

By: Senator(s) Hickman

To: Education

SENATE BILL NO. 2590

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 NATIONALLY
5 RECOGNIZED COLLEGE-READINESS AND CAREER-READINESS EXAMS, SUCH AS,
6 BUT NOT LIMITED TO, THE ACT AND ACT WORKKEYS ASSESSMENT, TO SERVE
7 AS COMPLIANCE WITH ANY FEDERAL TESTING REQUIREMENTS; TO REQUIRE
8 ALL HIGH SCHOOL STUDENTS TO TAKE A NATIONALLY RECOGNIZED
9 COLLEGE-READINESS AND CAREER-READINESS TESTS, SUCH AS THE ACT AND
10 ACT WORKKEYS ASSESSMENTS; TO AMEND SECTION 37-17-6, MISSISSIPPI
11 CODE OF 1972, TO PROVIDE THAT THE "A" THROUGH "F" SCHOOL AND
12 SCHOOL DISTRICT ACCOUNTABILITY SYSTEM SHALL INCLUDE STUDENT
13 PERFORMANCE ON THE ADMINISTRATION OF A COLLEGE-READINESS
14 ASSESSMENT, SUCH AS, BUT NOT LIMITED TO, THE ACT, DEEMED
15 APPROPRIATE BY THE DEPARTMENT OF EDUCATION; TO AMEND SECTIONS
16 37-16-3, 37-16-7, 37-16-17, 37-3-49, 37-15-38 AND 37-35-3,
17 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
18 ACT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Beginning in the 2027-2028 school year, the State
21 Board of Education shall cease to require the administration of
22 all end-of-course subject area tests for eleventh and twelfth
23 grades. In lieu of the end-of-course tests, students enrolled in
24 public secondary schools shall be administered nationally
25 recognized college-readiness and career-readiness tests, such as,
26 but not limited to, the ACT and ACT WorkKeys assessments, deemed



27 appropriate by the State Department of Education and required by
28 Section 37-17-6. The Department of Education shall seek to secure
29 approval from the United States Department of Education to allow
30 nationally recognized college-readiness and career-readiness
31 tests, such as, but not limited to, the ACT and ACT WorkKeys
32 assessments, to serve as compliance with any Federal testing
33 requirements, thereby eliminating all federal EOC tests
34 administered to Eleventh and Twelfth Grades.

35 **SECTION 2.** Section 37-17-6, Mississippi Code of 1972, is
36 amended as follows:

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

42 (2) School districts shall be required to provide school
43 classroom space that is air-conditioned as a minimum requirement
44 for accreditation.

45 (3) (a) The State Board of Education, acting through the
46 Commission on School Accreditation, shall require that school
47 districts employ certified school librarians according to the
48 following formula:

49	Number of Students	Number of Certified
50	Per School Library	School Librarians
51	0 - 499 Students	1/2 Full-time Equivalent



Certified Librarian
500 or More Students 1 Full-time Certified
Librarian

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

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

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

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

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

(4) [Deleted]

(5) (a) The State Department of Education, acting through the Mississippi Commission on School Accreditation, shall



77 implement a single "A" through "F" school and school district
78 accountability system complying with applicable federal and state
79 requirements in order to reach the following educational goals:

80 (i) To mobilize resources and supplies to ensure
81 that all students exit third-grade reading on grade level;

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

84 (iii) To have sixty percent (60%) of students
85 scoring proficient and advanced on assessments.

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

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

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

94 (ii) Individual student growth: the percent of
95 students making one (1) year's progress in one (1) year's time on
96 the state assessment, with an emphasis on the progress of the
97 lowest twenty-five percent (25%) of students in the school or
98 district;

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



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

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

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

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



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

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

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

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

(8) The State Board of Education shall be specifically authorized and empowered to withhold allocations from the total funding formula funds as provided in Sections 37-151-200 through 37-151-215 to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(9) [Deleted]



150 (10) The State Board of Education shall establish, for those
151 school districts failing to meet accreditation standards, a
152 program of development to be complied with in order to receive
153 state funds, except as otherwise provided in subsection (15) of
154 this section when the Governor has declared a state of emergency
155 in a school district or as otherwise provided in Section 206,
156 Mississippi Constitution of 1890. The state board, in
157 establishing these standards, shall provide for notice to schools
158 and sufficient time and aid to enable schools to attempt to meet
159 these standards, unless procedures under subsection (15) of this
160 section have been invoked.

161 (11) The State Board of Education shall be charged with the
162 implementation of the program of development in each applicable
163 school district as follows:

164 (a) Develop an impairment report for each district
165 failing to meet accreditation standards in conjunction with school
166 district officials;

167 (b) Notify any applicable school district failing to
168 meet accreditation standards that it is on probation until
169 corrective actions are taken or until the deficiencies have been
170 removed. The local school district shall develop a corrective
171 action plan to improve its deficiencies. For district academic
172 deficiencies, the corrective action plan for each such school
173 district shall be based upon a complete analysis of the following:
174 student test data, student grades, student attendance reports,



175 student dropout data, existence and other relevant data. The
176 corrective action plan shall describe the specific measures to be
177 taken by the particular school district and school to improve:
178 (i) instruction; (ii) curriculum; (iii) professional development;
179 (iv) personnel and classroom organization; (v) student incentives
180 for performance; (vi) process deficiencies; and (vii) reporting to
181 the local school board, parents and the community. The corrective
182 action plan shall describe the specific individuals responsible
183 for implementing each component of the recommendation and how each
184 will be evaluated. All corrective action plans shall be provided
185 to the State Board of Education as may be required. The decision
186 of the State Board of Education establishing the probationary
187 period of time shall be final;

188 (c) Offer, during the probationary period, technical
189 assistance to the school district in making corrective actions.
190 Subject to appropriations, the State Department of Education shall
191 provide technical and/or financial assistance to all such school
192 districts in order to implement each measure identified in that
193 district's corrective action plan through professional development
194 and on-site assistance. Each such school district shall apply for
195 and utilize all available federal funding in order to support its
196 corrective action plan in addition to state funds made available
197 under this paragraph;

198 (d) Assign department personnel or contract, in its
199 discretion, with the institutions of higher learning or other



appropriate private entities with experience in the academic, finance and other operational functions of schools to assist school districts;

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

(12) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected



225 school district to present evidence or other reasons why its
226 accreditation should not be withdrawn. After its consideration of
227 the results of the hearing, the Commission on School Accreditation
228 shall be authorized, with the approval of the State Board of
229 Education, to withdraw the accreditation of a public school
230 district, and issue a request to the Governor that a state of
231 emergency be declared in that district.

232 (b) (i) If the State Board of Education and the
233 Commission on School Accreditation determine that an extreme
234 emergency situation exists in a school district that jeopardizes
235 the safety, security or educational interests of the children
236 enrolled in the schools in that district and that emergency
237 situation is believed to be related to a serious violation or
238 violations of accreditation standards or state or federal law, the
239 State Board of Education may request the Governor to declare a
240 state of emergency in that school district. For purposes of this
241 paragraph, the declarations of a state of emergency district's
242 impairments are related to a lack of financial may include the
243 school district's serious failure to meet minimum academic
244 standards, as evidenced by a continued pattern of poor student
245 performance, or impairments related to a lack of financial
246 resources.

247 (ii) If the State Board of Education determines
248 that a public school or district in the state which, during each
249 of two (2) consecutive school years or during two (2) of three (3)



consecutive school years, receives an "F" designation by the State Board of Education under the accountability rating system or has been persistently failing as defined by the State Board of Education; or if the State Board of Education determines that a public school or district in the state which, during each of four (4) consecutive school years, receives a "D" or "F" designation by the State Board of Education under the accountability rating system or has been persistently failing as defined by the State Board of Education; or if more than fifty percent (50%) of the schools within a school district are designated as Schools-At-Risk in any one (1) year, then the board may place such school or district into a District of Transformation. The State Board of Education shall take over only the number of schools and districts for which it has the capacity to serve. The State Board of Education shall adopt rules and regulations governing any additional requirements for placement into a District of Transformation and the operation thereof. School districts or schools that are eligible to be placed into a District of Transformation due to poor academic performance but are not absorbed due to the capacity of the State Board of Education, shall develop and implement a district improvement plan with prescriptive guidance and support from the Mississippi Department of Education, with the goal of helping the district improve student achievement. Failure of the school board, superintendent and school district staff to implement the plan with fidelity and



participate in the activities provided as support by the department shall result in the school district retaining its eligibility for placement into a District of Transformation.

(iii) If the State Board of Education determined that a school district is impaired with a serious lack of financial resources, the State Board of Education may place the school district into a District of Transformation. If a school district is placed into a District of Transformation for financial reasons, the school district shall be required to reimburse the state for any costs incurred by the state on behalf of the school district.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, or when the State Board of Education places a school district into a District of Transformation due to poor academic performance or financial reasons, the State Board of Education may take one or more of the following actions:

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



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

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

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

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

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



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

(vi) For actions taken pursuant to paragraph (b)
only, reduce local supplements paid to school district employees,
including, but not limited to, instructional personnel, assistant
teachers and extracurricular activities personnel, if the
district's impairment is related to a lack of financial resources,
but only to an extent that will result in the salaries being
comparable to districts similarly situated, as determined by the
State Board of Education;

(vii) For actions taken pursuant to paragraph (b)
only, the State Board of Education may take any action as
prescribed in Section 37-17-13.

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

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



350 accredited by the Commission on School Accreditation may grant the
351 transfer according to the procedures of Section 37-15-31(1)(b).
352 In the event the accreditation of the student's home district is
353 restored after a transfer has been approved, the student may
354 continue to attend the transferee school district. The per pupil
355 amount of the total funding formula allotment for the student's
356 home school district shall be transferred monthly to the school
357 district accredited by the Commission on School Accreditation that
358 has granted the transfer of the school-age child.

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

362 (i) Place the school district into district
363 transformation, in which the school district shall remain until it
364 has fulfilled all conditions related to district transformation.
365 If the district was assigned an accreditation rating of "D" or "F"
366 when placed into district transformation, the district shall be
367 eligible to return to local control when the school district has
368 attained a "C" rating or higher for three (3) consecutive years;

369 (ii) Abolish the school district and
370 administratively consolidate the school district with one or more
371 existing school districts;

372 (iii) Reduce the size of the district and
373 administratively consolidate parts of the district, as determined
374 by the State Board of Education. However, no school district



which is not in district transformation shall be required to accept additional territory over the objection of the district; or

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

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, or upon the State Board of Education's placement of a school district into a District of Transformation for academic or financial reasons, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during



the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

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

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

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



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

(15) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (12) of this section, or when the State Board of Education places a school district into a District of Transformation for academic or financial reasons, the State Board of Education, in its discretion, may assign an interim superintendent to the school district, or in its discretion, may contract with an appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

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



448 comply with the time limitations prescribed in Sections 37-9-15
449 and 37-9-105;

450 (ii) Supervising the day-to-day activities of the
451 district's staff, including reassigning the duties and
452 responsibilities of personnel in a manner which, in the
453 determination of the interim superintendent, will best suit the
454 needs of the district;

455 (iii) Reviewing the district's total financial
456 obligations and operations and making recommendations to the
457 district for cost savings, including, but not limited to,
458 reassigning the duties and responsibilities of staff;

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

461 (v) Approving or disapproving all athletic, band
462 and other extracurricular activities and any matters related to
463 those activities;

464 (vi) Maintaining a detailed account of
465 recommendations made to the district and actions taken in response
466 to those recommendations;

467 (vii) Reporting periodically to the State Board of
468 Education on the progress or lack of progress being made in the
469 district to improve the district's impairments during the state of
470 emergency; and

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



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

The cost of the salary of the interim superintendent and any other actual and necessary costs related to district transformation status paid by the State Department of Education shall be reimbursed by the local school district from funds other than total funding formula funds as provided in Sections 37-151-200 through 37-151-215. In the alternative, the local school district may pay the cost of the salary of the interim superintendent. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's funding formula funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the interim superintendent assigned to the district shall remain in place for a period of two (2) years and shall work alongside the newly reconstituted school board. A new superintendent may be hired by the newly reconstituted board after the one (1) year state of emergency no longer exists, but he or she shall serve as deputy to the interim superintendent while the interim superintendent is assigned to the district.

(b) In order to provide loans to school districts under a state of emergency or in district transformation status that



have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars (\$3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars (\$3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or in district transformation status, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make



523 payments on the loan in accordance with the terms of the agreement
524 between the district and the State Board of Education, the State
525 Department of Education, in accordance with rules and regulations
526 established by the State Board of Education, may withhold that
527 district's total funding formula funds in an amount and manner
528 that will effectuate repayment consistent with the terms of the
529 agreement; the funds withheld by the department shall be deposited
530 into the School District Emergency Assistance Fund.

531 The State Board of Education shall develop a protocol that
532 will outline the performance standards and requisite timeline
533 deemed necessary for extreme emergency measures. If the State
534 Board of Education determines that an extreme emergency exists,
535 simultaneous with the powers exercised in this subsection, it
536 shall take immediate action against all parties responsible for
537 the affected school districts having been determined to be in an
538 extreme emergency. The action shall include, but not be limited
539 to, initiating civil actions to recover funds and criminal actions
540 to account for criminal activity. Any funds recovered by the
541 State Auditor or the State Board of Education from the surety
542 bonds of school officials or from any civil action brought under
543 this subsection shall be applied toward the repayment of any loan
544 made to a school district hereunder.

545 (16) [Deleted]

546 (17) [Deleted]



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

(19) [Deleted]

(20) [Deleted]

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

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

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



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

578 (b) Conduct a uniform statewide testing program in
579 grades deemed appropriate in the public schools, including charter
580 schools, which shall include the administration of a
581 career-readiness assessment, such as, but not limited to, the ACT
582 WorkKeys Assessment, deemed appropriate by the Mississippi
583 Department of Education working in coordination with the Office of
584 Workforce Development, to * * * all students * * *. Each
585 individual school district shall * * * ensure the assessment is
586 administered in the tenth, eleventh or twelfth grade. The program
587 shall also include the administration of a college-readiness
588 assessment, such as, but not limited to, the ACT, deemed
589 appropriate by the State Department of Education. The program may
590 test skill areas, basic skills and high school course content.

591 (c) Monitor the results of the assessment program and,
592 at any time the composite student performance of a school or basic
593 program is found to be below the established minimum standards,
594 notify the district superintendent or the governing board of the
595 charter school, as the case may be, the school principal and the
596 school advisory committee or other existing parent group of the



situation within thirty (30) days of its determination. The department shall further provide technical assistance to a school district in the identification of the causes of this deficiency and shall recommend courses of action for its correction.

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

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

(f) In case of an allegation of a testing irregularity that prompts a need for an investigation by the Department of Education, the department may, in its discretion, take complete control of the statewide test administration in a school district or any part thereof, including, but not limited to, obtaining control of the test booklets and answer documents. In the case of any verified testing irregularity that jeopardized the security and integrity of the test(s), validity or the accuracy of the test results, the cost of the investigation and any other actual and necessary costs related to the investigation paid by the Department of Education shall be reimbursed by the local school district from funds other than federal funds, total funding formula funds provided in Sections 37-151-200 through 37-151-215, or any other state funds within six (6) months from the date of



notice by the department to the school district to make reimbursement to the department.

(2) Uniform basic skills tests shall be completed by each student in the appropriate grade. These tests shall be administered in such a manner as to preserve the integrity and validity of the assessment. In the event of excused or unexcused student absences, make-up tests shall be given. The school superintendent of every school district in the state and the principal of each charter school shall annually certify to the State Department of Education that each student enrolled in the appropriate grade has completed the required basic skills assessment test for his or her grade in a valid test administration.

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The principal's sworn certification shall be set forth on a form developed and approved by the Department of Education. If, following the administration of a statewide test, the principal has reason to believe that the test was not administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, the



647 principal shall submit a sworn certification to the Department of
648 Education setting forth all information known or believed by the
649 principal about all potential violations of the Requirements of
650 the Mississippi Statewide Assessment System as adopted by the
651 State Board of Education. The submission of false information or
652 false certification to the Department of Education by any licensed
653 educator may result in licensure disciplinary action pursuant to
654 Section 37-3-2 and criminal prosecution pursuant to Section
655 37-16-4.

656 **SECTION 4.** Section 37-16-7, Mississippi Code of 1972, is
657 amended as follows:

658 37-16-7. (1) Each district school board shall establish
659 standards for graduation from its schools which shall include as a
660 minimum:

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

663 (b) Completion of a minimum number of academic credits,
664 and all other applicable requirements prescribed by the district
665 school board.

666 (c) By school, information on high school graduation
667 rates. High schools with graduation rates lower than eighty
668 percent (80%) must submit a detailed plan to the Mississippi
669 Department of Education to restructure the high school experience
670 to improve graduation rates.



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

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

(4) The State Board of Education shall develop a curriculum related to the study of sign language. Any such class developed by the board may count as an academic credit for foreign languages for the purposes of high school graduation requirements.

SECTION 5. Section 37-16-17, Mississippi Code of 1972, is amended as follows:

37-16-17. (1) **Purpose.** (a) The purpose of this section is to create a quality option in Mississippi's high schools for students not wishing to pursue a baccalaureate degree, which shall consist of challenging academic courses and modern career-technical studies. The goal for students pursuing the career technical education pathways is to graduate from high school with a standard diploma and credit toward a community college certification in a career-technical field. These students also shall be encouraged to take the national assessment in the career-technical field in which they become certified.

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



696 accordance with this section. The Mississippi Community College
697 Board and the State Board of Education jointly shall determine
698 course and curriculum requirements for the career technical
699 education pathways. The State Board of Education shall require
700 school districts to provide notice to all incoming middle school
701 students and junior high students of the career technical
702 education pathways offered by local school boards. Such notice
703 shall include the career technical education pathways available,
704 the course requirements of each pathway, how to enroll in the
705 pathway and any other necessary information as determined by the
706 State Board of Education.

707 (2) **Career technical education pathway; description;**
708 **curriculum.** (a) A career technical education pathway shall
709 provide a student with greater technical skill and a strong
710 academic core and shall be offered to each high school student
711 enrolled in a public school district. The career technical
712 education pathway shall be linked to postsecondary options and
713 shall prepare students to pursue either a degree or certification
714 from a postsecondary institution, an industry-based training or
715 certification, an apprenticeship, the military, or immediate
716 entrance into a career field. The career technical education
717 pathway shall provide students with alternatives to entrance into
718 a four-year university or college after high school graduation.

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



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

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

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

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

- (i) English I;
- (ii) English II;
- (iii) Technical writing;
- (iv) Computer programming;
- (v) Algebra I;
- (vi) Personal Finance;
- (vii) Advanced technical mathematics;
- (viii) Computer Science;
- (ix) Biology;
- (x) Earth and Space Science;
- (xi) U.S. History;
- (xii) Mississippi Studies/U.S. Government;



(xiii) Health;

(xiv) Physical Education;

(xv) Soft skills, which include, but are not limited to, communication ability, language skills, time management, teamwork and leadership traits;

(xvi) Career technical education pathway courses;

and

(xvii) Integrated technology.

* * *

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

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

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

37-3-49. (1) The State Department of Education shall provide an instructional program and establish guidelines and procedures for managing such program in the public schools within the school districts throughout the state as part of the State



771 Program of Educational Accountability and Assessment of
772 Performance as prescribed in Section 37-3-46. Public school
773 districts may (a) elect to adopt the instructional program and
774 management system provided by the State Department of Education,
775 or (b) elect to adopt an instructional program and management
776 system which meets or exceeds criteria established by the State
777 Department of Education for such. This provision shall begin with
778 the courses taught in Grades K-8 which contain skills tested
779 through the Mississippi Basic Skills Assessment Program and shall
780 proceed through all secondary school courses mandated for
781 graduation * * *. Other state core objectives must be included in
782 the district's instructional program as they are provided by the
783 State Department of Education along with instructional practices,
784 resources, evaluation items and management procedures. Districts
785 are encouraged to adapt this program and accompanying procedures
786 to all other instructional areas. The department shall provide
787 that such program and guidelines, or a program and guidelines
788 developed by a local school district which incorporates the core
789 objectives from the curriculum structure are enforced through the
790 performance-based accreditation system. It is the intent of the
791 Legislature that every effort be made to protect the instructional
792 time in the classroom and reduce the amount of paperwork which
793 must be completed by teachers. The State Department of Education
794 shall take steps to insure that school districts properly use



795 staff development time to work on the districts' instructional
796 management plans.

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

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

805 (b) The local school board must adopt the objectives
806 that will form the core curriculum which will be systematically
807 delivered throughout the district.

808 (c) The set of objectives provided by the State
809 Department of Education must be accompanied by suggested
810 instructional practices and resources that would help teachers
811 organize instruction so as to promote student learning of the
812 objectives. Objectives added by the school district must also be
813 accompanied by suggested instructional practices and resources
814 that would help teachers organize instruction. The instructional
815 practices and resources that are identified are to be used as
816 suggestions and not as requirements that teachers must follow.
817 The goal of the program is to have students to achieve the desired
818 objective and not to limit teachers in the way they teach.



819 (d) Standards for student performance must be
820 established for each core objective in the local program and those
821 standards establish the district's definition of mastery for each
822 objective.

823 (e) There shall be an annual review of student
824 performance in the instructional program against locally
825 established standards. When weaknesses exist in the local
826 instructional program, the district shall take action to improve
827 student performance.

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

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

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

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



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

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

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

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

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

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



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

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

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

(7) **School district net enrollment credit.** When dually enrolled, the student may be counted, for total funding formula purposes, in the net enrollment of the public school district in which the student attends high school.



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

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

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

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

(11) [Deleted]



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

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

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

(15) **Maximum dual credits allowed.** It is the intent of the dual enrollment program to make it possible for every eligible student who desires to earn a semester's worth of college credit in high school to do so. A qualified dually enrolled high school



student must be allowed to earn an unlimited number of college or university credits for dual credit.

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

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

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

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

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

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



965 personnel have the sole authority in the selection of dual credit
966 instructors.

967 A dual credit career and technical education instructor must
968 meet the requirements set forth by the Mississippi Community
969 College Board in the qualifications manual for postsecondary
970 career and technical personnel.

971 (18) **Guidance on local agreements.** The Chief Academic
972 Officer of the State Board of Trustees of State Institutions of
973 Higher Learning and the Chief Instructional Officers of the
974 Mississippi Community College Board and the State Department of
975 Education, working collaboratively, shall develop a template to be
976 used by the individual community and junior colleges and
977 institutions of higher learning for consistent implementation of
978 the dual enrollment program throughout the State of Mississippi.

979 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
980 A local school board and the local community colleges board shall
981 establish a Mississippi Works Dual Enrollment-Dual Credit Option
982 Program under which potential or recent student dropouts may
983 dually enroll in their home school and a local community college
984 in a dual credit program consisting of high school completion
985 coursework and a community college credential, certificate or
986 degree program. Students completing the dual enrollment-credit
987 option may obtain their high school diploma while obtaining a
988 community college credential, certificate or degree. The
989 Mississippi Department of Employment Security shall assist



990 students who have successfully completed the Mississippi Works
991 Dual Enrollment-Dual Credit Option in securing a job upon the
992 application of the student or the participating school or
993 community college. The Mississippi Works Dual Enrollment-Dual
994 Credit Option Program will be implemented statewide in the
995 2012-2013 school year and thereafter. The State Board of
996 Education, local school board and the local community college
997 board shall establish criteria for the Dual Enrollment-Dual Credit
998 Program. Students enrolled in the program will not be eligible to
999 participate in interscholastic sports or other extracurricular
1000 activities at the home school district. Tuition and costs for
1001 community college courses offered under the Dual Enrollment-Dual
1002 Credit Program shall not be charged to the student, parents or
1003 legal guardians. When dually enrolled, the student shall be
1004 counted, for total funding formula purposes, in the net enrollment
1005 of the public school district in which the student attends high
1006 school. Any transportation required by the student to participate
1007 in the Dual Enrollment-Dual Credit Program is the responsibility
1008 of the parent or legal guardian of the student, and transportation
1009 costs may be paid from any available public or private sources,
1010 including the local school district. Grades and college credits
1011 earned by a student admitted to this Dual Enrollment-Dual Credit
1012 Program shall be recorded on the high school student record and on
1013 the college transcript at the community college and high school
1014 where the student attends classes. The transcript of the



1015 community college coursework may be released to another
1016 institution or applied toward college graduation
1017 requirements. * * * Courses that are eligible for dual
1018 credit * * * shall * * * include, but not be limited to, core
1019 academic, career, technical and degree program courses. All
1020 courses eligible for dual credit shall be approved by the
1021 superintendent of the local school district and the chief
1022 instructional officer at the participating community college in
1023 order for college credit to be awarded. A community college shall
1024 make the final decision on what courses are eligible for semester
1025 hour credits and the local school superintendent, subject to
1026 approval by the Mississippi Department of Education, shall make
1027 the final decision on the transfer of college courses credited to
1028 the student's high school transcript.

1029 **SECTION 8.** Section 37-35-3, Mississippi Code of 1972, is
1030 amended as follows:

1031 37-35-3. (1) The board of trustees of any school district,
1032 including any community or junior college, may establish and
1033 maintain classes for adults, including general educational
1034 development classes, under the regulations authorized in this
1035 chapter and pursuant to the standards prescribed in subsection
1036 (3). The property and facilities of the public school districts
1037 may be used for this purpose where such use does not conflict with
1038 uses already established.



1039 (2) The trustees of any school district desiring to
1040 establish such program may request the taxing authority of the
1041 district to levy additional ad valorem taxes for the support of
1042 this program. The board of supervisors, in the case of a county
1043 school district, a special municipal separate school district, or
1044 a community or junior college district, and the governing
1045 authority of any municipality, in the case of a municipal separate
1046 school district, is authorized, in its discretion, to levy a tax
1047 not exceeding one (1) mill upon all the taxable property of the
1048 district for the support of this program. The tax shall be in
1049 addition to all other taxes authorized by law to be levied. In
1050 addition to the funds realized from any such levy, the board of
1051 trustees of any school district is authorized to use any surplus
1052 funds that it may have or that may be made available to it from
1053 local sources to supplement this program.

1054 (3) (a) Any student participating in an approved High
1055 School Equivalency Diploma Option program administered by a local
1056 school district or a local school district with an approved
1057 contractual agreement with a community or junior college or other
1058 local entity shall not be considered a dropout. Students in such
1059 a program administered by a local school district shall be
1060 considered as enrolled within the school district of origin for
1061 the purpose of enrollment for total funding formula funds only.
1062 Such students shall not be considered as enrolled in the regular
1063 school program for academic or programmatic purposes.



1064 (b) Students participating in an approved High School
1065 Equivalency Diploma Option program shall have an individual career
1066 plan developed at the time of placement to ensure that the
1067 student's academic and job skill needs will be met. The
1068 Individual Career Plan will address, but is not limited to, the
1069 following:

1070 (i) Academic and instructional needs of the
1071 student;

1072 (ii) Job readiness needs of the student; and

1073 (iii) Work experience program options available
1074 for the student.

1075 (c) Students participating in an approved High School
1076 Equivalency Diploma Option program may participate in existing job
1077 and skills development programs or in similar programs developed
1078 in conjunction with the High School Equivalency Diploma Option
1079 program and the vocational director.

1080 (d) High School Equivalency Diploma Option programs may
1081 be operated by local school districts or may be operated by two
1082 (2) or more adjacent school districts, pursuant to a contract
1083 approved by the State Board of Education. When two (2) or more
1084 school districts contract to operate a High School Equivalency
1085 Diploma Option program, the school board of a district designated
1086 to be the lead district shall serve as the governing board of the
1087 High School Equivalency Diploma Option program. Transportation
1088 for students placed in the High School Equivalency Diploma Option



1089 program shall be the responsibility of the school district of
1090 origin. The expense of establishing, maintaining and operating
1091 such High School Equivalency Diploma Option programs may be paid
1092 from funds made available to the school district through
1093 contributions, total funding formula funds or from local district
1094 maintenance funds.

1095 (e) The State Department of Education will develop
1096 procedures and criteria for placement of a student in the High
1097 School Equivalency Diploma Option programs. Students placed in
1098 High School Equivalency Diploma Option programs shall have
1099 parental approval for such placement and must meet the following
1100 criteria:

1101 (i) The student must be at least sixteen (16)
1102 years of age;

1103 (ii) The student must be at least one (1) full
1104 grade level behind his or her ninth grade cohort or must have
1105 acquired less than four (4) Carnegie units;

1106 (iii) The student must have taken every
1107 opportunity to continue to participate in coursework leading to a
1108 diploma; and

1109 (iv) The student must be certified to be eligible
1110 to participate in the GED course by the school district
1111 superintendent, based on the developed criteria.

1112 (f) Students participating in an approved High School
1113 Equivalency Diploma Option program * * * shall be required to take



1114 the * * * college- and career-readiness assessments as described
1115 in Section 37-17-6.

1116 **SECTION 9.** This act shall take effect and be in force from
1117 and after July 1, 2025.

