

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2577

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
 2 ESTABLISH AN "ACHIEVEMENT SCHOOL DISTRICT" AS AN ORGANIZATIONAL  
 3 UNIT OF THE STATE DEPARTMENT OF EDUCATION TO OPERATE AND MANAGE  
 4 CERTAIN SCHOOLS OR SCHOOL DISTRICTS WHICH HAVE BEEN RATED AS  
 5 FAILING FOR THREE CONSECUTIVE YEARS, TO PROVIDE THAT THE  
 6 ACHIEVEMENT SCHOOL DISTRICT SHALL BE UNDER THE SUPERVISION OF A  
 7 DEPUTY STATE SUPERINTENDENT OF EDUCATION AND THE STATE BOARD OF  
 8 EDUCATION, TO PROVIDE FOR THE SELECTION OF THE DEPUTY  
 9 SUPERINTENDENT, TO EMPOWER THE DEPUTY SUPERINTENDENT AND THE STATE  
 10 BOARD OF EDUCATION TO MANAGE OR CONTRACT FOR THE MANAGEMENT OF  
 11 SUCH SCHOOLS OR SCHOOL DISTRICTS FOR A TERM NOT EXCEEDING FIVE  
 12 YEARS; AND FOR RELATED PURPOSES.

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

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

16 37-17-6. (1) The State Board of Education, acting through  
 17 the Commission on School Accreditation, shall establish and  
 18 implement a permanent performance-based accreditation system, and  
 19 all noncharter public elementary and secondary schools shall be  
 20 accredited under this system.

21 (2) No later than June 30, 1995, the State Board of  
 22 Education, acting through the Commission on School Accreditation,  
 23 shall require school districts to provide school classroom space



24 that is air-conditioned as a minimum requirement for  
25 accreditation.

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

30	Number of Students	Number of Certified
31	Per School Library	School Librarians
32	0 - 499 Students	1/2 Full-time Equivalent
33		Certified Librarian
34	500 or More Students	1 Full-time Certified
35		Librarian

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

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

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



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

50 (f) Any additional millage levied to fund school  
51 librarians required for accreditation under this subsection shall  
52 be included in the tax increase limitation set forth in Sections  
53 37-57-105 and 37-57-107 and shall not be deemed a new program for  
54 purposes of the limitation.

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

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

61 (b) Strong accountability for results with appropriate  
62 local flexibility for local implementation;

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

65 (d) Individual schools shall be held accountable for  
66 student growth and performance;

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



70 (f) A determination of which schools exceed their  
71 standards and a plan for providing recognition and rewards to  
72 those schools;

73 (g) A determination of which schools are failing to  
74 meet their standards and a determination of the appropriate role  
75 of the State Board of Education and the State Department of  
76 Education in providing assistance and initiating possible  
77 intervention. A failing district is a district that fails to meet  
78 both the absolute student achievement standards and the rate of  
79 annual growth expectation standards as set by the State Board of  
80 Education for two (2) consecutive years. The State Board of  
81 Education shall establish the level of benchmarks by which  
82 absolute student achievement and growth expectations shall be  
83 assessed. In setting the benchmarks for school districts, the  
84 State Board of Education may also take into account such factors  
85 as graduation rates, dropout rates, completion rates, the extent  
86 to which the school or district employs qualified teachers in  
87 every classroom, and any other factors deemed appropriate by the  
88 State Board of Education. The State Board of Education, acting  
89 through the State Department of Education, shall apply a simple  
90 "A," "B," "C," "D" and "F" designation to the current school and  
91 school district statewide accountability performance  
92 classification labels beginning with the State Accountability  
93 Results for the 2011-2012 school year and following, and in the  
94 school, district and state report cards required under state and



95 federal law. Under the new designations, a school or school  
96 district that has earned a "Star" rating shall be designated an  
97 "A" school or school district; a school or school district that  
98 has earned a "High-Performing" rating shall be designated a "B"  
99 school or school district; a school or school district that has  
100 earned a "Successful" rating shall be designated a "C" school or  
101 school district; a school or school district that has earned an  
102 "Academic Watch" rating shall be designated a "D" school or school  
103 district; a school or school district that has earned a  
104 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
105 be designated an "F" school or school district. Effective with  
106 the implementation of any new curriculum and assessment standards,  
107 the State Board of Education, acting through the State Department  
108 of Education, is further authorized and directed to change the  
109 school and school district accreditation rating system to a simple  
110 "A," "B," "C," "D," and "F" designation based on a combination of  
111 student achievement scores and student growth as measured by the  
112 statewide testing programs developed by the State Board of  
113 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
114 1972. In any statute or regulation containing the former  
115 accreditation designations, the new designations shall be  
116 applicable;

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



119           (i) The State Board of Education may, based on a  
120 written request that contains specific reasons for requesting a  
121 waiver from the school districts affected by Hurricane Katrina of  
122 2005, hold harmless school districts from assignment of district  
123 and school level accountability ratings for the 2005-2006 school  
124 year. The State Board of Education upon finding an extreme  
125 hardship in the school district may grant the request. It is the  
126 intent of the Legislature that all school districts maintain the  
127 highest possible academic standards and instructional programs in  
128 all schools as required by law and the State Board of Education.

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

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

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

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



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

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

149 (i) Student achievement: the percent of students  
150 proficient and advanced on the current state assessments;

151 (ii) Individual student growth: the percent of  
152 students making one (1) year's progress in one (1) year's time on  
153 the state assessment, with an emphasis on the progress of the  
154 lowest twenty-five percent (25%) of students in the school or  
155 district;

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

159 (iv) Categories shall identify schools as Reward  
160 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
161 at least five percent (5%) of schools in the state are not graded  
162 as "F" schools, the lowest five percent (5%) of school grade point  
163 designees will be identified as Priority schools. If at least ten  
164 percent (10%) of schools in the state are not graded as "D"  
165 schools, the lowest ten percent (10%) of school grade point  
166 designees will be identified as Focus schools;



167 (v) The State Department of Education shall  
168 discontinue the use of Star School, High-Performing, Successful,  
169 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
170 school accountability designations;

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

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

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

183 (ix) The State Department of Education shall  
184 determine feeder patterns of schools that do not earn a school  
185 grade because the grades and subjects taught at the school do not  
186 have statewide standardized assessments needed to calculate a  
187 school grade. Upon determination of the feeder pattern, the  
188 department shall notify schools and school districts prior to the  
189 release of the school grades beginning in 2013. Feeder schools  
190 will be assigned the accountability designation of the school to  
191 which they provide students;





192                   (x) Standards for student, school and school  
193 district performance will be increased when student proficiency is  
194 at a seventy-five percent (75%) and/or when sixty-five percent  
195 (65%) of the schools and/or school districts are earning a grade  
196 of "B" or higher, in order to raise the standard on performance  
197 after targets are met.

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

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

205           (8) The State Board of Education shall be specifically  
206 authorized and empowered to withhold adequate education program  
207 fund allocations, whichever is applicable, to any public school  
208 district for failure to timely report student, school personnel  
209 and fiscal data necessary to meet state and/or federal  
210 requirements.

211           (9) Deleted.

212           (10) The State Board of Education shall establish, for those  
213 school districts failing to meet accreditation standards, a  
214 program of development to be complied with in order to receive  
215 state funds, except as otherwise provided in subsection (15) of  
216 this section when the Governor has declared a state of emergency



217 in a school district or as otherwise provided in Section 206,  
218 Mississippi Constitution of 1890. The state board, in  
219 establishing these standards, shall provide for notice to schools  
220 and sufficient time and aid to enable schools to attempt to meet  
221 these standards, unless procedures under subsection (15) of this  
222 section have been invoked.

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

226 (a) Develop an impairment report for each district  
227 failing to meet accreditation standards in conjunction with school  
228 district officials;

229 (b) Notify any applicable school district failing to  
230 meet accreditation standards that it is on probation until  
231 corrective actions are taken or until the deficiencies have been  
232 removed. The local school district shall develop a corrective  
233 action plan to improve its deficiencies. For district academic  
234 deficiencies, the corrective action plan for each such school  
235 district shall be based upon a complete analysis of the following:  
236 student test data, student grades, student attendance reports,  
237 student dropout data, existence and other relevant data. The  
238 corrective action plan shall describe the specific measures to be  
239 taken by the particular school district and school to improve:

240 (i) instruction; (ii) curriculum; (iii) professional development;  
241 (iv) personnel and classroom organization; (v) student incentives



242 for performance; (vi) process deficiencies; and (vii) reporting to  
243 the local school board, parents and the community. The corrective  
244 action plan shall describe the specific individuals responsible  
245 for implementing each component of the recommendation and how each  
246 will be evaluated. All corrective action plans shall be provided  
247 to the State Board of Education as may be required. The decision  
248 of the State Board of Education establishing the probationary  
249 period of time shall be final;

250 (c) Offer, during the probationary period, technical  
251 assistance to the school district in making corrective actions.  
252 Beginning July 1, 1998, subject to the availability of funds, the  
253 State Department of Education shall provide technical and/or  
254 financial assistance to all such school districts in order to  
255 implement each measure identified in that district's corrective  
256 action plan through professional development and on-site  
257 assistance. Each such school district shall apply for and utilize  
258 all available federal funding in order to support its corrective  
259 action plan in addition to state funds made available under this  
260 paragraph;

261 (d) Assign department personnel or contract, in its  
262 discretion, with the institutions of higher learning or other  
263 appropriate private entities with experience in the academic,  
264 finance and other operational functions of schools to assist  
265 school districts;



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

277 (12) (a) If the recommendations for corrective action are  
278 not taken by the local school district or if the deficiencies are  
279 not removed by the end of the probationary period, the Commission  
280 on School Accreditation shall conduct a hearing to allow the  
281 affected school district to present evidence or other reasons why  
282 its accreditation should not be withdrawn. Additionally, if the  
283 local school district violates accreditation standards that have  
284 been determined by the policies and procedures of the State Board  
285 of Education to be a basis for withdrawal of school district's  
286 accreditation without a probationary period, the Commission on  
287 School Accreditation shall conduct a hearing to allow the affected  
288 school district to present evidence or other reasons why its  
289 accreditation should not be withdrawn. After its consideration of  
290 the results of the hearing, the Commission on School Accreditation



291 shall be authorized, with the approval of the State Board of  
292 Education, to withdraw the accreditation of a public school  
293 district, and issue a request to the Governor that a state of  
294 emergency be declared in that district.

295 (b) If the State Board of Education and the Commission  
296 on School Accreditation determine that an extreme emergency  
297 situation exists in a school district that jeopardizes the safety,  
298 security or educational interests of the children enrolled in the  
299 schools in that district and that emergency situation is believed  
300 to be related to a serious violation or violations of  
301 accreditation standards or state or federal law, or when a school  
302 district meets the State Board of Education's definition of a  
303 failing school district for two (2) consecutive full school years,  
304 or if more than fifty percent (50%) of the schools within the  
305 school district are designated as Schools At-Risk in any one (1)  
306 year, the State Board of Education may request the Governor to  
307 declare a state of emergency in that school district. For  
308 purposes of this paragraph, the declarations of a state of  
309 emergency shall not be limited to those instances when a school  
310 district's impairments are related to a lack of financial  
311 resources, but also shall include serious failure to meet minimum  
312 academic standards, as evidenced by a continued pattern of poor  
313 student performance.

314 (c) Whenever the Governor declares a state of emergency  
315 in a school district in response to a request made under paragraph



316 (a) or (b) of this subsection, the State Board of Education may  
317 take one or more of the following actions:

318 (i) Declare a state of emergency, under which some  
319 or all of state funds can be escrowed except as otherwise provided  
320 in Section 206, Constitution of 1890, until the board determines  
321 corrective actions are being taken or the deficiencies have been  
322 removed, or that the needs of students warrant the release of  
323 funds. The funds may be released from escrow for any program  
324 which the board determines to have been restored to standard even  
325 though the state of emergency may not as yet be terminated for the  
326 district as a whole;

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

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

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



341 (v) For states of emergency declared under  
342 paragraph (a) only, if the accreditation deficiencies are related  
343 to the fact that the school district is too small, with too few  
344 resources, to meet the required standards and if another school  
345 district is willing to accept those students, abolish that  
346 district and assign that territory to another school district or  
347 districts. If the school district has proposed a voluntary  
348 consolidation with another school district or districts, then if  
349 the State Board of Education finds that it is in the best interest  
350 of the pupils of the district for the consolidation to proceed,  
351 the voluntary consolidation shall have priority over any such  
352 assignment of territory by the State Board of Education;

353 (vi) For states of emergency declared under  
354 paragraph (b) only, reduce local supplements paid to school  
355 district employees, including, but not limited to, instructional  
356 personnel, assistant teachers and extracurricular activities  
357 personnel, if the district's impairment is related to a lack of  
358 financial resources, but only to an extent that will result in the  
359 salaries being comparable to districts similarly situated, as  
360 determined by the State Board of Education;

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

364 (d) At the time that satisfactory corrective action has  
365 been taken in a school district in which a state of emergency has



366 been declared, the State Board of Education may request the  
367 Governor to declare that the state of emergency no longer exists  
368 in the district.

369 (e) The parent or legal guardian of a school-age child  
370 who is enrolled in a school district whose accreditation has been  
371 withdrawn by the Commission on School Accreditation and without  
372 approval of that school district may file a petition in writing to  
373 a school district accredited by the Commission on School  
374 Accreditation for a legal transfer. The school district  
375 accredited by the Commission on School Accreditation may grant the  
376 transfer according to the procedures of Section 37-15-31(1)(b).  
377 In the event the accreditation of the student's home district is  
378 restored after a transfer has been approved, the student may  
379 continue to attend the transferee school district. The per-pupil  
380 amount of the adequate education program allotment, including the  
381 collective "add-on program" costs for the student's home school  
382 district shall be transferred monthly to the school district  
383 accredited by the Commission on School Accreditation that has  
384 granted the transfer of the school-age child.

385 (f) Upon the declaration of a state of emergency for  
386 any school district in which the Governor has previously declared  
387 a state of emergency, the State Board of Education may either (i)  
388 establish a conservatorship or (ii) abolish the school district  
389 and administratively consolidate the school district with one or  
390 more existing school districts or (iii) reduce the size of the





391 district and administratively consolidate parts of the district,  
392 as determined by the State Board of Education; provided, however,  
393 that no school district which is not under conservatorship shall  
394 be required to accept additional territory over the objection of  
395 the district.

396 (g) There is established a Mississippi Recovery School  
397 District within the State Department of Education under the  
398 supervision of a deputy superintendent appointed by the State  
399 Superintendent of Public Education, who is subject to the approval  
400 by the State Board of Education. The Mississippi Recovery School  
401 District shall provide leadership and oversight of all school  
402 districts that are subject to state conservatorship, as defined in  
403 Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall  
404 have all the authority granted under these two (2) chapters. The  
405 Mississippi Department of Education, with the approval of the  
406 State Board of Education, shall develop policies for the operation  
407 and management of the Mississippi Recovery School District. The  
408 deputy state superintendent is responsible for the Mississippi  
409 Recovery School District and shall be authorized to oversee the  
410 administration of the Mississippi Recovery School District,  
411 oversee conservators assigned by the State Board of Education to a  
412 local school district, hear appeals from school districts under  
413 conservatorship that would normally be filed by students, parents  
414 or employees and heard by a local school board, which hearings on  
415 appeal shall be conducted in a prompt and timely manner in the



416 school district from which the appeal originated in order to  
417 ensure the ability of appellants, other parties and witnesses to  
418 appeal without undue burden of travel costs or loss of time from  
419 work, and perform other related duties as assigned by the State  
420 Superintendent of Public Education. The deputy state  
421 superintendent is responsible for the Mississippi Recovery School  
422 District and shall determine, based on rigorous professional  
423 qualifications set by the State Board of Education, the  
424 appropriate individuals to be engaged to be conservators and  
425 financial advisors, if applicable, of all school districts subject  
426 to state conservatorship. After State Board of Education  
427 approval, these individuals shall be deemed independent  
428 contractors.

429 (13) Upon the declaration of a state of emergency in a  
430 school district under subsection (12) of this section, the  
431 Commission on School Accreditation shall be responsible for public  
432 notice at least once a week for at least three (3) consecutive  
433 weeks in a newspaper published within the jurisdiction of the  
434 school district failing to meet accreditation standards, or if no  
435 newspaper is published therein, then in a newspaper having a  
436 general circulation therein. The size of the notice shall be no  
437 smaller than one-fourth (1/4) of a standard newspaper page and  
438 shall be printed in bold print. If a conservator has been  
439 appointed for the school district, the notice shall begin as  
440 follows: "By authority of Section 37-17-6, Mississippi Code of



441 1972, as amended, adopted by the Mississippi Legislature during  
442 the 1991 Regular Session, this school district (name of school  
443 district) is hereby placed under the jurisdiction of the State  
444 Department of Education acting through its appointed conservator  
445 (name of conservator)."

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

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

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



466           Nothing in this section shall be construed to grant any  
467 individual, corporation, board or conservator the authority to  
468 levy taxes except in accordance with presently existing statutory  
469 provisions.

470           (15) (a) Whenever the Governor declares a state of  
471 emergency in a school district in response to a request made under  
472 subsection (12) of this section, the State Board of Education, in  
473 its discretion, may assign an interim conservator to the school  
474 district, or in its discretion, may contract with an appropriate  
475 private entity with experience in the academic, finance and other  
476 operational functions of schools and school districts, who will be  
477 responsible for the administration, management and operation of  
478 the school district, including, but not limited to, the following  
479 activities:

480                       (i) Approving or disapproving all financial  
481 obligations of the district, including, but not limited to, the  
482 employment, termination, nonrenewal and reassignment of all  
483 licensed and nonlicensed personnel, contractual agreements and  
484 purchase orders, and approving or disapproving all claim dockets  
485 and the issuance of checks; in approving or disapproving  
486 employment contracts of superintendents, assistant superintendents  
487 or principals, the interim conservator shall not be required to  
488 comply with the time limitations prescribed in Sections 37-9-15  
489 and 37-9-105;



490 (ii) Supervising the day-to-day activities of the  
491 district's staff, including reassigning the duties and  
492 responsibilities of personnel in a manner which, in the  
493 determination of the conservator, will best suit the needs of the  
494 district;

495 (iii) Reviewing the district's total financial  
496 obligations and operations and making recommendations to the  
497 district for cost savings, including, but not limited to,  
498 reassigning the duties and responsibilities of staff;

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

501 (v) Approving or disapproving all athletic, band  
502 and other extracurricular activities and any matters related to  
503 those activities;

504 (vi) Maintaining a detailed account of  
505 recommendations made to the district and actions taken in response  
506 to those recommendations;

507 (vii) Reporting periodically to the State Board of  
508 Education on the progress or lack of progress being made in the  
509 district to improve the district's impairments during the state of  
510 emergency; and

511 (viii) Appointing a parent advisory committee,  
512 comprised of parents of students in the school district that may  
513 make recommendations to the conservator concerning the  
514 administration, management and operation of the school district.



515           Except when, in the determination of the State Board of  
516 Education, the school district's impairment is related to a lack  
517 of financial resources, the cost of the salary of the conservator  
518 and any other actual and necessary costs related to the  
519 conservatorship paid by the State Department of Education shall be  
520 reimbursed by the local school district from funds other than  
521 adequate education program funds. The department shall submit an  
522 itemized statement to the superintendent of the local school  
523 district for reimbursement purposes, and any unpaid balance may be  
524 withheld from the district's adequate education program funds.

525           At the time that the Governor, in accordance with the request  
526 of the State Board of Education, declares that the state of  
527 emergency no longer exists in a school district, the powers and  
528 responsibilities of the interim conservator assigned to the  
529 district shall cease.

530           (b) In order to provide loans to school districts under  
531 a state of emergency or under conservatorship that have  
532 impairments related to a lack of financial resources, the School  
533 District Emergency Assistance Fund is created as a special fund in  
534 the State Treasury into which monies may be transferred or  
535 appropriated by the Legislature from any available public  
536 education funds. Funds in the School District Emergency  
537 Assistance Fund up to a maximum balance of Three Million Dollars  
538 (\$3,000,000.00) annually shall not lapse but shall be available  
539 for expenditure in subsequent years subject to approval of the



540 State Board of Education. Any amount in the fund in excess of  
541 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
542 year shall lapse into the State General Fund or the Education  
543 Enhancement Fund, depending on the source of the fund.

544 The State Board of Education may loan monies from the School  
545 District Emergency Assistance Fund to a school district that is  
546 under a state of emergency or under conservatorship, in those  
547 amounts, as determined by the board, that are necessary to correct  
548 the district's impairments related to a lack of financial  
549 resources. The loans shall be evidenced by an agreement between  
550 the school district and the State Board of Education and shall be  
551 repayable in principal, without necessity of interest, to the  
552 School District Emergency Assistance Fund by the school district  
553 from any allowable funds that are available. The total amount  
554 loaned to the district shall be due and payable within five (5)  
555 years after the impairments related to a lack of financial  
556 resources are corrected. If a school district fails to make  
557 payments on the loan in accordance with the terms of the agreement  
558 between the district and the State Board of Education, the State  
559 Department of Education, in accordance with rules and regulations  
560 established by the State Board of Education, may withhold that  
561 district's adequate education program funds in an amount and  
562 manner that will effectuate repayment consistent with the terms of  
563 the agreement; the funds withheld by the department shall be  
564 deposited into the School District Emergency Assistance Fund.



565           The State Board of Education shall develop a protocol that  
566 will outline the performance standards and requisite time line  
567 deemed necessary for extreme emergency measures. If the State  
568 Board of Education determines that an extreme emergency exists,  
569 simultaneous with the powers exercised in this subsection, it  
570 shall take immediate action against all parties responsible for  
571 the affected school districts having been determined to be in an  
572 extreme emergency. The action shall include, but not be limited  
573 to, initiating civil actions to recover funds and criminal actions  
574 to account for criminal activity. Any funds recovered by the  
575 State Auditor or the State Board of Education from the surety  
576 bonds of school officials or from any civil action brought under  
577 this subsection shall be applied toward the repayment of any loan  
578 made to a school district hereunder.

579           (16) If a majority of the membership of the school board of  
580 any school district resigns from office, the State Board of  
581 Education shall be authorized to assign an interim conservator,  
582 who shall be responsible for the administration, management and  
583 operation of the school district until the time as new board  
584 members are selected or the Governor declares a state of emergency  
585 in that school district under subsection (12), whichever occurs  
586 first. In that case, the State Board of Education, acting through  
587 the interim conservator, shall have all powers which were held by  
588 the previously existing school board, and may take any action as





589 prescribed in Section 37-17-13 and/or one or more of the actions  
590 authorized in this section.

591 (17) (a) If the Governor declares a state of emergency in a  
592 school district, the State Board of Education may take all such  
593 action pertaining to that school district as is authorized under  
594 subsection (12) or (15) of this section, including the appointment  
595 of an interim conservator. The State Board of Education shall  
596 also have the authority to issue a written request with  
597 documentation to the Governor asking that the office of the  
598 superintendent of the school district be subject to recall. If  
599 the Governor declares that the office of the superintendent of the  
600 school district is subject to recall, the local school board or  
601 the county election commission, as the case may be, shall take the  
602 following action:

603 (i) If the office of superintendent is an elected  
604 office, in those years in which there is no general election, the  
605 name shall be submitted by the State Board of Education to the  
606 county election commission, and the county election commission  
607 shall submit the question at a special election to the voters  
608 eligible to vote for the office of superintendent within the  
609 county, and the special election shall be held within sixty (60)  
610 days from notification by the State Board of Education. The  
611 ballot shall read substantially as follows:

612 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
613 name of the superintendent shall be inserted) of the \_\_\_\_\_



614 (here the title of the school district shall be inserted) be  
615 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

616 If a majority of those voting on the question votes against  
617 retaining the superintendent in office, a vacancy shall exist  
618 which shall be filled in the manner provided by law; otherwise,  
619 the superintendent shall remain in office for the term of that  
620 office, and at the expiration of the term shall be eligible for  
621 qualification and election to another term or terms.

622 (ii) If the office of superintendent is an  
623 appointive office, the name of the superintendent shall be  
624 submitted by the president of the local school board at the next  
625 regular meeting of the school board for retention in office or  
626 dismissal from office. If a majority of the school board voting  
627 on the question vote against retaining the superintendent in  
628 office, a vacancy shall exist which shall be filled as provided by  
629 law, otherwise the superintendent shall remain in office for the  
630 duration of his employment contract.

631 (b) The State Board of Education may issue a written  
632 request with documentation to the Governor asking that the  
633 membership of the school board of the school district shall be  
634 subject to recall. Whenever the Governor declares that the  
635 membership of the school board is subject to recall, the county  
636 election commission or the local governing authorities, as the  
637 case may be, shall take the following action:



638 (i) If the members of the local school board are  
639 elected to office, in those years in which the specific member's  
640 office is not up for election, the name of the school board member  
641 shall be submitted by the State Board of Education to the county  
642 election commission, and the county election commission at a  
643 special election shall submit the question to the voters eligible  
644 to vote for the particular member's office within the county or  
645 school district, as the case may be, and the special election  
646 shall be held within sixty (60) days from notification by the  
647 State Board of Education. The ballot shall read substantially as  
648 follows:

649 "Members of the \_\_\_\_\_ (here the title of the school  
650 district shall be inserted) School Board who are not up for  
651 election this year are subject to recall because of the school  
652 district's failure to meet critical accountability standards as  
653 defined in the letter of notification to the Governor from the  
654 State Board of Education. Shall the member of the school board  
655 representing this area, \_\_\_\_\_ (here the name of the school  
656 board member holding the office shall be inserted), be retained in  
657 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

658 If a majority of those voting on the question vote against  
659 retaining the member of the school board in office, a vacancy in  
660 that board member's office shall exist, which shall be filled in  
661 the manner provided by law; otherwise, the school board member  
662 shall remain in office for the term of that office, and at the



663 expiration of the term of office, the member shall be eligible for  
664 qualification and election to another term or terms of office.  
665 However, if a majority of the school board members are recalled in  
666 the special election, the Governor shall authorize the board of  
667 supervisors of the county in which the school district is situated  
668 to appoint members to fill the offices of the members recalled.  
669 The board of supervisors shall make those appointments in the  
670 manner provided by law for filling vacancies on the school board,  
671 and the appointed members shall serve until the office is filled  
672 at the next regular special election or general election.

673           (ii) If the local school board is an appointed  
674 school board, the name of all school board members shall be  
675 submitted as a collective board by the president of the municipal  
676 or county governing authority, as the case may be, at the next  
677 regular meeting of the governing authority for retention in office  
678 or dismissal from office. If a majority of the governing  
679 authority voting on the question vote against retaining the board  
680 in office, a vacancy shall exist in each school board member's  
681 office, which shall be filled as provided by law; otherwise, the  
682 members of the appointed school board shall remain in office for  
683 the duration of their term of appointment, and those members may  
684 be reappointed.

685           (iii) If the local school board is comprised of  
686 both elected and appointed members, the elected members shall be  
687 subject to recall in the manner provided in subparagraph (i) of



688 this \* \* \* paragraph (b), and the appointed members shall be  
689 subject to recall in the manner provided in subparagraph (ii).

690 (18) Beginning with the school district audits conducted for  
691 the 1997-1998 fiscal year, the State Board of Education, acting  
692 through the Commission on School Accreditation, shall require each  
693 school district to comply with standards established by the State  
694 Department of Audit for the verification of fixed assets and the  
695 auditing of fixed assets records as a minimum requirement for  
696 accreditation.

697 (19) Before December 1, 1999, the State Board of Education  
698 shall recommend a program to the Education Committees of the House  
699 of Representatives and the Senate for identifying and rewarding  
700 public schools that improve or are high performing. The program  
701 shall be described by the board in a written report, which shall  
702 include criteria and a process through which improving schools and  
703 high-performing schools will be identified and rewarded.

704 The State Superintendent of Public Education and the State  
705 Board of Education also shall develop a comprehensive  
706 accountability plan to ensure that local school boards,  
707 superintendents, principals and teachers are held accountable for  
708 student achievement. A written report on the accountability plan  
709 shall be submitted to the Education Committees of both houses of  
710 the Legislature before December 1, 1999, with any necessary  
711 legislative recommendations.



712 (20) Before January 1, 2008, the State Board of Education  
713 shall evaluate and submit a recommendation to the Education  
714 Committees of the House of Representatives and the Senate on  
715 inclusion of graduation rate and dropout rate in the school level  
716 accountability system.

717 (21) If a local school district is determined as failing and  
718 placed into conservatorship for reasons authorized by the  
719 provisions of this section, the conservator appointed to the  
720 district shall, within forty-five (45) days after being appointed,  
721 present a detailed and structured corrective action plan to move  
722 the local school district out of conservatorship status to the  
723 local school board and local superintendent of education if they  
724 have not been removed by the conservator, or if the board and  
725 superintendent have been removed, to the local governing authority  
726 of the municipality or county in which the school district under  
727 conservatorship is located. A copy of the conservator's  
728 corrective action plan shall also be filed with the State Board of  
729 Education.

730 (22) (a) There is established a Mississippi Achievement  
731 School District (ASD) within the State Department of Education  
732 under the supervision of a Deputy State Superintendent and the  
733 State Board of Education. The ASD shall provide management and  
734 oversight of all schools or school districts which have been  
735 designated an "F" school or school district for three (3)  
736 consecutive years, including the period of time that any school or



737 school district has been designated "Low-Performing," "At-Risk of  
738 Failing" or "Failing" under the former accreditation designations.  
739 The State Department of Education, with the approval of the State  
740 Board of Education, shall develop policies for the operation and  
741 management of the ASD. The Deputy State Superintendent for the  
742 ASD shall be appointed by the State Superintendent of Education  
743 with the approval of the State Board of Education and shall manage  
744 and supervise the ASD. The Deputy State Superintendent for the  
745 ASD shall possess strong experience and expertise in public and  
746 nonpublic governance, management and finance, public school  
747 leadership, assessment, curriculum and instruction, and public  
748 education law.

749 (b) The Deputy State Superintendent for the ASD with  
750 the approval of the State Board of Education shall have the  
751 authority to directly operate or contract with one or more  
752 individuals, governmental entities or nonprofit entities to manage  
753 the day-to-day operations of any or all schools placed in the ASD,  
754 including, but not limited to, providing direct services to  
755 students.

756 (c) The Deputy State Superintendent for the ASD with  
757 the approval of the State Board of Education shall have the  
758 authority to assign any school or grade configuration within a  
759 school to the ASD at any time such school is designated to be in  
760 ASD status pursuant to this subsection (22).



761           (d) (i) The ASD may receive, control and expend local  
762 and state funding for schools placed under its jurisdiction, and  
763 shall have the authority to seek, receive, expend, manage and  
764 retain federal funding and grant funding and to otherwise seek,  
765 obtain, expend, manage and retain funding with the same authority  
766 as a local school board. The ASD shall receive from the  
767 Mississippi Department of Education of the local school district,  
768 as appropriate, an amount equal to the per student MAEP and local  
769 funds received by the department or school district for the  
770 students enrolled in the ASD school. ASD schools shall also  
771 receive all appropriate allocations of federal funds as other ASDs  
772 under federal law or regulation, including, but not limited to,  
773 Title I and ESEA funds. All funding allocations and disbursements  
774 shall be in accordance with procedures developed by the  
775 department.

776           (ii) The ASD shall have the authority to receive  
777 donations of money, property or securities from any source for the  
778 benefit of the ASD and schools within the ASD. All such funds  
779 shall, in good faith, be disbursed in accordance with the  
780 conditions of the gifts.

781           (iii) To the extent that any state and local funds  
782 allocated to the ASD are not used to support a school or school  
783 district in the ASD, they shall be allocated to a state reserve  
784 fund to be distributed to the appropriate school district upon





785 approval of the State Board of Education and upon the removal of  
786 the school from the ASD.

787 (e) The ASD may require any school district to provide  
788 school support or student support services for a school  
789 transferred from the school district's jurisdiction, including,  
790 but not limited to, student transportation, school food service,  
791 alternative schools or student assessment for special education  
792 eligibility that are compliant with all laws and regulations  
793 governing such services. In such cases, the ASD shall reimburse  
794 the actual cost to the school district providing such services.

795 (f) The ASD shall have the right to use any school  
796 building and all facilities and property otherwise part of the  
797 school and recognized as part of the facilities or assets of the  
798 school prior to its placement in the ASD and shall have access to  
799 such additional facilities as were typically available to the  
800 school, its students, faculty and staff prior to its placement in  
801 the ASD. Such use shall be unrestricted and free of charge,  
802 except that the ASD shall be responsible for and obligated to  
803 provide routine maintenance and repair such that the facilities  
804 and property are maintained in as good order as when the right of  
805 use was acquired by the ASD. The ASD shall also be responsible  
806 for paying all utilities in use at ASD-utilized facilities.  
807 Extensive repairs to buildings or facilities considered capital  
808 expenses shall be the responsibility of the school district and  
809 not the ASD. Any fixtures, improvements or tangible assets added



810 to a school building or facility by the ASD shall remain at the  
811 school building or facility upon its return to the school  
812 district.

813 (g) (i) If it is determined that the ASD shall  
814 directly operate a school within the ASD, the employees hired to  
815 work in schools directly operated by the ASD may be deemed  
816 employees of the ASD and such employees shall be under the  
817 exclusive control of the ASD. The ASD shall develop written  
818 procedures, subject to the approval of the State Board of  
819 Education, for employment and management of personnel as well as  
820 the development of compensation and benefit plans. Within the  
821 limits of the budget, staffing needs of any school within the ASD  
822 shall be exclusively determined by the ASD with approval of the  
823 State Board of Education.

824 (ii) The ASD, or the entity under contract to  
825 operate schools within the ASD, shall have the authority to  
826 determine whether any teacher who was assigned to such school  
827 prior to the school's transfer into the ASD shall have the option  
828 of continuing to teach at that school as an employee of either the  
829 ASD or the operating entity. Any teacher not given that option  
830 shall remain an employee of the local school district subject to  
831 the Education Employment Procedures Act. The local school  
832 district, if it so chooses, may continue the employment of a  
833 teacher not given that option. Any teacher who accepts that  
834 option may, at the discretion of the school district, return as an



835 employee of the school district, should the ASD or operating  
836 entity later determine not to continue to employ such teacher.

837 (iii) Teachers' rights to accumulated sick leave  
838 and retirement benefits shall apply to teachers who accept the  
839 option of continuing to teach at a school placed in the ASD.

840 (h) Notwithstanding any law to the contrary, the ASD  
841 shall, at a minimum, have the same authority and autonomy afforded  
842 to school districts under state law regarding the procurement of  
843 property, goods and services, including, but not limited to,  
844 personal, professional, consulting and social services. The ASD  
845 shall develop written procedures for the procurement of all goods  
846 and services in compliance with the expenditure thresholds for  
847 competitive bidding outlined or permitted in Section 31-7-1 et  
848 seq. Such procedures shall be submitted to and approved by the  
849 State Board of Education.

850 (i) The ASD shall have the authority to authorize the  
851 preparation and use of publications and other media for the  
852 marketing and public education needs of the ASD in order to  
853 effectively carry out its mission.

854 (j) The ASD or any entity the ASD contracts with to  
855 operate or manage schools that have been placed in the ASD may  
856 apply to the State Board of Education for a waiver of any State  
857 Board of Education rule that inhibits or hinders the ability of  
858 the school to increase student achievement. Notwithstanding this



859 subsection (j), the State Board of Education shall not waive rules  
860 related to the following:

861 (i) Federal and state civil rights;

862 (ii) Federal, state and local health and safety;

863 (iii) Federal and state public records;

864 (iv) Immunizations;

865 (v) Possession of weapons on school grounds;

866 (vi) Background checks and fingerprinting of

867 personnel;

868 (vii) Federal and state special education

869 services;

870 (viii) Student due process;

871 (ix) Parental rights;

872 (x) Federal and state student assessment and

873 accountability;

874 (xi) Open meetings; and

875 (xii) At least the same equivalent time of

876 instruction as required in regular public schools.

877 (k) (i) A school that has been removed from the school

878 district and placed in the ASD shall remain in the ASD for a

879 minimum of five (5) years. After the school improves student

880 performance for two (2) consecutive years such that the school

881 would no longer be identified as a priority school pursuant to

882 this subsection (22), the State Board of Education shall develop a

883 transition plan for the purpose of planning the school's return to



884 the school district. Implementation of this plan shall begin  
885 after the school achieves the required improvements for three (3)  
886 consecutive years. The plan shall be fully implemented and the  
887 transition shall be completed after the school achieves the  
888 required improvements for five (5) consecutive years, unless the  
889 school district is identified as a school district in need of  
890 improvement pursuant to this subsection (22) and the parents of  
891 sixty percent (60%) of the children enrolled at the school  
892 demonstrate support for remaining in the ASD by signing a  
893 petition. Such school shall return to the school district after  
894 the school district is no longer identified as in need of  
895 improvement; provide, that the school is not identified as a  
896 priority school pursuant to this subsection (22).

897 (ii) If a school enters the ASD and is operated as  
898 a charter school through authorization by the Charter School  
899 Authorization Board the school shall remain a charter school  
900 through the duration of the charter agreement. Upon expiration of  
901 the charter agreement, and provided the conditions set forth in  
902 subparagraph (i) of this paragraph (k) are met, the school shall  
903 return to the school district and the terms of the charter  
904 agreement may be renewed upon submission of a renewal application  
905 to the Charter School Authorization Board.

906 (iii) Notwithstanding subparagraph (i) of this  
907 paragraph (k) or any other provision to the contrary, the State



908 Board of Education shall have the authority to remove any school  
909 from the jurisdiction of the ASD at any time.

910 (l) Any individuals, governmental entities or nonprofit  
911 entities contracting with the State Board of Education to operate  
912 any school under this subsection (22) shall provide timely  
913 information to the school district and superintendent of schools  
914 regarding the operation of such schools, including, but not  
915 limited to, matters relating to employment of personnel at the  
916 school as provided in this subsection (22). The school district  
917 may continue to support the educational improvement of the school  
918 under the direction and guidance of the ASD and in accordance with  
919 any contracts entered into in accordance with this subsection  
920 (22). In addition, any individuals, governmental entities or  
921 nonprofit entities contracting with the State Board of Education  
922 may voluntarily work with the school district in providing to the  
923 schools professional development or technical assistance,  
924 instructional and administrative support and facilitating any  
925 other support that may be beneficial to academic progress of the  
926 school.

927 (m) Any contracts to operate schools that have been  
928 placed in the ASD shall require expenditure reports for funds  
929 received and expended pursuant to such contracts. Such reports  
930 shall be provided to the State Department of Education for review.

931 (n) The State Department of Education shall establish  
932 within the school system with the most schools operated by the ASD



933 a four-year pilot program of assessment of kindergarten students.  
934 The pilot program shall begin with the 2015-2016 school year.  
935 Students entering kindergarten in such system in schools operated  
936 by the ASD shall be assessed by an appropriate standardized test  
937 or tests. The test shall measure the present educational levels  
938 of the students to determine how instruction should be targeted to  
939 best meet the learning needs of the students and to eliminate  
940 disparities in learning backgrounds, if any.

941       **SECTION 2.** This act shall take effect and be in force from  
942 and after July 1, 2014.

