the assessments of the Common
186 Core State Standards by 2016 with incremental increases of three
187 percent (3%) each year thereafter.

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

191 (c) The State Department of Education shall
192 establish * * * simple zero (0) to one thousand (1,000) points



193 system for the accountability system based on the following
194 criteria:

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

197 (ii) Individual student growth: the percent of
198 students making one (1) year's progress in one (1) year's time on
199 the state assessment, with an emphasis on the progress of the
200 lowest twenty-five percent (25%) of students in the school or
201 district;

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

205 (iv) Categories shall identify schools as Reward
206 (* * * schools, respectively, having greater than four hundred
207 forty-two (442) points on a scale of seven hundred (700) points,
208 and greater than seven hundred fifty-four (754) points on a scale
209 of one thousand (1,000) points), Focus (* * * schools,
210 respectively, having greater than two hundred sixty-nine (269)
211 points on a scale of seven hundred (700) points, and less than
212 five hundred ten (510) points but less than five hundred
213 eighty-four (584) points on a scale of one thousand (1,000)
214 points), and Priority (* * * schools, respectively having less
215 than two hundred sixty-nine (269) points but less than three
216 hundred twenty-eight (328) points on a scale of seven hundred
217 (700) points, and greater than five hundred ten (510) points but



218 less than five hundred eighty-four (584) points on a scale of one
219 thousand (1,000) points). If at least five percent (5%) of
220 schools in the state are not * * * assigned as score that would
221 classify them as " * * * Priority" schools, the lowest five
222 percent (5%) of school grade point designees will be identified as
223 Priority schools. If at least ten percent (10%) of schools in the
224 state are not * * * assigned a score that would classify them as
225 " * * * Focus" schools, the lowest ten percent (10%) of school
226 grade point designees will be identified as Focus schools;

227 (v) The State Department of Education shall
228 discontinue the use of * * * "A," "B," "C," "D" and "F" school
229 accountability designations;

230 (vi) The system shall include the federally
231 compliant four-year graduation rate in school and school district
232 accountability system calculations. Graduation rate will apply to
233 high school and school district accountability ratings as a
234 compensatory component. The system shall discontinue the use of
235 the High School Completer Index (HSCI);

236 (vii) The school and school district
237 accountability system shall incorporate a standards-based growth
238 model, in order to support improvement of individual student
239 learning;

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



242 (ix) The State Department of Education shall
243 determine feeder patterns of schools that do not earn a school
244 grade because the grades and subjects taught at the school do not
245 have statewide standardized assessments needed to calculate a
246 school grade. Upon determination of the feeder pattern, the
247 department shall notify schools and school districts prior to the
248 release of the school grades beginning in 2013. Feeder schools
249 will be assigned the accountability designation of the school to
250 which they provide students;

251 (x) Standards for student, school and school
252 district performance will be increased when student proficiency is
253 at a seventy-five percent (75%) and/or when sixty-five percent
254 (65%) of the schools and/or school districts are earning a * * *
255 respective score of * * * three hundred seventy-seven (377)
256 points or six hundred forty (640) points or higher, in order to
257 raise the standard on performance after targets are met;

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

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



266 (7) The State Board of Education shall create an
267 accreditation audit unit under the Commission on School
268 Accreditation to determine whether schools are complying with
269 accreditation standards.

270 (8) The State Board of Education shall be specifically
271 authorized and empowered to withhold adequate education program
272 fund allocations, whichever is applicable, to any public school
273 district for failure to timely report student, school personnel
274 and fiscal data necessary to meet state and/or federal
275 requirements.

276 (9) [Deleted]

277 (10) The State Board of Education shall establish, for those
278 school districts failing to meet accreditation standards, a
279 program of development to be complied with in order to receive
280 state funds, except as otherwise provided in subsection (15) of
281 this section when the Governor has declared a state of emergency
282 in a school district or as otherwise provided in Section 206,
283 Mississippi Constitution of 1890. The state board, in
284 establishing these standards, shall provide for notice to schools
285 and sufficient time and aid to enable schools to attempt to meet
286 these standards, unless procedures under subsection (15) of this
287 section have been invoked.

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



291 (a) Develop an impairment report for each district
292 failing to meet accreditation standards in conjunction with school
293 district officials;

294 (b) Notify any applicable school district failing to
295 meet accreditation standards that it is on probation until
296 corrective actions are taken or until the deficiencies have been
297 removed. The local school district shall develop a corrective
298 action plan to improve its deficiencies. For district academic
299 deficiencies, the corrective action plan for each such school
300 district shall be based upon a complete analysis of the following:
301 student test data, student grades, student attendance reports,
302 student dropout data, existence and other relevant data. The
303 corrective action plan shall describe the specific measures to be
304 taken by the particular school district and school to improve:
305 (i) instruction; (ii) curriculum; (iii) professional development;
306 (iv) personnel and classroom organization; (v) student incentives
307 for performance; (vi) process deficiencies; and (vii) reporting to
308 the local school board, parents and the community. The corrective
309 action plan shall describe the specific individuals responsible
310 for implementing each component of the recommendation and how each
311 will be evaluated. All corrective action plans shall be provided
312 to the State Board of Education as may be required. The decision
313 of the State Board of Education establishing the probationary
314 period of time shall be final;



315 (c) Offer, during the probationary period, technical
316 assistance to the school district in making corrective actions.
317 Beginning July 1, 1998, subject to the availability of funds, the
318 State Department of Education shall provide technical and/or
319 financial assistance to all such school districts in order to
320 implement each measure identified in that district's corrective
321 action plan through professional development and on-site
322 assistance. Each such school district shall apply for and utilize
323 all available federal funding in order to support its corrective
324 action plan in addition to state funds made available under this
325 paragraph;

326 (d) Assign department personnel or contract, in its
327 discretion, with the institutions of higher learning or other
328 appropriate private entities with experience in the academic,
329 finance and other operational functions of schools to assist
330 school districts;

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



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

342 (12) (a) If the recommendations for corrective action are
343 not taken by the local school district or if the deficiencies are
344 not removed by the end of the probationary period, the Commission
345 on School Accreditation shall conduct a hearing to allow the
346 affected school district to present evidence or other reasons why
347 its accreditation should not be withdrawn. Additionally, if the
348 local school district violates accreditation standards that have
349 been determined by the policies and procedures of the State Board
350 of Education to be a basis for withdrawal of school district's
351 accreditation without a probationary period, the Commission on
352 School Accreditation shall conduct a hearing to allow the affected
353 school district to present evidence or other reasons why its
354 accreditation should not be withdrawn. After its consideration of
355 the results of the hearing, the Commission on School Accreditation
356 shall be authorized, with the approval of the State Board of
357 Education, to withdraw the accreditation of a public school
358 district, and issue a request to the Governor that a state of
359 emergency be declared in that district.

360 (b) If the State Board of Education and the Commission
361 on School Accreditation determine that an extreme emergency
362 situation exists in a school district that jeopardizes the safety,
363 security or educational interests of the children enrolled in the
364 schools in that district and that emergency situation is believed



365 to be related to a serious violation or violations of
366 accreditation standards or state or federal law, or when a school
367 district meets the State Board of Education's definition of a
368 failing school district for two (2) consecutive full school years,
369 or if more than fifty percent (50%) of the schools within the
370 school district are designated as Schools At-Risk in any one (1)
371 year, the State Board of Education may request the Governor to
372 declare a state of emergency in that school district. For
373 purposes of this paragraph, the declarations of a state of
374 emergency shall not be limited to those instances when a school
375 district's impairments are related to a lack of financial
376 resources, but also shall include serious failure to meet minimum
377 academic standards, as evidenced by a continued pattern of poor
378 student performance.

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

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



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

392 (ii) Override any decision of the local school
393 board or superintendent of education, or both, concerning the
394 management and operation of the school district, or initiate and
395 make decisions concerning the management and operation of the
396 school district;

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

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

406 (v) For states of emergency declared under
407 paragraph (a) only, if the accreditation deficiencies are related
408 to the fact that the school district is too small, with too few
409 resources, to meet the required standards and if another school
410 district is willing to accept those students, abolish that
411 district and assign that territory to another school district or
412 districts. If the school district has proposed a voluntary
413 consolidation with another school district or districts, then if
414 the State Board of Education finds that it is in the best interest



415 of the pupils of the district for the consolidation to proceed,
416 the voluntary consolidation shall have priority over any such
417 assignment of territory by the State Board of Education;

418 (vi) For states of emergency declared under
419 paragraph (b) only, reduce local supplements paid to school
420 district employees, including, but not limited to, instructional
421 personnel, assistant teachers and extracurricular activities
422 personnel, if the district's impairment is related to a lack of
423 financial resources, but only to an extent that will result in the
424 salaries being comparable to districts similarly situated, as
425 determined by the State Board of Education;

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

429 (d) At the time that satisfactory corrective action has
430 been taken in a school district in which a state of emergency has
431 been declared, the State Board of Education may request the
432 Governor to declare that the state of emergency no longer exists
433 in the district.

434 (e) The parent or legal guardian of a school-age child
435 who is enrolled in a school district whose accreditation has been
436 withdrawn by the Commission on School Accreditation and without
437 approval of that school district may file a petition in writing to
438 a school district accredited by the Commission on School
439 Accreditation for a legal transfer. The school district



440 accredited by the Commission on School Accreditation may grant the
441 transfer according to the procedures of Section 37-15-31(1)(b).
442 In the event the accreditation of the student's home district is
443 restored after a transfer has been approved, the student may
444 continue to attend the transferee school district. The per-pupil
445 amount of the adequate education program allotment, including the
446 collective "add-on program" costs for the student's home school
447 district shall be transferred monthly to the school district
448 accredited by the Commission on School Accreditation that has
449 granted the transfer of the school-age child.

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

453 (i) Place the school district into district
454 transformation, in which the school district shall remain until it
455 has fulfilled all conditions related to district transformation.
456 If the district was assigned an accreditation rating score
457 of * * * less than five hundred thirty-six (536) points when
458 placed into district transformation, the district shall be
459 eligible to return to local control when the school district has
460 attained * * * an accreditation rating score of five hundred
461 thirty-six (536) points or higher for five (5) consecutive years,
462 unless the State Board of Education determines that the district
463 is eligible to return to local control in less than the five-year
464 period;



465 (ii) Abolish the school district and
466 administratively consolidate the school district with one or more
467 existing school districts;

468 (iii) Reduce the size of the district and
469 administratively consolidate parts of the district, as determined
470 by the State Board of Education. However, no school district
471 which is not in district transformation shall be required to
472 accept additional territory over the objection of the district; or

473 (iv) Require the school district to develop and
474 implement a district improvement plan with prescriptive guidance
475 and support from the State Department of Education, with the goal
476 of helping the district improve student achievement. Failure of
477 the school board, superintendent and school district staff to
478 implement the plan with fidelity and participate in the activities
479 provided as support by the department shall result in the school
480 district retaining its eligibility for district transformation.

481 (g) There is established a Mississippi Recovery School
482 District within the State Department of Education under the
483 supervision of a deputy superintendent appointed by the State
484 Superintendent of Public Education, who is subject to the approval
485 by the State Board of Education. The Mississippi Recovery School
486 District shall provide leadership and oversight of all school
487 districts that are subject to district transformation status, as
488 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
489 and shall have all the authority granted under these two (2)



490 chapters. The Mississippi Department of Education, with the
491 approval of the State Board of Education, shall develop policies
492 for the operation and management of the Mississippi Recovery
493 School District. The deputy state superintendent is responsible
494 for the Mississippi Recovery School District and shall be
495 authorized to oversee the administration of the Mississippi
496 Recovery School District, oversee the interim superintendent
497 assigned by the State Board of Education to a local school
498 district, hear appeals that would normally be filed by students,
499 parents or employees and heard by a local school board, which
500 hearings on appeal shall be conducted in a prompt and timely
501 manner in the school district from which the appeal originated in
502 order to ensure the ability of appellants, other parties and
503 witnesses to appeal without undue burden of travel costs or loss
504 of time from work, and perform other related duties as assigned by
505 the State Superintendent of Public Education. The deputy state
506 superintendent is responsible for the Mississippi Recovery School
507 District and shall determine, based on rigorous professional
508 qualifications set by the State Board of Education, the
509 appropriate individuals to be engaged to be interim
510 superintendents and financial advisors, if applicable, of all
511 school districts subject to district transformation status. After
512 State Board of Education approval, these individuals shall be
513 deemed independent contractors.



514 (13) Upon the declaration of a state of emergency in a
515 school district under subsection (12) of this section, the
516 Commission on School Accreditation shall be responsible for public
517 notice at least once a week for at least three (3) consecutive
518 weeks in a newspaper published within the jurisdiction of the
519 school district failing to meet accreditation standards, or if no
520 newspaper is published therein, then in a newspaper having a
521 general circulation therein. The size of the notice shall be no
522 smaller than one-fourth (1/4) of a standard newspaper page and
523 shall be printed in bold print. If an interim superintendent has
524 been appointed for the school district, the notice shall begin as
525 follows: "By authority of Section 37-17-6, Mississippi Code of
526 1972, as amended, adopted by the Mississippi Legislature during
527 the 1991 Regular Session, this school district (name of school
528 district) is hereby placed under the jurisdiction of the State
529 Department of Education acting through its appointed interim
530 superintendent (name of interim superintendent)."

531 The notice also shall include, in the discretion of the State
532 Board of Education, any or all details relating to the school
533 district's emergency status, including the declaration of a state
534 of emergency in the school district and a description of the
535 district's impairment deficiencies, conditions of any district
536 transformation status and corrective actions recommended and being
537 taken. Public notices issued under this section shall be subject



538 to Section 13-3-31 and not contrary to other laws regarding
539 newspaper publication.

540 Upon termination of the state of emergency in a school
541 district, the Commission on School Accreditation shall cause
542 notice to be published in the school district in the same manner
543 provided in this section, to include any or all details relating
544 to the corrective action taken in the school district that
545 resulted in the termination of the state of emergency.

546 (14) The State Board of Education or the Commission on
547 School Accreditation shall have the authority to require school
548 districts to produce the necessary reports, correspondence,
549 financial statements, and any other documents and information
550 necessary to fulfill the requirements of this section.

551 Nothing in this section shall be construed to grant any
552 individual, corporation, board or interim superintendent the
553 authority to levy taxes except in accordance with presently
554 existing statutory provisions.

555 (15) (a) Whenever the Governor declares a state of
556 emergency in a school district in response to a request made under
557 subsection (12) of this section, the State Board of Education, in
558 its discretion, may assign an interim superintendent to the school
559 district, or in its discretion, may contract with an appropriate
560 private entity with experience in the academic, finance and other
561 operational functions of schools and school districts, who will be
562 responsible for the administration, management and operation of



563 the school district, including, but not limited to, the following
564 activities:

565 (i) Approving or disapproving all financial
566 obligations of the district, including, but not limited to, the
567 employment, termination, nonrenewal and reassignment of all
568 licensed and nonlicensed personnel, contractual agreements and
569 purchase orders, and approving or disapproving all claim dockets
570 and the issuance of checks; in approving or disapproving
571 employment contracts of superintendents, assistant superintendents
572 or principals, the interim superintendent shall not be required to
573 comply with the time limitations prescribed in Sections 37-9-15
574 and 37-9-105;

575 (ii) Supervising the day-to-day activities of the
576 district's staff, including reassigning the duties and
577 responsibilities of personnel in a manner which, in the
578 determination of the interim superintendent, will best suit the
579 needs of the district;

580 (iii) Reviewing the district's total financial
581 obligations and operations and making recommendations to the
582 district for cost savings, including, but not limited to,
583 reassigning the duties and responsibilities of staff;

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



586 (v) Approving or disapproving all athletic, band
587 and other extracurricular activities and any matters related to
588 those activities;

589 (vi) Maintaining a detailed account of
590 recommendations made to the district and actions taken in response
591 to those recommendations;

592 (vii) Reporting periodically to the State Board of
593 Education on the progress or lack of progress being made in the
594 district to improve the district's impairments during the state of
595 emergency; and

596 (viii) Appointing a parent advisory committee,
597 comprised of parents of students in the school district that may
598 make recommendations to the interim superintendent concerning the
599 administration, management and operation of the school district.

600 The cost of the salary of the interim superintendent and any
601 other actual and necessary costs related to district
602 transformation status paid by the State Department of Education
603 shall be reimbursed by the local school district from funds other
604 than adequate education program funds. The department shall
605 submit an itemized statement to the superintendent of the local
606 school district for reimbursement purposes, and any unpaid balance
607 may be withheld from the district's adequate education program
608 funds.

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



611 emergency no longer exists in a school district, the powers and
612 responsibilities of the interim superintendent assigned to the
613 district shall cease.

614 (b) In order to provide loans to school districts under
615 a state of emergency or in district transformation status that
616 have impairments related to a lack of financial resources, the
617 School District Emergency Assistance Fund is created as a special
618 fund in the State Treasury into which monies may be transferred or
619 appropriated by the Legislature from any available public
620 education funds. Funds in the School District Emergency
621 Assistance Fund up to a maximum balance of Three Million Dollars
622 (\$3,000,000.00) annually shall not lapse but shall be available
623 for expenditure in subsequent years subject to approval of the
624 State Board of Education. Any amount in the fund in excess of
625 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
626 year shall lapse into the State General Fund or the Education
627 Enhancement Fund, depending on the source of the fund.

628 The State Board of Education may loan monies from the School
629 District Emergency Assistance Fund to a school district that is
630 under a state of emergency or in district transformation status,
631 in those amounts, as determined by the board, that are necessary
632 to correct the district's impairments related to a lack of
633 financial resources. The loans shall be evidenced by an agreement
634 between the school district and the State Board of Education and
635 shall be repayable in principal, without necessity of interest, to



636 the School District Emergency Assistance Fund by the school
637 district from any allowable funds that are available. The total
638 amount loaned to the district shall be due and payable within five
639 (5) years after the impairments related to a lack of financial
640 resources are corrected. If a school district fails to make
641 payments on the loan in accordance with the terms of the agreement
642 between the district and the State Board of Education, the State
643 Department of Education, in accordance with rules and regulations
644 established by the State Board of Education, may withhold that
645 district's adequate education program funds in an amount and
646 manner that will effectuate repayment consistent with the terms of
647 the agreement; the funds withheld by the department shall be
648 deposited into the School District Emergency Assistance Fund.

649 The State Board of Education shall develop a protocol that
650 will outline the performance standards and requisite timeline
651 deemed necessary for extreme emergency measures. If the State
652 Board of Education determines that an extreme emergency exists,
653 simultaneous with the powers exercised in this subsection, it
654 shall take immediate action against all parties responsible for
655 the affected school districts having been determined to be in an
656 extreme emergency. The action shall include, but not be limited
657 to, initiating civil actions to recover funds and criminal actions
658 to account for criminal activity. Any funds recovered by the
659 State Auditor or the State Board of Education from the surety
660 bonds of school officials or from any civil action brought under



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

663 (16) If a majority of the membership of the school board of
664 any school district resigns from office, the State Board of
665 Education shall be authorized to assign an interim superintendent,
666 who shall be responsible for the administration, management and
667 operation of the school district until the time as new board
668 members are selected or the Governor declares a state of emergency
669 in that school district under subsection (12), whichever occurs
670 first. In that case, the State Board of Education, acting through
671 the interim superintendent, shall have all powers which were held
672 by the previously existing school board, and may take any action
673 as prescribed in Section 37-17-13 and/or one or more of the
674 actions authorized in this section.

675 (17) (a) If the Governor declares a state of emergency in a
676 school district, the State Board of Education may take all such
677 action pertaining to that school district as is authorized under
678 subsection (12) or (15) of this section, including the appointment
679 of an interim superintendent. The State Board of Education shall
680 also have the authority to issue a written request with
681 documentation to the Governor asking that the office of the
682 superintendent of the school district be subject to recall. If
683 the Governor declares that the office of the superintendent of the
684 school district is subject to recall, the local school board or



685 the county election commission, as the case may be, shall take the
686 following action:

687 (i) If the office of superintendent is an elected
688 office, in those years in which there is no general election, the
689 name shall be submitted by the State Board of Education to the
690 county election commission, and the county election commission
691 shall submit the question at a special election to the voters
692 eligible to vote for the office of superintendent within the
693 county, and the special election shall be held within sixty (60)
694 days from notification by the State Board of Education. The
695 ballot shall read substantially as follows:

696 "Shall County Superintendent of Education _____ (here the
697 name of the superintendent shall be inserted) of the _____
698 (here the title of the school district shall be inserted) be
699 retained in office? Yes _____ No _____"

700 If a majority of those voting on the question votes against
701 retaining the superintendent in office, a vacancy shall exist
702 which shall be filled in the manner provided by law; otherwise,
703 the superintendent shall remain in office for the term of that
704 office, and at the expiration of the term shall be eligible for
705 qualification and election to another term or terms.

706 (ii) If the office of superintendent is an
707 appointive office, the name of the superintendent shall be
708 submitted by the president of the local school board at the next
709 regular meeting of the school board for retention in office or



710 dismissal from office. If a majority of the school board voting
711 on the question vote against retaining the superintendent in
712 office, a vacancy shall exist which shall be filled as provided by
713 law, otherwise the superintendent shall remain in office for the
714 duration of his employment contract.

715 (b) The State Board of Education may issue a written
716 request with documentation to the Governor asking that the
717 membership of the school board of the school district shall be
718 subject to recall. Whenever the Governor declares that the
719 membership of the school board is subject to recall, the county
720 election commission or the local governing authorities, as the
721 case may be, shall take the following action:

722 (i) If the members of the local school board are
723 elected to office, in those years in which the specific member's
724 office is not up for election, the name of the school board member
725 shall be submitted by the State Board of Education to the county
726 election commission, and the county election commission at a
727 special election shall submit the question to the voters eligible
728 to vote for the particular member's office within the county or
729 school district, as the case may be, and the special election
730 shall be held within sixty (60) days from notification by the
731 State Board of Education. The ballot shall read substantially as
732 follows:

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



735 election this year are subject to recall because of the school
736 district's failure to meet critical accountability standards as
737 defined in the letter of notification to the Governor from the
738 State Board of Education. Shall the member of the school board
739 representing this area, _____ (here the name of the school
740 board member holding the office shall be inserted), be retained in
741 office? Yes _____ No _____"

742 If a majority of those voting on the question vote against
743 retaining the member of the school board in office, a vacancy in
744 that board member's office shall exist, which shall be filled in
745 the manner provided by law; otherwise, the school board member
746 shall remain in office for the term of that office, and at the
747 expiration of the term of office, the member shall be eligible for
748 qualification and election to another term or terms of office.
749 However, if a majority of the school board members are recalled in
750 the special election, the Governor shall authorize the board of
751 supervisors of the county in which the school district is situated
752 to appoint members to fill the offices of the members recalled.
753 The board of supervisors shall make those appointments in the
754 manner provided by law for filling vacancies on the school board,
755 and the appointed members shall serve until the office is filled
756 at the next regular special election or general election.

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



760 or county governing authority, as the case may be, at the next
761 regular meeting of the governing authority for retention in office
762 or dismissal from office. If a majority of the governing
763 authority voting on the question vote against retaining the board
764 in office, a vacancy shall exist in each school board member's
765 office, which shall be filled as provided by law; otherwise, the
766 members of the appointed school board shall remain in office for
767 the duration of their term of appointment, and those members may
768 be reappointed.

769 (iii) If the local school board is comprised of
770 both elected and appointed members, the elected members shall be
771 subject to recall in the manner provided in subparagraph (i) of
772 this paragraph (b), and the appointed members shall be subject to
773 recall in the manner provided in subparagraph (ii).

774 (18) Beginning with the school district audits conducted for
775 the 1997-1998 fiscal year, the State Board of Education, acting
776 through the Commission on School Accreditation, shall require each
777 school district to comply with standards established by the State
778 Department of Audit for the verification of fixed assets and the
779 auditing of fixed assets records as a minimum requirement for
780 accreditation.

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



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

788 The State Superintendent of Public Education and the State
789 Board of Education also shall develop a comprehensive
790 accountability plan to ensure that local school boards,
791 superintendents, principals and teachers are held accountable for
792 student achievement. A written report on the accountability plan
793 shall be submitted to the Education Committees of both houses of
794 the Legislature before December 1, 1999, with any necessary
795 legislative recommendations.

796 (20) Before January 1, 2008, the State Board of Education
797 shall evaluate and submit a recommendation to the Education
798 Committees of the House of Representatives and the Senate on
799 inclusion of graduation rate and dropout rate in the school level
800 accountability system.

801 (21) If a local school district is determined as failing and
802 placed into district transformation status for reasons authorized
803 by the provisions of this section, the interim superintendent
804 appointed to the district shall, within forty-five (45) days after
805 being appointed, present a detailed and structured corrective
806 action plan to move the local school district out of district
807 transformation status to the deputy superintendent. A copy of the
808 interim superintendent's corrective action plan shall also be
809 filed with the State Board of Education.



810 **SECTION 2.** Section 37-19-10, Mississippi Code of 1972, is
811 amended as follows:

812 37-19-10. (1) The Legislature finds that there is a need
813 for a performance incentive program for outstanding teachers and
814 staff in highly productive schools.

815 (2) Beginning with the 2016-2017 school year, the School
816 Recognition Program is created to provide financial awards to
817 public schools that:

818 (a) Sustain high performance by earning a school
819 accountability rating score of * * * four hundred forty-two (442)
820 points or greater on a scale of seven hundred (700) points or a
821 score of seven hundred fifty-four (754) points on a scale of one
822 thousand (1,000) points, which shall be funded at One Hundred
823 Dollars (\$100.00) per pupil in average daily attendance;

824 (b) Sustain high performance by earning a school
825 accountability rating score of * * * greater than three hundred
826 seventy-seven (377) points, but less than four hundred forty-two
827 (442) points on a scale of seven hundred (700) points, or a score
828 greater than six hundred forty-eight (648) points on a scale of
829 one thousand (1,000) points, which shall be funded at Seventy-five
830 Dollars (\$75.00) per pupil in average daily attendance; or

831 (c) Demonstrate exemplary performance by improving at
832 least * * * by fifty-eight (58) points for elementary and middle
833 schools or by eighty-one (81) points for high schools, which shall



834 be funded at One Hundred Dollars (\$100.00) per pupil in average
835 daily attendance.

836 (3) All public schools, including charter schools, earning
837 the appropriate school rating are eligible to participate in the
838 program.

839 (4) School recognition awards must be used for nonrecurring
840 salary supplements to the teachers and staff employed in the
841 school receiving the financial award. Any nonrecurring salary
842 supplements paid to teachers and staff shall be prospective, shall
843 be paid over the remainder of the year, and shall not be
844 considered part of the local supplement. For contracted
845 individuals, there shall be an amendment to the existing contract.

846 (5) School recognition awards shall not be used for
847 administrators.

848 (6) There is hereby created in the State Treasury, the
849 School Recognition Program Fund which shall be used by the State
850 Department of Education, depending on the availability of funds as
851 appropriated, to provide financial awards to schools under this
852 section. It shall be the duty of the State Department of
853 Education to file with the State Treasurer and the State Fiscal
854 Officer such data and information as may be required to enable the
855 said State Treasurer and State Fiscal Officer to distribute the
856 School Recognition Program Funds by electronic funds transfer to
857 the several school districts at the time required and provided
858 under the provisions of this section. Such data and information



859 so filed shall show in detail the amount of funds to which each
860 school district is entitled from the School Recognition Program
861 Fund. Such data and information so filed may be revised from time
862 to time as necessitated by law. At the time provided by law, the
863 State Treasurer and the State Fiscal Officer shall distribute to
864 the several school districts the amounts to which they are
865 entitled from the School Recognition Program Fund as provided by
866 this section. Such distribution shall be made by electronic funds
867 transfer to the depositories of the several school districts
868 designated in writing to the State Treasurer based upon the data
869 and information supplied by the State Department of Education for
870 such distribution. In such instances, the State Treasurer shall
871 submit a request for an electronic funds transfer to the State
872 Fiscal Officer, which shall set forth the purpose, amount and
873 payees, and shall be in such form as may be approved by the State
874 Fiscal Officer so as to provide the necessary information as would
875 be required for a requisition and issuance of a warrant. A copy
876 of the record of said electronic funds transfers shall be
877 transmitted by the school district depositories to the Treasurer,
878 who shall file duplicates with the State Fiscal Officer. The
879 Treasurer and State Fiscal Officer shall jointly promulgate
880 regulations for the utilization of electronic funds transfers to
881 school districts from the School Recognition Program Fund.

882 (7) It is the intent of the Legislature to develop a plan to
883 reward high-performing teachers in schools with an accountability



884 rating * * * score less than three hundred seventy-seven (377)
885 points on a scale of seven hundred (700) points or less than six
886 hundred forty-eight (648) points on a scale of one thousand
887 (1,000) points by July 1, 2016.

888 **SECTION 3.** Section 37-17-13, Mississippi Code of 1972, is
889 amended as follows:

890 37-17-13. (1) Whenever the Governor declares a state of
891 emergency in a school district in response to a certification by
892 the State Board of Education and the Commission on School
893 Accreditation made under Section 37-17-6(12) (b), the State Board
894 of Education, in addition to any actions taken under Section
895 37-17-6, may abolish the school district and assume control and
896 administration of the schools formerly constituting the district,
897 and appoint an interim superintendent to carry out this purpose
898 under the direction of the State Board of Education. In such
899 case, the State Board of Education shall have all powers which
900 were held by the previously existing school board, and the
901 previously existing superintendent of schools or county
902 superintendent of education, including, but not limited to, those
903 enumerated in Section 37-7-301, and the authority to request tax
904 levies from the appropriate governing authorities for the support
905 of the schools and to receive and expend the tax funds as provided
906 by Section 37-57-1 et seq. and Section 37-57-105 et seq.

907 (2) When a school district is abolished under this section,
908 loans from the School District Emergency Assistance Fund may be



909 made by the State Board of Education for the use and benefit of
910 the schools formerly constituting the district in accordance with
911 the procedures set forth in Section 37-17-6(15) for such loans to
912 the district. The abolition of a school district under this
913 section shall not impair or release the property of that school
914 district from liability for the payment of the loan indebtedness,
915 and it shall be the duty of the appropriate governing authorities
916 to levy taxes on the property of the district so abolished from
917 year to year according to the terms of the indebtedness until same
918 shall be fully paid.

919 (3) After a school district is abolished under this section,
920 at such time as the State Board of Education determines that the
921 impairments have been substantially corrected after a period of
922 maintaining a * * * accountability rating score of three hundred
923 twenty-eight (328) points or greater on a scale of seven hundred
924 (700) points, or a score of five hundred eighty-four (584) points
925 or greater on a scale of one thousand (1,000) points for five (5)
926 consecutive years, unless the State Board of Education determines
927 that the district is eligible to return to local control in less
928 than the five-year period, the State Board of Education shall
929 reconstitute, reorganize or change or alter the boundaries of the
930 previously existing district; however, no partition or assignment
931 of territory formerly included in the abolished district to one or
932 more other school districts may be made by the State Board of
933 Education without the consent of the school board of the school



934 district to which such territory is to be transferred, such
935 consent to be spread upon its minutes. At that time, the State
936 Board of Education, in appropriate cases, shall notify the
937 appropriate governing authority or authorities of its action and
938 request them to provide for the election or appointment of school
939 board members in the manner provided by law. In the event the
940 applicable statute provides that vacancies in an all-elected
941 membership of the school board will be filled by appointment by
942 the remaining members of the school board and no members of the
943 school board remain in office, the Governor shall call a special
944 election to fill the vacancies. In such situations, the Governor
945 will set the date of the special election and the election will be
946 conducted by the county election commission. The State Board of
947 Education shall also request the governing authority or
948 authorities to provide for the appointment of a superintendent or
949 superintendents to govern the reconstituted, reorganized or
950 changed district or districts, which such appointed position shall
951 apply in all school districts including those school districts in
952 which the position of superintendent was previously an elected
953 office. A board member or superintendent in office at the time
954 the Governor declares a state of emergency in a school district to
955 be abolished shall not be eligible to serve in that office for the
956 school district reconstituted, reorganized or changed after the
957 Governor declares that an emergency no longer exists.



958 (4) As an alternative to the procedure set forth in
959 subsection (3), in the event a local school board is abolished by
960 the State Board of Education pursuant to this section, after the
961 State Board of Education determines that the impairments are being
962 substantially corrected and the responsibility of the district
963 transformation in such district upon the conclusion of the final
964 scholastic year in which a district has maintained a "C"
965 accountability rating for five (5) consecutive years, unless the
966 State Board of Education determines that the district is eligible
967 to return to local control in less than the five-year period, the
968 State Board of Education may appoint a new five-member board for
969 the administration of the school district and shall notify the
970 local county board of supervisors and/or municipal governing
971 authority of such appointment, spreading the names of the new
972 school board members on its minutes. The new local school board
973 members shall be residents of the school district. The new local
974 school board members appointed by the State Board of Education may
975 serve in an advisory capacity to the interim superintendent for
976 its first year of service and thereafter shall have full
977 responsibility to administer the school district. Thirty (30)
978 days prior to the end of the first year of office as an advisory
979 board, each member shall draw lots to determine when the members
980 shall rotate off the board as follows: one (1) member shall serve
981 a one-year term of office; one (1) member shall serve a two-year
982 term of office; one (1) member shall serve a three-year term of



983 office; one (1) member shall serve a four-year term of office; and
984 one (1) member shall serve a five-year term of office. At that
985 time, the State Board of Education shall notify the appropriate
986 board of supervisors or municipal governing authority of this
987 action and request them to provide for the election or appointment
988 of school board members at the end of the terms of office in the
989 manner provided by law, in order for the local residents of the
990 school district to select a new school board on a phased-in basis.
991 In such situations, the Governor will set the date of any
992 necessary special election which shall be conducted by the county
993 election commission. The State Board of Education shall also
994 request the new school board to provide for the appointment of a
995 superintendent to govern the reconstituted or reorganized school
996 district, including those school districts in which the position
997 of superintendent was previously an elected office. A board
998 member or superintendent in office at the time the Governor
999 declares a state of emergency in a school district shall not be
1000 eligible to serve in the office of school board member or
1001 superintendent for the school district reconstituted or
1002 reorganized following the district transformation period.

1003 This subsection (4) shall stand repealed from and after July
1004 1, 2026.

1005 **SECTION 4.** Section 37-17-15, Mississippi Code of 1972, is
1006 amended as follows:



1007 37-17-15. Effective March 26, 2014, the withdrawal of a
1008 school district's accreditation by the Commission on School
1009 Accreditation in a school district with an * * * accountability
1010 rating score of three hundred seventy-seven (377) points or
1011 greater on a scale of seven hundred (700) points, or a score of
1012 six hundred forty-eight (648) points or greater on a scale of one
1013 thousand (1,000) points, for any reason other than failure to meet
1014 student academic standards or for failure to comply with financial
1015 accountability requirements, shall not result in any limitation of
1016 the schools in the district to participate in any extracurricular
1017 or athletic activity in the regular or postseason. The Commission
1018 on School Accreditation shall amend its rules and regulations to
1019 conform to the provisions of this section.

1020 **SECTION 5.** Section 37-17-17, Mississippi Code of 1972, is
1021 amended as follows:

1022 37-17-17. (1) There is created the Mississippi Achievement
1023 School District for the purpose of transforming persistently
1024 failing public schools and districts throughout the state into
1025 quality educational institutions. The Mississippi Achievement
1026 School District shall be a statewide school district, separate and
1027 distinct from all other school districts but not confined to any
1028 specified geographic boundaries, and may be comprised of any
1029 public schools or school districts in the state which, during two
1030 (2) consecutive school years, are designated * * * " * * *
1031 Priority" school or district by the State Board of Education under



1032 the accountability rating system or which have been persistently
1033 failing and chronically underperforming, as determined by the
1034 assignment of an accreditation rating score of less than two
1035 hundred sixty-nine (269) points on a scale of seven hundred (700)
1036 points, or an accreditation rating score of less than five hundred
1037 ten (510) points on a scale of one thousand (1,000) points.

1038 (2) The Mississippi Achievement School District shall be
1039 governed by the State Board of Education.

1040 (3) The State Board of Education shall obtain suitable
1041 office space to serve as the administrative office of the school
1042 district.

1043 (4) The State Board of Education shall select an individual
1044 to serve as superintendent of the Mississippi Achievement School
1045 District. The superintendent must be deemed by the board to be
1046 highly qualified with a demonstrable track record for producing
1047 results in a context relevant to that of Mississippi Achievement
1048 School District schools. The superintendent of the Mississippi
1049 Achievement School District shall exercise powers and duties that
1050 would afford significant autonomy but are bound by the governance
1051 of the State Board of Education.

1052 (5) (a) Each public school or district in the state which,
1053 during each of two (2) consecutive school years or during two (2)
1054 of three (3) consecutive school years, receives * * * " * * *
1055 Priority" designation by the State Board of Education under the
1056 accountability rating system or has been persistently failing as



1057 defined by the State Board of Education, as determined by the
1058 assignment of an accountability rating score of less than four
1059 hundred eighty-nine (489) points, may be absorbed into and become
1060 a part of the Mississippi Achievement School District. All
1061 eligible public schools and districts shall be prioritized by the
1062 Mississippi Achievement School District according to criteria set
1063 by the Mississippi Achievement School District and publicized
1064 prior to the annual release of accountability rating data. The
1065 Mississippi Achievement School District shall takeover only the
1066 number of schools and districts for which it has the capacity to
1067 serve. The transfer of the school's/district's governance from
1068 the local school district to the Mississippi Achievement School
1069 District shall take effect upon the approval of the State Board of
1070 Education unless, in the sole determination of the Mississippi
1071 Achievement School District, the transition may be more smoothly
1072 accomplished through a gradual transfer of control. If the
1073 Mississippi Achievement School District elects not to assume
1074 complete control of a school or district immediately after that
1075 school receives * * * " * * * Priority" designation during each of
1076 two (2) consecutive school years or during two (2) of the three
1077 (3) consecutive school years, the State Board of Education shall
1078 prescribe the process and timetable by which the school or
1079 district shall be absorbed; however, in no event may the transfer
1080 of the school or district to the Mississippi Achievement School
1081 District be completed later than the beginning of the school year



1082 next succeeding the year during which the school or district
1083 receives the " * * * Priority" designation. School districts that
1084 are eligible to be absorbed by the Achievement School District,
1085 but are not absorbed due to the capacity of the Achievement School
1086 District, shall develop and implement a district improvement plan
1087 with prescriptive guidance and support from the Mississippi
1088 Department of Education, with the goal of helping the district
1089 improve student achievement. Failure of the school board,
1090 superintendent and school district staff to implement the plan
1091 with fidelity and participate in the activities provided as
1092 support by the department shall result in the school district
1093 retaining its eligibility for the Mississippi Achievement School
1094 District.

1095 (b) The State Board of Education shall adopt rules and
1096 regulations governing the operation of the Mississippi Achievement
1097 School District.

1098 (c) Designations assigned to schools or districts under
1099 the accountability rating system by the State Board of Education
1100 before the 2015-2016 school year may not be considered in
1101 determining whether a particular school or district is subject to
1102 being absorbed by the Mississippi Achievement School District.
1103 During the 2017-2018 school year, any school or district
1104 receiving * * * " * * * Priority" designation after also being
1105 designated * * * " * * * Priority" school or district in the
1106 2015-2016 and 2016-2017 school years may be absorbed immediately



1107 by the Mississippi Achievement School District, upon approval of
1108 the State Board of Education.

1109 (d) The school district from which * * * " * * *
1110 Priority" school or district is being absorbed must cooperate
1111 fully with the Mississippi Achievement School District and the
1112 State Board of Education in order to provide as smooth a
1113 transition as possible in the school's/district's governance and
1114 operations for the students enrolled in the school or district.
1115 Upon completion of the transfer of a school or district to the
1116 Mississippi Achievement School District, the school or district
1117 shall be governed by the rules, regulations, policies and
1118 procedures established by the State Board of Education
1119 specifically for the Mississippi Achievement School District, and
1120 the school or district shall no longer be under the purview of the
1121 school board of the local school district. In the event of the
1122 transfer of governance and operations of a school district, the
1123 State Board of Education shall abolish the district as prescribed
1124 in Section 37-17-13.

1125 (e) Upon the transfer of the school or school district
1126 to the Mississippi Achievement School District, the individual
1127 appointed by the State Board of Education to serve as
1128 superintendent for the Mississippi Achievement School District
1129 shall be responsible for the administration, management and
1130 operation of the school or school district, including the
1131 following activities: (i) approving or denying all financial



1132 obligations of the school or school district; (ii) approving or
1133 denying the employment, termination, nonrenewal and reassignment
1134 of all licensed and nonlicensed personnel; (iii) approving or
1135 denying contractual agreements and purchase orders; (iv)
1136 approving or denying all claim dockets and the issuance of checks;
1137 (v) supervising the day-to-day activities of the school or school
1138 district's staff in a manner which in the determination of the
1139 Mississippi Achievement School District will best suit the needs
1140 of the school or school district; (vi) approving or denying all
1141 athletic, band and other extracurricular activities and any
1142 matters related to those activities; (vii) honoring any reasonable
1143 financial commitment of the district being absorbed; and (viii)
1144 reporting periodically to the State Board of Education on the
1145 progress or lack of progress being made in the school or school
1146 district to improve the school or school district's impairments.

1147 (f) Upon attaining and maintaining a school or district
1148 accountability rating score of * * * three hundred twenty-eight
1149 (328) points or greater on a scale of seven hundred (700) points,
1150 or five hundred eighty-four (584) points or better on a scale of
1151 one thousand (1,000) points under the State Department of
1152 Education's accountability rating system for five (5) consecutive
1153 years, the State Board of Education may decide to revert the
1154 absorbed school or district back to local governance, provided the
1155 school or school(s) in question are not conversion charter
1156 schools. "Local governance" may include a traditional school



1157 board model of governance or other new form of governance such as
1158 mayoral control, or other type of governance. The State Board of
1159 Education shall determine the best form of local governance and
1160 school board composition after soliciting the input of local
1161 citizens and shall outline a process for establishing the type of
1162 governance selected. The manner and timeline for reverting a
1163 school or district back to local control shall be at the
1164 discretion of the State School Board, but in no case shall it
1165 exceed five (5) years.

1166 (6) The Superintendent of the Mississippi Achievement School
1167 District shall hire those persons to be employed as principals,
1168 teachers and noninstructional personnel in schools or districts
1169 absorbed into the Mississippi Achievement School District. Only
1170 highly qualified individuals having a demonstrable record of
1171 success may be selected by the superintendent for such positions
1172 in the Mississippi Achievement School District. The
1173 superintendent may choose to continue the employment of any person
1174 employed in * * * a " * * * Priority" * * * designated school
1175 when the school or district is absorbed into the Mississippi
1176 Achievement School District; alternatively, the superintendent may
1177 elect not to offer continued employment to a person formerly
1178 employed at a school or district that is absorbed into the
1179 Mississippi Achievement School District. Any persons employed by
1180 the Mississippi Achievement School District shall not be subject
1181 to Sections 37-9-101 through 37-9-113.



1182 (7) (a) The Mississippi Achievement School District may use
1183 a school building and all facilities and property that is a part
1184 of a school and recognized as part of the facilities or assets of
1185 the school before it is absorbed into the Mississippi Achievement
1186 School District. In addition, the Mississippi Achievement School
1187 District shall have access to those additional facilities that
1188 typically were available to that school or district, its students,
1189 faculty and staff before its absorption by the Mississippi
1190 Achievement School District. Use of facilities by a school or
1191 district in the Mississippi Achievement School District must be
1192 unrestricted and free of charge. However, the Mississippi
1193 Achievement School District shall be responsible for providing
1194 routine maintenance and repairs necessary to maintain the
1195 facilities in as good a condition as when the right of use was
1196 acquired by the Mississippi Achievement School District. The
1197 Mississippi Achievement School District shall be responsible for
1198 paying all utilities at the facilities used for the absorbed
1199 school. Any fixtures, improvements and tangible assets added to a
1200 school building or facility by the Mississippi Achievement School
1201 District must remain at the school or district building or
1202 facility if the school or district is returned to local
1203 governance.

1204 (b) The State Board of Education shall include in the
1205 rules and regulations adopted pursuant to subsection (5) of this
1206 section specific provisions addressing the rights and



1207 responsibilities of the Mississippi Achievement School District
1208 relating to the real and personal property of a school or district
1209 that is absorbed into the Mississippi Achievement School District.

1210 (8) (a) The Mississippi Achievement School District shall
1211 certify annually to the State Board of Education in which a
1212 Mississippi Achievement School District school or district is
1213 located the number of students residing in the school district
1214 which are enrolled in that school or district.

1215 (b) Whenever an increase in funding is requested by the
1216 school board for the support of schools within a particular school
1217 district absorbed into the Mississippi Achievement School
1218 District, the State Board of Education and the superintendent for
1219 the Mississippi Achievement School District shall hold a public
1220 meeting in the local municipality having jurisdiction of the
1221 absorbed school district to allow input of local residents on the
1222 matter, and subsequent to the conclusion of such meeting, the
1223 board of the Mississippi Achievement School District shall submit
1224 its request for ad valorem increase in dollars to the local
1225 governing authority having jurisdiction over the absorbed school
1226 district for approval of the request for increase in ad valorem
1227 tax effort. In a district in which a school or schools but not
1228 the entire district is absorbed into the Mississippi Achievement
1229 School District, the local school district shall pay directly to
1230 the Mississippi Achievement School District an amount for each
1231 student enrolled in that school equal to the ad valorem tax



1232 receipts and in-lieu payments received per pupil for the support
1233 of the local school district in which the student resides. The
1234 pro rata ad valorem receipts and in-lieu receipts to be
1235 transferred to the Mississippi Achievement School District shall
1236 include all levies for the support of the local school district
1237 under Sections 37-57-1 (local contribution to the education
1238 funding program) and 37-57-105 (school district operational levy)
1239 and may not include any taxes levied for the retirement of the
1240 local school district's bonded indebtedness or short-term notes or
1241 any taxes levied for the support of vocational-technical education
1242 programs, unless the school or schools absorbed include a high
1243 school at which vocational-technical education programs are
1244 offered. In no event may the payment exceed the pro rata amount
1245 of the local ad valorem payment to the education funding program
1246 under Section 37-57-1 for the school district in which the student
1247 resides. Payments made under this section by a school district to
1248 the Mississippi Achievement School District must be made before
1249 the expiration of three (3) business days after the funds are
1250 distributed to the local school district by the tax collector.

1251 (c) If an entire school district is absorbed into the
1252 Mississippi Achievement School District, the tax collector shall
1253 pay the amounts as described in paragraph (b) of this subsection,
1254 with the exception that all funds should transfer, including taxes
1255 levied for the retirement of the local school district's bonded
1256 indebtedness or short-term notes and any taxes levied for the



1257 support of vocational-technical education programs. The
1258 Mississippi Achievement School District shall pay funds raised to
1259 retire the district's debts to the appropriate creditors on behalf
1260 of the former district.

1261 (9) (a) The State Department of Education shall make
1262 payments to the Mississippi Achievement School District for each
1263 student in average daily membership at a Mississippi Achievement
1264 School District school equal to the state share of the education
1265 funding program payments for each student in average daily
1266 attendance at the local school district or former local school
1267 district in which that school is located. In calculating the
1268 local contribution for purposes of determining the state share of
1269 the education funding program payments, the department shall
1270 deduct the pro rata local contribution of the school district or
1271 former school district in which the student resides, to be
1272 determined as provided in Section 37-151-7(2) (a).

1273 (b) Payments made pursuant to this subsection by the
1274 State Department of Education must be made at the same time and in
1275 the same manner as education funding program payments are made to
1276 all other school districts under Sections 37-151-101 and
1277 37-151-103. Amounts payable to the Mississippi Achievement School
1278 District must be determined by the State Department of Education
1279 in the same manner that such amounts are calculated for all other
1280 school districts under the education funding program.



1281 (10) The Mississippi Achievement School District shall be
1282 considered a local educational agency for the same purposes and to
1283 the same extent that all other school districts in the state are
1284 deemed local educational agencies under applicable federal laws.

1285 (11) The Mississippi Achievement School District may receive
1286 donations or grants from any public or private source, including
1287 any federal funding that may be available to the school district
1288 or individual schools within the Mississippi Achievement School
1289 District.

1290 (12) The Legislature may appropriate sufficient funding to
1291 the State Department of Education for the 2017 fiscal year for the
1292 specific purpose of funding the start-up, operational and any
1293 other required costs of the Mississippi Achievement School
1294 District during the 2017-2018 school year.

1295 **SECTION 6.** Section 37-7-315.1, Mississippi Code of 1972, is
1296 amended as follows:

1297 37-7-315.1. (1) Not later than July 1, 2020, the Tate
1298 County School Board, having jurisdiction over three (3) high
1299 schools within the Tate County School District, shall consolidate
1300 its system of high schools by closing Coldwater High School upon
1301 the completion of the 2019-2020 scholastic year. Factors used in
1302 determining the necessity to close Coldwater High School consists
1303 of the following criteria:

1304 (a) Coldwater High School has consistently and
1305 chronically underperformed, as determined by its grade designation



1306 under the statewide school accountability rating system, as
1307 determined by the State Board of Education for the last four (4)
1308 accreditation cycles as follows:

1309 (i) Maintained a " * * * Priority" accountability
1310 rating for the 2016, 2017 and 2018 school years; and

1311 (ii) Achieved a " * * * Focus" accountability
1312 rating for the 2019 school year;

1313 (b) Coldwater High School has maintained an average
1314 annual enrollment of approximately one hundred (100) students for
1315 the last four (4) scholastic terms;

1316 (c) Coldwater High School's average annual student
1317 enrollment for the last four (4) scholastic terms represents less
1318 than four percent (4%) of the overall student enrollment for the
1319 Tate County School District;

1320 (d) Coldwater High School provides a limited selection
1321 of robust and advanced course offerings as part of its adopted
1322 curriculum; and

1323 (e) An assessment of Coldwater High School's graduation
1324 percentage rates and dropout percentage rates in comparison to the
1325 other remaining two (2) high schools throughout Tate County, the
1326 Senatobia Municipal School District and in surrounding counties.

1327 (2) Under the authority provided in Section 37-7-315, the
1328 Tate County School Board shall execute a plan to provide for the
1329 closure of Coldwater High School, which shall be spread upon the
1330 minutes of its regularly scheduled meeting or at a special meeting



1331 called for the specific purpose of the school closure. At said
1332 meeting, the Tate County School Board shall:

1333 (a) Issue an order to provide that the attendance zone
1334 of Coldwater High School shall be collapsed and redrawn for
1335 distribution in equal proportions to the school attendance zones
1336 for Independence High School and Strayhorn High School. The Tate
1337 County School Board shall thereafter publish the same in some
1338 newspaper of general circulation in the county for at least three
1339 (3) consecutive weeks and after having given notice of publication
1340 and recording the same upon the minutes of the school board, the
1341 new high school attendance zones will thereafter be effective;

1342 (b) Issue an order to provide that upon such closure,
1343 students attending Coldwater High School shall have the discretion
1344 to choose whether to:

1345 (i) Attend either Independence High School or
1346 Strayhorn High School in a manner that does not disparately impact
1347 the desegregation of either school; or

1348 (ii) Transfer to the Senatobia Municipal School
1349 District, provided that the appropriate high school located
1350 therein is closest in proximity to the student's residence than
1351 either of the two (2) high schools in the Tate County School
1352 District; and

1353 (c) Issue an order to enter agreement with the
1354 Senatobia Municipal School Board for the release by the Tate
1355 County School Board and subsequent acceptance by the Senatobia



1356 Municipal School District of students affected by the closure of
1357 Coldwater High School. The agreement between each school board
1358 made parties thereto must consider the composition of the district
1359 boundaries of the Tate County School District, as it existed on
1360 January 1, 2020, to ensure that the student population eligible to
1361 be transferred from the Coldwater High School attendance zone to
1362 the Senatobia Municipal School District does not disparately
1363 impact the desegregation of either school district entering into
1364 agreement.

1365 **SECTION 7.** Section 37-9-13, Mississippi Code of 1972, is
1366 amended as follows:

1367 37-9-13. (1) (a) Each school district shall have a
1368 superintendent of schools, selected in the manner provided by law.
1369 No person shall be eligible to the office of superintendent of
1370 schools unless such person shall hold a valid administrator's
1371 license issued by the State Department of Education and shall have
1372 classroom or administrative experience of not less than six (6)
1373 years which shall include at least three (3) years of
1374 administrative experience as a school building principal (a) in a
1375 school with an * * * accountability rating score of three hundred
1376 seventy-seven (377) points or greater on a scale of seven hundred
1377 (700) points, or six hundred forty-eight (648) points on a scale
1378 of one thousand (1,000) points, or (b) in a school that increased
1379 its accountability rating by a letter grade during the period in
1380 which the principal was employed as principal at the school, or



1381 (c) in a school with comparable accountability rating or
1382 improvement in another state which shall be verified by the
1383 Mississippi Department of Education.

1384 (b) Notwithstanding the provisions of subsection (4) of
1385 this section, no person shall be eligible to the office of
1386 superintendent of schools if the person has pled guilty to or been
1387 convicted of any state or federal offense in which he or she
1388 unlawfully took, obtained or misappropriated funds received by or
1389 entrusted to the person by virtue of his or her public office or
1390 employment.

1391 (2) From and after January 1, 2019, in all public school
1392 districts, the local school board shall appoint the superintendent
1393 of schools of such district. At the expiration of the term of any
1394 county superintendent of education elected at the November 2015
1395 general election, the county superintendent of education of said
1396 county shall not be elected but shall thereafter be appointed by
1397 the local school board in the manner provided in Section 37-9-25.
1398 However, in the event that a vacancy in the office of the
1399 superintendent of schools elected at the November 2015 general
1400 election shall occur before January 1, 2019, the office of
1401 superintendent of schools shall immediately become an appointed
1402 position, and the local school board shall appoint the
1403 superintendent of the school district. The superintendent of
1404 schools shall have the general powers and duties to administer the



1405 schools within his district as prescribed in Section 37-9-14 et
1406 seq., Mississippi Code of 1972.

1407 (3) As an alternative to the qualifications prescribed in
1408 subsection (1)(a) of this section, the State Board of Education is
1409 authorized and directed to issue regulations by January 1, 2018,
1410 which include minimum credentials, educational prerequisites, and
1411 relevant best practice experience requirements that will qualify a
1412 person to serve as a superintendent without having the direct
1413 experience or certification as an educator specified in subsection
1414 (1)(a) of this section.

1415 (4) The provisions of this section shall be applicable to
1416 any superintendent of schools selected on or after July 1, 2017,
1417 who has not previously served as a superintendent or assistant
1418 superintendent within the last five (5) years.

1419 **SECTION 8.** This act shall take effect and be in force from
1420 and after July 1, 2024.

