

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2689

1 AN ACT TO REQUIRE THE DISCONTINUATION OF END-OF-COURSE
 2 SUBJECT AREA TESTING IN PUBLIC HIGH SCHOOLS FOR 11TH AND 12TH
 3 GRADES; TO REQUIRE THE DEPARTMENT TO SECURE APPROVAL FROM THE
 4 UNITED STATES DEPARTMENT OF EDUCATION TO ALLOW THE ACT AND ACT
 5 WORKKEYS TO SERVE AS COMPLIANCE WITH ANY FEDERAL TESTING
 6 REQUIREMENTS; TO REQUIRE ALL HIGH SCHOOL STUDENTS TO TAKE A
 7 NATIONALLY RECOGNIZED COLLEGE-READINESS AND CAREER-READINESS TEST,
 8 SUCH AS THE ACT AND ACT WORKKEYS ASSESSMENTS; TO AMEND SECTION
 9 37-17-6, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS
 10 RELATED TO THE STATE'S PERMANENT PERFORMANCE-BASED ACCREDITATION
 11 SYSTEM FOR SCHOOLS; TO AMEND SECTIONS 37-16-3, 37-16-7, 37-16-17,
 12 37-3-49, 37-15-38 AND 37-35-3, MISSISSIPPI CODE OF 1972, TO
 13 CONFORM TO THE PROVISION OF THIS ACT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Beginning in the 2026-2027 school year, the State
 16 Board of Education shall cease to require the administration of
 17 all end-of-course subject area tests for eleventh and twelfth
 18 grades. In lieu of the end-of-course tests, students enrolled in
 19 public secondary schools shall be administered nationally
 20 recognized college-readiness and career-readiness tests, such as
 21 the ACT and ACT WorkKeys assessments, deemed appropriate by the
 22 Mississippi Department of Education and required by Section
 23 37-17-6. The Department of Education shall seek to secure



24 approval from the United States Department of Education to allow
25 the ACT and ACT WorkKeys to serve as compliance with any Federal
26 testing requirements, thereby eliminating all Federal EOC tests
27 administered to eleventh and twelfth grades.

28 **SECTION 2.** Section 37-16-3, Mississippi Code of 1972, is
29 amended as follows:

30 37-16-3. (1) The State Department of Education is directed
31 to implement a program of statewide assessment testing which shall
32 provide for the improvement of the operation and management of the
33 public schools. The statewide program shall be timed, as far as
34 possible, so as not to conflict with ongoing district assessment
35 programs. As part of the program, the department shall:

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

42 (b) Conduct a uniform statewide testing program in
43 grades deemed appropriate in the public schools, including charter
44 schools, which shall include the administration of a
45 career-readiness assessment, such as, but not limited to, the ACT
46 WorkKeys Assessment, deemed appropriate by the Mississippi
47 Department of Education working in coordination with the Office of
48 Workforce Development, to * * * all students * * *. Each



49 individual school district shall * * * ensure the assessment is
50 administered in the tenth, eleventh or twelfth grade. The program
51 shall also include the administration of a college-readiness
52 assessment, such as, but not limited to, the ACT, deemed
53 appropriate by the Mississippi Department of Education. The
54 program may test skill areas, basic skills and high school course
55 content.

56 (c) Monitor the results of the assessment program and,
57 at any time the composite student performance of a school or basic
58 program is found to be below the established minimum standards,
59 notify the district superintendent or the governing board of the
60 charter school, as the case may be, the school principal and the
61 school advisory committee or other existing parent group of the
62 situation within thirty (30) days of its determination. The
63 department shall further provide technical assistance to a school
64 district in the identification of the causes of this deficiency
65 and shall recommend courses of action for its correction.

66 (d) Provide technical assistance to the school
67 districts, when requested, in the development of student
68 performance standards in addition to the established minimum
69 statewide standards.

70 (e) Issue security procedure regulations providing for
71 the security and integrity of the tests that are administered
72 under the basic skills assessment program.



73 (f) In case of an allegation of a testing irregularity
74 that prompts a need for an investigation by the Department of
75 Education, the department may, in its discretion, take complete
76 control of the statewide test administration in a school district
77 or any part thereof, including, but not limited to, obtaining
78 control of the test booklets and answer documents. In the case of
79 any verified testing irregularity that jeopardized the security
80 and integrity of the test(s), validity or the accuracy of the test
81 results, the cost of the investigation and any other actual and
82 necessary costs related to the investigation paid by the
83 Department of Education shall be reimbursed by the local school
84 district from funds other than federal funds, Mississippi Adequate
85 Education Program funds, or any other state funds within six (6)
86 months from the date of notice by the department to the school
87 district to make reimbursement to the department.

88 (2) Uniform basic skills tests shall be completed by each
89 student in the appropriate grade. These tests shall be
90 administered in such a manner as to preserve the integrity and
91 validity of the assessment. In the event of excused or unexcused
92 student absences, make-up tests shall be given. The school
93 superintendent of every school district in the state and the
94 principal of each charter school shall annually certify to the
95 State Department of Education that each student enrolled in the
96 appropriate grade has completed the required basic skills



97 assessment test for his or her grade in a valid test
98 administration.

99 (3) Within five (5) days of completing the administration of
100 a statewide test, the principal of the school where the test was
101 administered shall certify under oath to the State Department of
102 Education that the statewide test was administered in strict
103 accordance with the Requirements of the Mississippi Statewide
104 Assessment System as adopted by the State Board of Education. The
105 principal's sworn certification shall be set forth on a form
106 developed and approved by the Department of Education. If,
107 following the administration of a statewide test, the principal
108 has reason to believe that the test was not administered in strict
109 accordance with the Requirements of the Mississippi Statewide
110 Assessment System as adopted by the State Board of Education, the
111 principal shall submit a sworn certification to the Department of
112 Education setting forth all information known or believed by the
113 principal about all potential violations of the Requirements of
114 the Mississippi Statewide Assessment System as adopted by the
115 State Board of Education. The submission of false information or
116 false certification to the Department of Education by any licensed
117 educator may result in licensure disciplinary action pursuant to
118 Section 37-3-2 and criminal prosecution pursuant to Section
119 37-16-4.

120 **SECTION 3.** Section 37-16-7, Mississippi Code of 1972, is
121 amended as follows:



122 37-16-7. (1) Each district school board shall establish
123 standards for graduation from its schools which shall include as a
124 minimum:

125 (a) Mastery of minimum academic skills as measured by
126 assessments * * * administered by the State Board of Education.

127 (b) Completion of a minimum number of academic credits,
128 and all other applicable requirements prescribed by the district
129 school board.

130 (c) By school, information on high school graduation
131 rates. High schools with graduation rates lower than eighty
132 percent (80%) must submit a detailed plan to the Mississippi
133 Department of Education to restructure the high school experience
134 to improve graduation rates.

135 (2) A student who meets all requirements prescribed in
136 subsection (1) of this section shall be awarded a standard diploma
137 in a form prescribed by the State Board of Education.

138 (3) The State Board of Education may establish student
139 proficiency standards for promotion to grade levels leading to
140 graduation.

141 **SECTION 4.** Section 37-16-17, Mississippi Code of 1972, is
142 amended as follows:

143 37-16-17. (1) **Purpose.** (a) The purpose of this section is
144 to create a quality option in Mississippi's high schools for
145 students not wishing to pursue a baccalaureate degree, which shall
146 consist of challenging academic courses and modern



147 career-technical studies. The goal for students pursuing the
148 career technical education pathways is to graduate from high
149 school with a standard diploma and credit toward a community
150 college certification in a career-technical field. These students
151 also shall be encouraged to take the national assessment in the
152 career-technical field in which they become certified.

153 (b) The State Board of Education shall develop and
154 adopt course and curriculum requirements for career technical
155 education pathways offered by local public school boards in
156 accordance with this section. The Mississippi Community College
157 Board and the State Board of Education jointly shall determine
158 course and curriculum requirements for the career technical
159 education pathways. The State Board of Education shall require
160 school districts to provide notice to all incoming middle school
161 students and junior high students of the career technical
162 education pathways offered by local school boards. Such notice
163 shall include the career technical education pathways available,
164 the course requirements of each pathway, how to enroll in the
165 pathway and any other necessary information as determined by the
166 State Board of Education.

167 (2) **Career technical education pathway; description;**
168 **curriculum.** (a) A career technical education pathway shall
169 provide a student with greater technical skill and a strong
170 academic core and shall be offered to each high school student
171 enrolled in a public school district. The career technical



172 education pathway shall be linked to postsecondary options and
173 shall prepare students to pursue either a degree or certification
174 from a postsecondary institution, an industry-based training or
175 certification, an apprenticeship, the military, or immediate
176 entrance into a career field. The career technical education
177 pathway shall provide students with alternatives to entrance into
178 a four-year university or college after high school graduation.

179 (b) Students pursuing a career technical education
180 pathway shall be afforded the opportunity to dually enroll in a
181 community or technical college or to participate in a business
182 internship or work-study program, when such opportunities are
183 available and appropriate.

184 (c) Each public school district shall offer a career
185 technical education pathway approved by the State Board of
186 Education.

187 (d) Students in a career technical education pathway
188 shall complete an academic core of courses and a career and
189 technical sequence of courses.

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

- 194 (i) English I;
195 (ii) English II;
196 (iii) Technical writing;



- 197 (iv) Computer programming;
198 (v) Algebra I;
199 (vi) Personal Finance;
200 (vii) Advanced technical mathematics;
201 (viii) Computer Science;
202 (ix) Biology;
203 (x) Earth and Space Science;
204 (xi) U.S. History;
205 (xii) Mississippi Studies/U.S. Government;
206 (xiii) Health;
207 (xiv) Physical Education;
208 (xv) Soft skills, which include, but are not
209 limited to, communication ability, language skills, time
210 management, teamwork and leadership traits;
211 (xvi) Career technical education pathway courses;
212 and
213 (xvii) Integrated technology.

214 * * *

215 (f) The courses provided in paragraph (e) of this
216 subsection may be tailored to the individual needs of the school
217 district as long as the amendments align with the basic course
218 requirements of paragraph (e).

219 (3) Nothing in this section shall disallow the development
220 of a dual enrollment program with a technical college so long as
221 an individual school district, with approval from the State



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

225 **SECTION 5.** Section 37-17-6, Mississippi Code of 1972, is
226 amended as follows:

227 37-17-6. (1) The State Board of Education, acting through
228 the Commission on School Accreditation, shall establish and
229 implement a permanent performance-based accreditation system, and
230 all noncharter public elementary and secondary schools shall be
231 accredited under this system.

232 (2) * * * School districts shall be required to provide
233 school classroom space that is air-conditioned as a minimum
234 requirement for accreditation.

235 (3) (a) * * * The State Board of Education, acting through
236 the Commission on School Accreditation, shall require that school
237 districts employ certified school librarians according to the
238 following formula:

239	Number of Students	Number of Certified
240	Per School Library	School Librarians
241	0 - 499 Students	1/2 Full-time Equivalent
242		Certified Librarian
243	500 or More Students	1 Full-time Certified
244		Librarian

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



247 (c) The assignment of certified school librarians to
248 the particular schools shall be at the discretion of the local
249 school district. No individual shall be employed as a certified
250 school librarian without appropriate training and certification as
251 a school librarian by the State Department of Education.

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

256 (e) Nothing in this subsection shall prohibit any
257 school district from employing more certified school librarians
258 than are provided for in this section.

259 (f) Any additional millage levied to fund school
260 librarians required for accreditation under this subsection shall
261 be included in the tax increase limitation set forth in Sections
262 37-57-105 and 37-57-107 and shall not be deemed a new program for
263 purposes of the limitation.

264 (4) * * * [Deleted]

265 (5) (a) * * * The State Department of Education, acting
266 through the Mississippi Commission on School Accreditation,
267 shall * * * implement a single "A" through "F" school and school
268 district accountability system complying with applicable federal
269 and state requirements in order to reach the following educational
270 goals:



271 (i) To mobilize resources and supplies to ensure
272 that all students exit third grade reading on grade level * * *;

273 (ii) To reduce the student dropout rate to * * *
274 ten percent (10%); and

275 (iii) To have sixty percent (60%) of students
276 scoring proficient and advanced on * * * assessments * * *.

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

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

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

285 (ii) Individual student growth: the percent of
286 students making one (1) year's progress in one (1) year's time on
287 the state assessment, with an emphasis on the progress of the
288 lowest twenty-five percent (25%) of students in the school or
289 district;

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

293 * * *

294 (* * *iv) The system shall include the federally
295 compliant four-year graduation rate in school and school district



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

300 (* * * y) The school and school district
301 accountability system shall incorporate a standards-based growth
302 model, in order to support improvement of individual student
303 learning;

304 * * *

305 (* * * vi) The State Department of Education shall
306 determine feeder patterns of schools that do not earn a school
307 grade because the grades and subjects taught at the school do not
308 have statewide standardized assessments needed to calculate a
309 school grade. Upon determination of the feeder pattern, the
310 department shall notify schools and school districts prior to the
311 release of the school grades * * *. Feeder schools will be
312 assigned the accountability designation of the school to which
313 they provide students;

314 (* * * vii) Standards for student, school and
315 school district performance will be increased when student
316 proficiency is at a seventy-five percent (75%) and/or when
317 sixty-five percent (65%) of the schools and/or school districts
318 are earning a grade of "B" or higher, in order to raise the
319 standard on performance after targets are met;



320 (* * * viii) The system shall include student
321 performance on the administration of a career-readiness
322 assessment, such as, but not limited to, the ACT WorkKeys
323 Assessment, deemed appropriate by the Mississippi Department of
324 Education working in coordination with the Office of Workforce
325 Development * * *; and

326 (ix) The system shall include student performance
327 on the administration of a college-readiness assessment, such as,
328 but not limited to, the ACT, deemed appropriate by the Mississippi
329 Department of Education.

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

333 (7) The State Board of Education shall create an
334 accreditation audit unit under the Commission on School
335 Accreditation to determine whether schools are complying with
336 accreditation standards.

337 (8) The State Board of Education shall be specifically
338 authorized and empowered to withhold adequate education program
339 fund allocations, whichever is applicable, to any public school
340 district for failure to timely report student, school personnel
341 and fiscal data necessary to meet state and/or federal
342 requirements.

343 (9) [Deleted]



344 (10) The State Board of Education shall establish, for those
345 school districts failing to meet accreditation standards, a
346 program of development to be complied with in order to receive
347 state funds, except as otherwise provided in subsection (15) of
348 this section when the Governor has declared a state of emergency
349 in a school district or as otherwise provided in Section 206,
350 Mississippi Constitution of 1890. The state board, in
351 establishing these standards, shall provide for notice to schools
352 and sufficient time and aid to enable schools to attempt to meet
353 these standards, unless procedures under subsection (15) of this
354 section have been invoked.

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

358 (a) Develop an impairment report for each district
359 failing to meet accreditation standards in conjunction with school
360 district officials;

361 (b) Notify any applicable school district failing to
362 meet accreditation standards that it is on probation until
363 corrective actions are taken or until the deficiencies have been
364 removed. The local school district shall develop a corrective
365 action plan to improve its deficiencies. For district academic
366 deficiencies, the corrective action plan for each such school
367 district shall be based upon a complete analysis of the following:
368 student test data, student grades, student attendance reports,



369 student dropout data, existence and other relevant data. The
370 corrective action plan shall describe the specific measures to be
371 taken by the particular school district and school to improve:
372 (i) instruction; (ii) curriculum; (iii) professional development;
373 (iv) personnel and classroom organization; (v) student incentives
374 for performance; (vi) process deficiencies; and (vii) reporting to
375 the local school board, parents and the community. The corrective
376 action plan shall describe the specific individuals responsible
377 for implementing each component of the recommendation and how each
378 will be evaluated. All corrective action plans shall be provided
379 to the State Board of Education as may be required. The decision
380 of the State Board of Education establishing the probationary
381 period of time shall be final;

382 (c) Offer, during the probationary period, technical
383 assistance to the school district in making corrective actions.
384 Beginning July 1, 1998, subject to the availability of funds, the
385 State Department of Education shall provide technical and/or
386 financial assistance to all such school districts in order to
387 implement each measure identified in that district's corrective
388 action plan through professional development and on-site
389 assistance. Each such school district shall apply for and utilize
390 all available federal funding in order to support its corrective
391 action plan in addition to state funds made available under this
392 paragraph;



393 (d) Assign department personnel or contract, in its
394 discretion, with the institutions of higher learning or other
395 appropriate private entities with experience in the academic,
396 finance and other operational functions of schools to assist
397 school districts;

398 (e) Provide for publication of public notice at least
399 one time during the probationary period, in a newspaper published
400 within the jurisdiction of the school district failing to meet
401 accreditation standards, or if no newspaper is published therein,
402 then in a newspaper having a general circulation therein. The
403 publication shall include the following: declaration of school
404 system's status as being on probation; all details relating to the
405 impairment report; and other information as the State Board of
406 Education deems appropriate. Public notices issued under this
407 section shall be subject to Section 13-3-31 and not contrary to
408 other laws regarding newspaper publication.

409 (12) (a) If the recommendations for corrective action are
410 not taken by the local school district or if the deficiencies are
411 not removed by the end of the probationary period, the Commission
412 on School Accreditation shall conduct a hearing to allow the
413 affected school district to present evidence or other reasons why
414 its accreditation should not be withdrawn. Additionally, if the
415 local school district violates accreditation standards that have
416 been determined by the policies and procedures of the State Board
417 of Education to be a basis for withdrawal of school district's



418 accreditation without a probationary period, the Commission on
419 School Accreditation shall conduct a hearing to allow the affected
420 school district to present evidence or other reasons why its
421 accreditation should not be withdrawn. After its consideration of
422 the results of the hearing, the Commission on School Accreditation
423 shall be authorized, with the approval of the State Board of
424 Education, to withdraw the accreditation of a public school
425 district, and issue a request to the Governor that a state of
426 emergency be declared in that district.

427 (b) If the State Board of Education and the Commission
428 on School Accreditation determine that an extreme emergency
429 situation exists in a school district that jeopardizes the safety,
430 security or educational interests of the children enrolled in the
431 schools in that district and that emergency situation is believed
432 to be related to a serious violation or violations of
433 accreditation standards or state or federal law, or when a school
434 district meets the State Board of Education's definition of a
435 failing school district for two (2) consecutive full school years,
436 or if more than fifty percent (50%) of the schools within the
437 school district are designated as Schools At-Risk in any one (1)
438 year, the State Board of Education may request the Governor to
439 declare a state of emergency in that school district. For
440 purposes of this paragraph, the declarations of a state of
441 emergency shall not be limited to those instances when a school
442 district's impairments are related to a lack of financial



443 resources, but also shall include serious failure to meet minimum
444 academic standards, as evidenced by a continued pattern of poor
445 student performance.

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

450 (i) Declare a state of emergency, under which some
451 or all of state funds can be escrowed except as otherwise provided
452 in Section 206, Constitution of 1890, until the board determines
453 corrective actions are being taken or the deficiencies have been
454 removed, or that the needs of students warrant the release of
455 funds. The funds may be released from escrow for any program
456 which the board determines to have been restored to standard even
457 though the state of emergency may not as yet be terminated for the
458 district as a whole;

459 (ii) Override any decision of the local school
460 board or superintendent of education, or both, concerning the
461 management and operation of the school district, or initiate and
462 make decisions concerning the management and operation of the
463 school district;

464 (iii) Assign an interim superintendent, or in its
465 discretion, contract with a private entity with experience in the
466 academic, finance and other operational functions of schools and



467 school districts, who will have those powers and duties prescribed
468 in subsection (15) of this section;

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

473 (v) For states of emergency declared under
474 paragraph (a) only, if the accreditation deficiencies are related
475 to the fact that the school district is too small, with too few
476 resources, to meet the required standards and if another school
477 district is willing to accept those students, abolish that
478 district and assign that territory to another school district or
479 districts. If the school district has proposed a voluntary
480 consolidation with another school district or districts, then if
481 the State Board of Education finds that it is in the best interest
482 of the pupils of the district for the consolidation to proceed,
483 the voluntary consolidation shall have priority over any such
484 assignment of territory by the State Board of Education;

485 (vi) For states of emergency declared under
486 paragraph (b) only, reduce local supplements paid to school
487 district employees, including, but not limited to, instructional
488 personnel, assistant teachers and extracurricular activities
489 personnel, if the district's impairment is related to a lack of
490 financial resources, but only to an extent that will result in the



491 salaries being comparable to districts similarly situated, as
492 determined by the State Board of Education;

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

496 (d) At the time that satisfactory corrective action has
497 been taken in a school district in which a state of emergency has
498 been declared, the State Board of Education may request the
499 Governor to declare that the state of emergency no longer exists
500 in the district.

501 (e) The parent or legal guardian of a school-age child
502 who is enrolled in a school district whose accreditation has been
503 withdrawn by the Commission on School Accreditation and without
504 approval of that school district may file a petition in writing to
505 a school district accredited by the Commission on School
506 Accreditation for a legal transfer. The school district
507 accredited by the Commission on School Accreditation may grant the
508 transfer according to the procedures of Section 37-15-31(1)(b).
509 In the event the accreditation of the student's home district is
510 restored after a transfer has been approved, the student may
511 continue to attend the transferee school district. The per-pupil
512 amount of the adequate education program allotment, including the
513 collective "add-on program" costs for the student's home school
514 district shall be transferred monthly to the school district



515 accredited by the Commission on School Accreditation that has
516 granted the transfer of the school-age child.

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

520 (i) Place the school district into district
521 transformation, in which the school district shall remain until it
522 has fulfilled all conditions related to district transformation.
523 If the district was assigned an accreditation rating of "D" or "F"
524 when placed into district transformation, the district shall be
525 eligible to return to local control when the school district has
526 attained a "C" rating or higher for five (5) consecutive years,
527 unless the State Board of Education determines that the district
528 is eligible to return to local control in less than the five-year
529 period;

530 (ii) Abolish the school district and
531 administratively consolidate the school district with one or more
532 existing school districts;

533 (iii) Reduce the size of the district and
534 administratively consolidate parts of the district, as determined
535 by the State Board of Education. However, no school district
536 which is not in district transformation shall be required to
537 accept additional territory over the objection of the district; or

538 (iv) Require the school district to develop and
539 implement a district improvement plan with prescriptive guidance



540 and support from the State Department of Education, with the goal
541 of helping the district improve student achievement. Failure of
542 the school board, superintendent and school district staff to
543 implement the plan with fidelity and participate in the activities
544 provided as support by the department shall result in the school
545 district retaining its eligibility for district transformation.

546 (g) There is established a Mississippi Recovery School
547 District within the State Department of Education under the
548 supervision of a deputy superintendent appointed by the State
549 Superintendent of Public Education, who is subject to the approval
550 by the State Board of Education. The Mississippi Recovery School
551 District shall provide leadership and oversight of all school
552 districts that are subject to district transformation status, as
553 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
554 and shall have all the authority granted under these two (2)
555 chapters. The Mississippi Department of Education, with the
556 approval of the State Board of Education, shall develop policies
557 for the operation and management of the Mississippi Recovery
558 School District. The deputy state superintendent is responsible
559 for the Mississippi Recovery School District and shall be
560 authorized to oversee the administration of the Mississippi
561 Recovery School District, oversee the interim superintendent
562 assigned by the State Board of Education to a local school
563 district, hear appeals that would normally be filed by students,
564 parents or employees and heard by a local school board, which



565 hearings on appeal shall be conducted in a prompt and timely
566 manner in the school district from which the appeal originated in
567 order to ensure the ability of appellants, other parties and
568 witnesses to appeal without undue burden of travel costs or loss
569 of time from work, and perform other related duties as assigned by
570 the State Superintendent of Public Education. The deputy state
571 superintendent is responsible for the Mississippi Recovery School
572 District and shall determine, based on rigorous professional
573 qualifications set by the State Board of Education, the
574 appropriate individuals to be engaged to be interim
575 superintendents and financial advisors, if applicable, of all
576 school districts subject to district transformation status. After
577 State Board of Education approval, these individuals shall be
578 deemed independent contractors.

579 (13) Upon the declaration of a state of emergency in a
580 school district under subsection (12) of this section, the
581 Commission on School Accreditation shall be responsible for public
582 notice at least once a week for at least three (3) consecutive
583 weeks in a newspaper published within the jurisdiction of the
584 school district failing to meet accreditation standards, or if no
585 newspaper is published therein, then in a newspaper having a
586 general circulation therein. The size of the notice shall be no
587 smaller than one-fourth (1/4) of a standard newspaper page and
588 shall be printed in bold print. If an interim superintendent has
589 been appointed for the school district, the notice shall begin as



590 follows: "By authority of Section 37-17-6, Mississippi Code of
591 1972, as amended, adopted by the Mississippi Legislature during
592 the 1991 Regular Session, this school district (name of school
593 district) is hereby placed under the jurisdiction of the State
594 Department of Education acting through its appointed interim
595 superintendent (name of interim superintendent)."

596 The notice also shall include, in the discretion of the State
597 Board of Education, any or all details relating to the school
598 district's emergency status, including the declaration of a state
599 of emergency in the school district and a description of the
600 district's impairment deficiencies, conditions of any district
601 transformation status and corrective actions recommended and being
602 taken. Public notices issued under this section shall be subject
603 to Section 13-3-31 and not contrary to other laws regarding
604 newspaper publication.

605 Upon termination of the state of emergency in a school
606 district, the Commission on School Accreditation shall cause
607 notice to be published in the school district in the same manner
608 provided in this section, to include any or all details relating
609 to the corrective action taken in the school district that
610 resulted in the termination of the state of emergency.

611 (14) The State Board of Education or the Commission on
612 School Accreditation shall have the authority to require school
613 districts to produce the necessary reports, correspondence,



614 financial statements, and any other documents and information
615 necessary to fulfill the requirements of this section.

616 Nothing in this section shall be construed to grant any
617 individual, corporation, board or interim superintendent the
618 authority to levy taxes except in accordance with presently
619 existing statutory provisions.

620 (15) (a) Whenever the Governor declares a state of
621 emergency in a school district in response to a request made under
622 subsection (12) of this section, the State Board of Education, in
623 its discretion, may assign an interim superintendent to the school
624 district, or in its discretion, may contract with an appropriate
625 private entity with experience in the academic, finance and other
626 operational functions of schools and school districts, who will be
627 responsible for the administration, management and operation of
628 the school district, including, but not limited to, the following
629 activities:

630 (i) Approving or disapproving all financial
631 obligations of the district, including, but not limited to, the
632 employment, termination, nonrenewal and reassignment of all
633 licensed and nonlicensed personnel, contractual agreements and
634 purchase orders, and approving or disapproving all claim dockets
635 and the issuance of checks; in approving or disapproving
636 employment contracts of superintendents, assistant superintendents
637 or principals, the interim superintendent shall not be required to



638 comply with the time limitations prescribed in Sections 37-9-15
639 and 37-9-105;

640 (ii) Supervising the day-to-day activities of the
641 district's staff, including reassigning the duties and
642 responsibilities of personnel in a manner which, in the
643 determination of the interim superintendent, will best suit the
644 needs of the district;

645 (iii) Reviewing the district's total financial
646 obligations and operations and making recommendations to the
647 district for cost savings, including, but not limited to,
648 reassigning the duties and responsibilities of staff;

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

651 (v) Approving or disapproving all athletic, band
652 and other extracurricular activities and any matters related to
653 those activities;

654 (vi) Maintaining a detailed account of
655 recommendations made to the district and actions taken in response
656 to those recommendations;

657 (vii) Reporting periodically to the State Board of
658 Education on the progress or lack of progress being made in the
659 district to improve the district's impairments during the state of
660 emergency; and

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



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

665 The cost of the salary of the interim superintendent and any
666 other actual and necessary costs related to district
667 transformation status paid by the State Department of Education
668 shall be reimbursed by the local school district from funds other
669 than adequate education program funds. The department shall
670 submit an itemized statement to the superintendent of the local
671 school district for reimbursement purposes, and any unpaid balance
672 may be withheld from the district's adequate education program
673 funds.

674 At the time that the Governor, in accordance with the request
675 of the State Board of Education, declares that the state of
676 emergency no longer exists in a school district, the powers and
677 responsibilities of the interim superintendent assigned to the
678 district shall cease.

679 (b) In order to provide loans to school districts under
680 a state of emergency or in district transformation status that
681 have impairments related to a lack of financial resources, the
682 School District Emergency Assistance Fund is created as a special
683 fund in the State Treasury into which monies may be transferred or
684 appropriated by the Legislature from any available public
685 education funds. Funds in the School District Emergency
686 Assistance Fund up to a maximum balance of Three Million Dollars
687 (\$3,000,000.00) annually shall not lapse but shall be available



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

693 The State Board of Education may loan monies from the School
694 District Emergency Assistance Fund to a school district that is
695 under a state of emergency or in district transformation status,
696 in those amounts, as determined by the board, that are necessary
697 to correct the district's impairments related to a lack of
698 financial resources. The loans shall be evidenced by an agreement
699 between the school district and the State Board of Education and
700 shall be repayable in principal, without necessity of interest, to
701 the School District Emergency Assistance Fund by the school
702 district from any allowable funds that are available. The total
703 amount loaned to the district shall be due and payable within five
704 (5) years after the impairments related to a lack of financial
705 resources are corrected. If a school district fails to make
706 payments on the loan in accordance with the terms of the agreement
707 between the district and the State Board of Education, the State
708 Department of Education, in accordance with rules and regulations
709 established by the State Board of Education, may withhold that
710 district's adequate education program funds in an amount and
711 manner that will effectuate repayment consistent with the terms of



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

714 The State Board of Education shall develop a protocol that
715 will outline the performance standards and requisite timeline
716 deemed necessary for extreme emergency measures. If the State
717 Board of Education determines that an extreme emergency exists,
718 simultaneous with the powers exercised in this subsection, it
719 shall take immediate action against all parties responsible for
720 the affected school districts having been determined to be in an
721 extreme emergency. The action shall include, but not be limited
722 to, initiating civil actions to recover funds and criminal actions
723 to account for criminal activity. Any funds recovered by the
724 State Auditor or the State Board of Education from the surety
725 bonds of school officials or from any civil action brought under
726 this subsection shall be applied toward the repayment of any loan
727 made to a school district hereunder.

728 (16) If a majority of the membership of the school board of
729 any school district resigns from office, the State Board of
730 Education shall be authorized to assign an interim superintendent,
731 who shall be responsible for the administration, management and
732 operation of the school district until the time as new board
733 members are selected or the Governor declares a state of emergency
734 in that school district under subsection (12), whichever occurs
735 first. In that case, the State Board of Education, acting through
736 the interim superintendent, shall have all powers which were held



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

740 (17) (a) If the Governor declares a state of emergency in a
741 school district, the State Board of Education may take all such
742 action pertaining to that school district as is authorized under
743 subsection (12) or (15) of this section, including the appointment
744 of an interim superintendent. The State Board of Education shall
745 also have the authority to issue a written request with
746 documentation to the Governor asking that the office of the
747 superintendent of the school district be subject to recall. If
748 the Governor declares that the office of the superintendent of the
749 school district is subject to recall, the local school board or
750 the county election commission, as the case may be, shall take the
751 following action:

752 (i) If the office of superintendent is an elected
753 office, in those years in which there is no general election, the
754 name shall be submitted by the State Board of Education to the
755 county election commission, and the county election commission
756 shall submit the question at a special election to the voters
757 eligible to vote for the office of superintendent within the
758 county, and the special election shall be held within sixty (60)
759 days from notification by the State Board of Education. The
760 ballot shall read substantially as follows:



761 "Shall County Superintendent of Education _____ (here the
762 name of the superintendent shall be inserted) of the _____
763 (here the title of the school district shall be inserted) be
764 retained in office? Yes _____ No _____"

765 If a majority of those voting on the question votes against
766 retaining the superintendent in office, a vacancy shall exist
767 which shall be filled in the manner provided by law; otherwise,
768 the superintendent shall remain in office for the term of that
769 office, and at the expiration of the term shall be eligible for
770 qualification and election to another term or terms.

771 (ii) If the office of superintendent is an
772 appointive office, the name of the superintendent shall be
773 submitted by the president of the local school board at the next
774 regular meeting of the school board for retention in office or
775 dismissal from office. If a majority of the school board voting
776 on the question vote against retaining the superintendent in
777 office, a vacancy shall exist which shall be filled as provided by
778 law, otherwise the superintendent shall remain in office for the
779 duration of his employment contract.

780 (b) The State Board of Education may issue a written
781 request with documentation to the Governor asking that the
782 membership of the school board of the school district shall be
783 subject to recall. Whenever the Governor declares that the
784 membership of the school board is subject to recall, the county



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

787 (i) If the members of the local school board are
788 elected to office, in those years in which the specific member's
789 office is not up for election, the name of the school board member
790 shall be submitted by the State Board of Education to the county
791 election commission, and the county election commission at a
792 special election shall submit the question to the voters eligible
793 to vote for the particular member's office within the county or
794 school district, as the case may be, and the special election
795 shall be held within sixty (60) days from notification by the
796 State Board of Education. The ballot shall read substantially as
797 follows:

798 "Members of the _____ (here the title of the school
799 district shall be inserted) School Board who are not up for
800 election this year are subject to recall because of the school
801 district's failure to meet critical accountability standards as
802 defined in the letter of notification to the Governor from the
803 State Board of Education. Shall the member of the school board
804 representing this area, _____ (here the name of the school
805 board member holding the office shall be inserted), be retained in
806 office? Yes _____ No _____"

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



810 the manner provided by law; otherwise, the school board member
811 shall remain in office for the term of that office, and at the
812 expiration of the term of office, the member shall be eligible for
813 qualification and election to another term or terms of office.
814 However, if a majority of the school board members are recalled in
815 the special election, the Governor shall authorize the board of
816 supervisors of the county in which the school district is situated
817 to appoint members to fill the offices of the members recalled.
818 The board of supervisors shall make those appointments in the
819 manner provided by law for filling vacancies on the school board,
820 and the appointed members shall serve until the office is filled
821 at the next regular special election or general election.

822 (ii) If the local school board is an appointed
823 school board, the name of all school board members shall be
824 submitted as a collective board by the president of the municipal
825 or county governing authority, as the case may be, at the next
826 regular meeting of the governing authority for retention in office
827 or dismissal from office. If a majority of the governing
828 authority voting on the question vote against retaining the board
829 in office, a vacancy shall exist in each school board member's
830 office, which shall be filled as provided by law; otherwise, the
831 members of the appointed school board shall remain in office for
832 the duration of their term of appointment, and those members may
833 be reappointed.



834 (iii) If the local school board is comprised of
835 both elected and appointed members, the elected members shall be
836 subject to recall in the manner provided in subparagraph (i) of
837 this paragraph (b), and the appointed members shall be subject to
838 recall in the manner provided in subparagraph (ii).

839 (18) Beginning with the school district audits conducted for
840 the 1997-1998 fiscal year, the State Board of Education, acting
841 through the Commission on School Accreditation, shall require each
842 school district to comply with standards established by the State
843 Department of Audit for the verification of fixed assets and the
844 auditing of fixed assets records as a minimum requirement for
845 accreditation.

846 (19) Before December 1, 1999, the State Board of Education
847 shall recommend a program to the Education Committees of the House
848 of Representatives and the Senate for identifying and rewarding
849 public schools that improve or are high performing. The program
850 shall be described by the board in a written report, which shall
851 include criteria and a process through which improving schools and
852 high-performing schools will be identified and rewarded.

853 The State Superintendent of Public Education and the State
854 Board of Education also shall develop a comprehensive
855 accountability plan to ensure that local school boards,
856 superintendents, principals and teachers are held accountable for
857 student achievement. A written report on the accountability plan
858 shall be submitted to the Education Committees of both houses of



859 the Legislature before December 1, 1999, with any necessary
860 legislative recommendations.

861 (20) Before January 1, 2008, the State Board of Education
862 shall evaluate and submit a recommendation to the Education
863 Committees of the House of Representatives and the Senate on
864 inclusion of graduation rate and dropout rate in the school level
865 accountability system.

866 (21) If a local school district is determined as failing and
867 placed into district transformation status for reasons authorized
868 by the provisions of this section, the interim superintendent
869 appointed to the district shall, within forty-five (45) days after
870 being appointed, present a detailed and structured corrective
871 action plan to move the local school district out of district
872 transformation status to the deputy superintendent. A copy of the
873 interim superintendent's corrective action plan shall also be
874 filed with the State Board of Education.

875 **SECTION 6.** Section 37-3-49, Mississippi Code of 1972, is
876 amended as follows:

877 37-3-49. (1) The State Department of Education shall
878 provide an instructional program and establish guidelines and
879 procedures for managing such program in the public schools within
880 the school districts throughout the state as part of the State
881 Program of Educational Accountability and Assessment of
882 Performance as prescribed in Section 37-3-46. Public school
883 districts may (a) elect to adopt the instructional program and



884 management system provided by the State Department of Education,
885 or (b) elect to adopt an instructional program and management
886 system which meets or exceeds criteria established by the State
887 Department of Education for such. This provision shall begin with
888 the courses taught in Grades K-8 which contain skills tested
889 through the Mississippi Basic Skills Assessment Program and shall
890 proceed through all secondary school courses mandated for
891 graduation * * *. Other state core objectives must be included in
892 the district's instructional program as they are provided by the
893 State Department of Education along with instructional practices,
894 resources, evaluation items and management procedures. Districts
895 are encouraged to adapt this program and accompanying procedures
896 to all other instructional areas. The department shall provide
897 that such program and guidelines, or a program and guidelines
898 developed by a local school district which incorporates the core
899 objectives from the curriculum structure are enforced through the
900 performance-based accreditation system. It is the intent of the
901 Legislature that every effort be made to protect the instructional
902 time in the classroom and reduce the amount of paperwork which
903 must be completed by teachers. The State Department of Education
904 shall take steps to insure that school districts properly use
905 staff development time to work on the districts' instructional
906 management plans.



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

910 (a) All courses taught in Grades K-8 which contain
911 skills which are tested through the Mississippi Basic Skills
912 Assessment Program * * * and all * * * secondary school courses
913 mandated for graduation shall include the State Department of
914 Education's written list of learning objectives.

915 (b) The local school board must adopt the objectives
916 that will form the core curriculum which will be systematically
917 delivered throughout the district.

918 (c) The set of objectives provided by the State
919 Department of Education must be accompanied by suggested
920 instructional practices and resources that would help teachers
921 organize instruction so as to promote student learning of the
922 objectives. Objectives added by the school district must also be
923 accompanied by suggested instructional practices and resources
924 that would help teachers organize instruction. The instructional
925 practices and resources that are identified are to be used as
926 suggestions and not as requirements that teachers must follow.
927 The goal of the program is to have students to achieve the desired
928 objective and not to limit teachers in the way they teach.

929 (d) Standards for student performance must be
930 established for each core objective in the local program and those



931 standards establish the district's definition of mastery for each
932 objective.

933 (e) There shall be an annual review of student
934 performance in the instructional program against locally
935 established standards. When weaknesses exist in the local
936 instructional program, the district shall take action to improve
937 student performance.

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

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

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

950 **SECTION 7.** Section 37-15-38, Mississippi Code of 1972, is
951 amended as follows:

952 37-15-38. (1) The following phrases have the meanings
953 ascribed in this section unless the context clearly requires
954 otherwise:



955 (a) A dual enrolled student is a student who is
956 enrolled in a community or junior college or state institution of
957 higher learning while enrolled in high school.

958 (b) A dual credit student is a student who is enrolled
959 in a community or junior college or state institution of higher
960 learning while enrolled in high school and who is receiving high
961 school and college credit for postsecondary coursework.

962 (2) A local school board, the Board of Trustees of State
963 Institutions of Higher Learning and the Mississippi Community
964 College Board shall establish a dual enrollment system under which
965 students in the school district who meet the prescribed criteria
966 of this section may be enrolled in a postsecondary institution in
967 Mississippi while they are still in school.

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

973 (4) **Admission criteria for dual enrollment in community and**
974 **junior college or university programs.** The Mississippi Community
975 College Board and the Board of Trustees of State Institutions of
976 Higher Learning may recommend to the State Board of Education
977 admission criteria for dual enrollment programs under which high
978 school students may enroll at a community or junior college or
979 university while they are still attending high school and enrolled



980 in high school courses. Students may be admitted to enroll in
981 community or junior college courses under the dual enrollment
982 programs if they meet that individual institution's stated dual
983 enrollment admission requirements.

984 (5) **Tuition and cost responsibility.** Tuition and costs for
985 university-level courses and community and junior college courses
986 offered under a dual enrollment program may be paid for by the
987 postsecondary institution, the local school district, the parents
988 or legal guardians of the student, or by grants, foundations or
989 other private or public sources. Payment for tuition and any
990 other costs must be made directly to the credit-granting
991 institution.

992 (6) **Transportation responsibility.** Any transportation
993 required by a student to participate in the dual enrollment
994 program is the responsibility of the parent, custodian or legal
995 guardian of the student. Transportation costs may be paid from
996 any available public or private sources, including the local
997 school district.

998 (7) **School district average daily attendance credit.** When
999 dually enrolled, the student may be counted, for adequate
1000 education program funding purposes, in the average daily
1001 attendance of the public school district in which the student
1002 attends high school.

1003 (8) **High school student transcript transfer requirements.**
1004 Grades and college credits earned by a student admitted to a dual



1005 credit program must be recorded on the high school student record
1006 and on the college transcript at the university or community or
1007 junior college where the student attends classes. The transcript
1008 of the university or community or junior college coursework may be
1009 released to another institution or applied toward college
1010 graduation requirements.

1011 (9) **Determining factor of prerequisites for dual enrollment**
1012 **courses.** Each university and community or junior college
1013 participating in a dual enrollment program shall determine course
1014 prerequisites. Course prerequisites shall be the same for dual
1015 enrolled students as for regularly enrolled students at that
1016 university or community or junior college.

1017 (10) **Process for determining articulation of curriculum**
1018 **between high school, university, and community and junior college**
1019 **courses.** All dual credit courses must meet the standards
1020 established at the postsecondary level. Postsecondary level
1021 developmental courses may not be considered as meeting the
1022 requirements of the dual credit program. Dual credit memorandum
1023 of understandings must be established between each postsecondary
1024 institution and the school district implementing a dual credit
1025 program.

1026 (11) [Deleted]

1027 (12) **Eligible courses for dual credit programs.** Courses
1028 eligible for dual credit include, but are not necessarily limited
1029 to, foreign languages, advanced math courses, advanced science



1030 courses, performing arts, advanced business and technology, and
1031 career and technical courses. Distance Learning Collaborative
1032 Program courses approved under Section 37-67-1 shall be fully
1033 eligible for dual credit. All courses being considered for dual
1034 credit must receive unconditional approval from the superintendent
1035 of the local school district and the chief instructional officer
1036 at the participating community or junior college or university in
1037 order for college credit to be awarded. A university or community
1038 or junior college shall make the final decision on what courses
1039 are eligible for semester hour credits.

1040 (13) **High school Carnegie unit equivalency.** One (1)
1041 three-hour university or community or junior college course is
1042 equal to one (1) high school Carnegie unit.

1043 (14) **Course alignment.** The universities, community and
1044 junior colleges and the State Department of Education shall
1045 periodically review their respective policies and assess the place
1046 of dual credit courses within the context of their traditional
1047 offerings.

1048 (15) **Maximum dual credits allowed.** It is the intent of the
1049 dual enrollment program to make it possible for every eligible
1050 student who desires to earn a semester's worth of college credit
1051 in high school to do so. A qualified dually enrolled high school
1052 student must be allowed to earn an unlimited number of college or
1053 university credits for dual credit.



1054 (16) **Dual credit program allowances.** A student may be
1055 granted credit delivered through the following means:

1056 (a) Examination preparation taught at a high school by
1057 a qualified teacher. A student may receive credit at the
1058 secondary level after completion of an approved course and passing
1059 the standard examination, such as an Advanced Placement or
1060 International Baccalaureate course through which a high school
1061 student is allowed CLEP credit by making a three (3) or higher on
1062 the end-of-course examination.

1063 (b) College or university courses taught at a high
1064 school or designated postsecondary site by a qualified teacher who
1065 is an employee of the school district and approved as an
1066 instructor by the collaborating college or university.

1067 (c) College or university courses taught at a college,
1068 university or high school by an instructor employed by the college
1069 or university and approved by the collaborating school district.

1070 (d) Online courses of any public university, community
1071 or junior college in Mississippi.

1072 (17) **Qualifications of dual credit instructors.** A dual
1073 credit academic instructor must meet the requirements set forth by
1074 the regional accrediting association (Southern Association of
1075 College and Schools). University and community and junior college
1076 personnel have the sole authority in the selection of dual credit
1077 instructors.



1078 A dual credit career and technical education instructor must
1079 meet the requirements set forth by the Mississippi Community
1080 College Board in the qualifications manual for postsecondary
1081 career and technical personnel.

1082 (18) **Guidance on local agreements.** The Chief Academic
1083 Officer of the State Board of Trustees of State Institutions of
1084 Higher Learning and the Chief Instructional Officers of the
1085 Mississippi Community College Board and the State Department of
1086 Education, working collaboratively, shall develop a template to be
1087 used by the individual community and junior colleges and
1088 institutions of higher learning for consistent implementation of
1089 the dual enrollment program throughout the State of Mississippi.

1090 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
1091 A local school board and the local community colleges board shall
1092 establish a Mississippi Works Dual Enrollment-Dual Credit Option
1093 Program under which potential or recent student dropouts may
1094 dually enroll in their home school and a local community college
1095 in a dual credit program consisting of high school completion
1096 coursework and a community college credential, certificate or
1097 degree program. Students completing the dual enrollment-credit
1098 option may obtain their high school diploma while obtaining a
1099 community college credential, certificate or degree. The
1100 Mississippi Department of Employment Security shall assist
1101 students who have successfully completed the Mississippi Works
1102 Dual Enrollment-Dual Credit Option in securing a job upon the



1103 application of the student or the participating school or
1104 community college. The Mississippi Works Dual Enrollment-Dual
1105 Credit Option Program will be implemented statewide in the
1106 2012-2013 school year and thereafter. The State Board of
1107 Education, local school board and the local community college
1108 board shall establish criteria for the Dual Enrollment-Dual Credit
1109 Program. Students enrolled in the program will not be eligible to
1110 participate in interscholastic sports or other extracurricular
1111 activities at the home school district. Tuition and costs for
1112 community college courses offered under the Dual Enrollment-Dual
1113 Credit Program shall not be charged to the student, parents or
1114 legal guardians. When dually enrolled, the student shall be
1115 counted for adequate education program funding purposes, in the
1116 average daily attendance of the public school district in which
1117 the student attends high school, as provided in Section
1118 37-151-7(1)(a). Any transportation required by the student to
1119 participate in the Dual Enrollment-Dual Credit Program is the
1120 responsibility of the parent or legal guardian of the student, and
1121 transportation costs may be paid from any available public or
1122 private sources, including the local school district. Grades and
1123 college credits earned by a student admitted to this Dual
1124 Enrollment-Dual Credit Program shall be recorded on the high
1125 school student record and on the college transcript at the
1126 community college and high school where the student attends
1127 classes. The transcript of the community college coursework may



1128 be released to another institution or applied toward college
1129 graduation requirements. * * * Courses that are eligible for dual
1130 credit * * * shall * * * include, but not be limited to, core
1131 academic, career, technical and degree program courses. All
1132 courses eligible for dual credit shall be approved by the
1133 superintendent of the local school district and the chief
1134 instructional officer at the participating community college in
1135 order for college credit to be awarded. A community college shall
1136 make the final decision on what courses are eligible for semester
1137 hour credits and the local school superintendent, subject to
1138 approval by the Mississippi Department of Education, shall make
1139 the final decision on the transfer of college courses credited to
1140 the student's high school transcript.

1141 **SECTION 8.** Section 37-35-3, Mississippi Code of 1972, is
1142 amended as follows:

1143 37-35-3. (1) The board of trustees of any school district,
1144 including any community/junior college, may establish and maintain
1145 classes for adults, including general educational development
1146 classes, under the regulations authorized in this chapter and
1147 pursuant to the standards prescribed in subsection (3). The
1148 property and facilities of the public school districts may be used
1149 for this purpose where such use does not conflict with uses
1150 already established.

1151 (2) The trustees of any school district desiring to
1152 establish such program may request the taxing authority of the



1153 district to levy additional ad valorem taxes for the support of
1154 this program. The board of supervisors, in the case of a county
1155 school district, a special municipal separate school district, or
1156 a community/junior college district, and the governing authority
1157 of any municipality, in the case of a municipal separate school
1158 district, is authorized, in its discretion, to levy a tax not
1159 exceeding one (1) mill upon all the taxable property of the
1160 district for the support of this program. The tax shall be in
1161 addition to all other taxes authorized by law to be levied. In
1162 addition to the funds realized from any such levy, the board of
1163 trustees of any school district is authorized to use any surplus
1164 funds that it may have or that may be made available to it from
1165 local sources to supplement this program.

1166 (3) (a) Any student participating in an approved High
1167 School Equivalency Diploma Option program administered by a local
1168 school district or a local school district with an approved
1169 contractual agreement with a community/junior college or other
1170 local entity shall not be considered a dropout. Students in such
1171 a program administered by a local school district shall be
1172 considered as enrolled within the school district of origin for
1173 the purpose of enrollment for minimum program funding only. Such
1174 students shall not be considered as enrolled in the regular school
1175 program for academic or programmatic purposes.

1176 (b) Students participating in an approved High School
1177 Equivalency Diploma Option program shall have an individual career



1178 plan developed at the time of placement to insure that the
1179 student's academic and job skill needs will be met. The
1180 Individual Career Plan will address, but is not limited to, the
1181 following:

1182 (i) Academic/instructional needs of the student;
1183 (ii) Job readiness needs of the student; and
1184 (iii) Work experience program options available
1185 for the student.

1186 (c) Students participating in an approved High School
1187 Equivalency Diploma Option program may participate in existing job
1188 and skills development programs or in similar programs developed
1189 in conjunction with the High School Equivalency Diploma Option
1190 program and the vocational director.

1191 (d) High School Equivalency Diploma Option programs may
1192 be operated by local school districts or may be operated by two
1193 (2) or more adjacent school districts, pursuant to a contract
1194 approved by the State Board of Education. When two (2) or more
1195 school districts contract to operate a High School Equivalency
1196 Diploma Option program, the school board of a district designated
1197 to be the lead district shall serve as the governing board of the
1198 High School Equivalency Diploma Option program. Transportation
1199 for students placed in the High School Equivalency Diploma Option
1200 program shall be the responsibility of the school district of
1201 origin. The expense of establishing, maintaining and operating
1202 such High School Equivalency Diploma Option programs may be paid



1203 from funds made available to the school district through
1204 contributions, minimum program funds or from local district
1205 maintenance funds.

1206 (e) The State Department of Education will develop
1207 procedures and criteria for placement of a student in the High
1208 School Equivalency Diploma Option programs. Students placed in
1209 High School Equivalency Diploma Option programs shall have
1210 parental approval for such placement and must meet the following
1211 criteria:

1212 (i) The student must be at least sixteen (16)
1213 years of age;

1214 (ii) The student must be at least one (1) full
1215 grade level behind his or her ninth grade cohort or must have
1216 acquired less than four (4) Carnegie units;

1217 (iii) The student must have taken every
1218 opportunity to continue to participate in coursework leading to a
1219 diploma; and

1220 (iv) The student must be certified to be eligible
1221 to participate in the GED course by the school district
1222 superintendent, based on the developed criteria.

1223 (f) Students participating in an approved High School
1224 Equivalency Diploma Option program * * * shall be required to take
1225 the * * * college- and career-readiness assessments as described
1226 in Section 37-17-6.



1227 **SECTION 9.** This act shall take effect and be in force from
1228 and after July 1, 2024.

