

By: Senator(s) Watson

To: Education;
Appropriations

SENATE BILL NO. 2702

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT THE PARENT OR LEGAL GUARDIAN OF A SCHOOL-AGE CHILD
 3 WHO IS ENROLLED IN A SCHOOL OR SCHOOL DISTRICT WHOSE ACCREDITATION
 4 HAS BEEN WITHDRAWN MAY FILE A PETITION TO AN ACCREDITED SCHOOL
 5 DISTRICT OF THE PARENT OR LEGAL GUARDIAN'S CHOICE WHO SHALL GRANT
 6 THE TRANSFER ON A SPACE AVAILABLE BASIS; TO AMEND SECTIONS
 7 37-15-29, AND 37-15-31, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
 8 THE TRANSFER OF STUDENTS IN CONFORMITY THERETO UPON THE PETITION
 9 OF THE PARENT OR GUARDIAN OF SUCH STUDENT; TO PROVIDE THAT
 10 TRANSPORTATION OF SUCH STUDENT TO THE TRANSFEREE SCHOOL SHALL BE
 11 THE RESPONSIBILITY OF THE PARENT OR GUARDIAN UNLESS THE SCHOOL
 12 DISTRICT AGREES TO PROVIDE TRANSPORTATION; TO AMEND SECTION
 13 37-151-93, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO SCHOOL
 14 DISTRICT ACCEPTING ANY TRANSFER STUDENT SHALL CHARGE THE STUDENT
 15 ANY TUITION FEES; TO AMEND SECTIONS 37-15-13 AND 37-15-15,
 16 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 17 PURPOSES.

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

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

21 37-17-6. (1) The State Board of Education, acting through
 22 the Commission on School Accreditation, shall establish and
 23 implement a permanent performance-based accreditation system, and
 24 all noncharter public elementary and secondary schools shall be
 25 accredited under this system.



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

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

35	Number of Students	Number of Certified
36	Per School Library	School Librarians
37	0 - 499 Students	1/2 Full-time Equivalent
38		Certified Librarian
39	500 or More Students	1 Full-time Certified
40		Librarian

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

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

48 (d) School librarians in the district shall spend at
49 least fifty percent (50%) of direct work time in a school library



50 and shall devote no more than one-fourth (1/4) of the workday to
51 administrative activities that are library related.

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

55 (f) Any additional millage levied to fund school
56 librarians required for accreditation under this subsection shall
57 be included in the tax increase limitation set forth in Sections
58 37-57-105 and 37-57-107 and shall not be deemed a new program for
59 purposes of the limitation.

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

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

66 (b) Strong accountability for results with appropriate
67 local flexibility for local implementation;

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

70 (d) Individual schools shall be held accountable for
71 student growth and performance;

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



75 (f) A determination of which schools exceed their
76 standards and a plan for providing recognition and rewards to
77 those schools;

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



100 federal law. Under the new designations, a school or school
101 district that has earned a "Star" rating shall be designated an
102 "A" school or school district; a school or school district that
103 has earned a "High-Performing" rating shall be designated a "B"
104 school or school district; a school or school district that has
105 earned a "Successful" rating shall be designated a "C" school or
106 school district; a school or school district that has earned an
107 "Academic Watch" rating shall be designated a "D" school or school
108 district; a school or school district that has earned a
109 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
110 be designated an "F" school or school district. Effective with
111 the implementation of any new curriculum and assessment standards,
112 the State Board of Education, acting through the State Department
113 of Education, is further authorized and directed to change the
114 school and school district accreditation rating system to a simple
115 "A," "B," "C," "D," and "F" designation based on a combination of
116 student achievement scores and student growth as measured by the
117 statewide testing programs developed by the State Board of
118 Education pursuant to Chapter 16, Title 37, Mississippi Code of
119 1972. In any statute or regulation containing the former
120 accreditation designations, the new designations shall be
121 applicable;

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



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

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

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

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

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



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

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

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

156 (ii) Individual student growth: the percent of
157 students making one (1) year's progress in one (1) year's time on
158 the state assessment, with an emphasis on the progress of the
159 lowest twenty-five percent (25%) of students in the school or
160 district;

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

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



172 (v) The State Department of Education shall
173 discontinue the use of Star School, High-Performing, Successful,
174 Academic Watch, Low-Performing, At-Risk of Failing and Failing
175 school accountability designations;

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

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

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

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



197 (x) Standards for student, school and school
198 district performance will be increased when student proficiency is
199 at a seventy-five percent (75%) and/or when sixty-five percent
200 (65%) of the schools and/or school districts are earning a grade
201 of "B" or higher, in order to raise the standard on performance
202 after targets are met.

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

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

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

216 (9) Deleted.

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



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

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

231 (a) Develop an impairment report for each district
232 failing to meet accreditation standards in conjunction with school
233 district officials;

234 (b) Notify any applicable school district failing to
235 meet accreditation standards that it is on probation until
236 corrective actions are taken or until the deficiencies have been
237 removed. The local school district shall develop a corrective
238 action plan to improve its deficiencies. For district academic
239 deficiencies, the corrective action plan for each such school
240 district shall be based upon a complete analysis of the following:
241 student test data, student grades, student attendance reports,
242 student dropout data, existence and other relevant data. The
243 corrective action plan shall describe the specific measures to be
244 taken by the particular school district and school to improve:
245 (i) instruction; (ii) curriculum; (iii) professional development;
246 (iv) personnel and classroom organization; (v) student incentives



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

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

266 (d) Assign department personnel or contract, in its
267 discretion, with the institutions of higher learning or other
268 appropriate private entities with experience in the academic,
269 finance and other operational functions of schools to assist
270 school districts;



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

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



296 shall be authorized, with the approval of the State Board of
297 Education, to withdraw the accreditation of a public school
298 district, and issue a request to the Governor that a state of
299 emergency be declared in that district.

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

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



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

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

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

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

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



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

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

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

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



371 been declared, the State Board of Education may request the
372 Governor to declare that the state of emergency no longer exists
373 in the district.

374 (e) The parent or legal guardian of a school-age child
375 who is enrolled in a school or school district whose accreditation
376 has been withdrawn by the Commission on School Accreditation and
377 without approval of that school district may file a petition in
378 writing to a school district of parental choice accredited by the
379 Commission on School Accreditation for a legal transfer. The
380 school district accredited by the Commission on School
381 Accreditation * * * shall grant the transfer based on available
382 capacity according to the procedures of Section 37-15-31 * * * (6).
383 In the event the accreditation of the student's home school or
384 district is restored after a transfer has been approved, the
385 student may continue to attend the transferee school district.
386 The per-pupil amount of the adequate education program allotment,
387 including the collective "add-on program" costs for the student's
388 home school district shall be transferred monthly to the school
389 district accredited by the Commission on School Accreditation that
390 has granted the transfer of the school-age child.

391 (f) Upon the declaration of a state of emergency for
392 any school district in which the Governor has previously declared
393 a state of emergency, the State Board of Education may either (i)
394 establish a conservatorship or (ii) abolish the school district
395 and administratively consolidate the school district with one or



396 more existing school districts or (iii) reduce the size of the
397 district and administratively consolidate parts of the district,
398 as determined by the State Board of Education; provided, however,
399 that no school district which is not under conservatorship shall
400 be required to accept additional territory over the objection of
401 the district.

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



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

435 (13) Upon the declaration of a state of emergency in a
436 school district under subsection (12) of this section, the
437 Commission on School Accreditation shall be responsible for public
438 notice at least once a week for at least three (3) consecutive
439 weeks in a newspaper published within the jurisdiction of the
440 school district failing to meet accreditation standards, or if no
441 newspaper is published therein, then in a newspaper having a
442 general circulation therein. The size of the notice shall be no
443 smaller than one-fourth (1/4) of a standard newspaper page and
444 shall be printed in bold print. If a conservator has been
445 appointed for the school district, the notice shall begin as



446 follows: "By authority of Section 37-17-6, Mississippi Code of
447 1972, as amended, adopted by the Mississippi Legislature during
448 the 1991 Regular Session, this school district (name of school
449 district) is hereby placed under the jurisdiction of the State
450 Department of Education acting through its appointed conservator
451 (name of conservator)."

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

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

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



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

472 Nothing in this section shall be construed to grant any
473 individual, corporation, board or conservator the authority to
474 levy taxes except in accordance with presently existing statutory
475 provisions.

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

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



494 comply with the time limitations prescribed in Sections 37-9-15
495 and 37-9-105;

496 (ii) Supervising the day-to-day activities of the
497 district's staff, including reassigning the duties and
498 responsibilities of personnel in a manner which, in the
499 determination of the conservator, will best suit the needs of the
500 district;

501 (iii) Reviewing the district's total financial
502 obligations and operations and making recommendations to the
503 district for cost savings, including, but not limited to,
504 reassigning the duties and responsibilities of staff;

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

507 (v) Approving or disapproving all athletic, band
508 and other extracurricular activities and any matters related to
509 those activities;

510 (vi) Maintaining a detailed account of
511 recommendations made to the district and actions taken in response
512 to those recommendations;

513 (vii) Reporting periodically to the State Board of
514 Education on the progress or lack of progress being made in the
515 district to improve the district's impairments during the state of
516 emergency; and

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



519 make recommendations to the conservator concerning the
520 administration, management and operation of the school district.

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

531 At the time that the Governor, in accordance with the request
532 of the State Board of Education, declares that the state of
533 emergency no longer exists in a school district, the powers and
534 responsibilities of the interim conservator assigned to the
535 district shall cease.

536 (b) In order to provide loans to school districts under
537 a state of emergency or under conservatorship that have
538 impairments related to a lack of financial resources, the School
539 District Emergency Assistance Fund is created as a special fund in
540 the State Treasury into which monies may be transferred or
541 appropriated by the Legislature from any available public
542 education funds. Funds in the School District Emergency
543 Assistance Fund up to a maximum balance of Three Million Dollars



544 (\$3,000,000.00) annually shall not lapse but shall be available
545 for expenditure in subsequent years subject to approval of the
546 State Board of Education. Any amount in the fund in excess of
547 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
548 year shall lapse into the State General Fund or the Education
549 Enhancement Fund, depending on the source of the fund.

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



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

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

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



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

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

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



618 "Shall County Superintendent of Education _____ (here the
619 name of the superintendent shall be inserted) of the _____
620 (here the title of the school district shall be inserted) be
621 retained in office? Yes _____ No _____"

622 If a majority of those voting on the question votes against
623 retaining the superintendent in office, a vacancy shall exist
624 which shall be filled in the manner provided by law; otherwise,
625 the superintendent shall remain in office for the term of that
626 office, and at the expiration of the term shall be eligible for
627 qualification and election to another term or terms.

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

637 (b) The State Board of Education may issue a written
638 request with documentation to the Governor asking that the
639 membership of the school board of the school district shall be
640 subject to recall. Whenever the Governor declares that the
641 membership of the school board is subject to recall, the county



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

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

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

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



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

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



691 (iii) If the local school board is comprised of
692 both elected and appointed members, the elected members shall be
693 subject to recall in the manner provided in subparagraph (i) of
694 this * * * paragraph (b), and the appointed members shall be
695 subject to recall in the manner provided in subparagraph (ii).

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

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

710 The State Superintendent of Public Education and the State
711 Board of Education also shall develop a comprehensive
712 accountability plan to ensure that local school boards,
713 superintendents, principals and teachers are held accountable for
714 student achievement. A written report on the accountability plan
715 shall be submitted to the Education Committees of both houses of



716 the Legislature before December 1, 1999, with any necessary
717 legislative recommendations.

718 (20) Before January 1, 2008, the State Board of Education
719 shall evaluate and submit a recommendation to the Education
720 Committees of the House of Representatives and the Senate on
721 inclusion of graduation rate and dropout rate in the school level
722 accountability system.

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

736 **SECTION 2.** Section 37-15-29, Mississippi Code of 1972, is
737 amended as follows:

738 37-15-29. (1) Except as provided in subsections (2), (3),
739 (4) and (5) of this section, no minor child may enroll in or
740 attend any school except in the school district of his residence,



741 unless such child be lawfully transferred from the school district
742 of his residence to a school in another school district in accord
743 with the statutes of this state now in effect or which may be
744 hereafter enacted.

745 (2) Those children whose parent(s) or legal guardian(s) are
746 instructional personnel or certificated employees of a school
747 district may at such employee's discretion enroll and attend the
748 school or schools of their parent's or legal guardian's employment
749 regardless of the residence of the child.

750 (3) No child shall be required to be transported in excess
751 of thirty (30) miles on a school bus from his or her home to
752 school, or in excess of thirty (30) miles from school to his or
753 her home, if there is another school in an adjacent school
754 district located on a shorter school bus transportation route by
755 the nearest traveled road. Those children residing in such
756 geographical situations may, at the discretion of their parent(s)
757 or legal guardian(s), enroll and attend the nearer school,
758 regardless of the residence of the child. In the event the parent
759 or legal guardian of such child and the school board are unable to
760 agree on the school bus mileage required to transport the child
761 from his or her home to school, an appeal shall lie to the State
762 Board of Education, or its designee, whose decision shall be
763 final. The school districts involved in the appeal shall provide
764 the Mississippi Department of Education with any school bus route
765 information requested, including riding the buses as necessary, in



766 order to measure the bus routes in question, as needed by the
767 State Board of Education in considering the appeal.

768 (4) Those children lawfully transferred from the school
769 district of his residence to a school in another school district
770 prior to July 1, 1992, may, at the discretion of their parent(s)
771 or legal guardian(s), continue to enroll and attend school in the
772 transferee school district. Provided further, that the brother(s)
773 and sister(s) of said children lawfully transferred prior to July
774 1, 1992, may also, at the discretion of their parent(s) or legal
775 guardian(s), enroll and attend school in the transferee school
776 district.

777 (5) * * * The parent or legal guardian of a school-age child
778 who is enrolled in a school or school district whose accreditation
779 has been withdrawn by the Commission on School Accreditation and
780 without approval of that school district may file a petition in
781 writing to a school district of parental choice accredited by the
782 Commission on School Accreditation for a legal transfer. The
783 school district accredited by the Commission on School
784 Accreditation shall grant the transfer based on available capacity
785 according to the procedures of Section 37-15-31(6). In the event
786 the accreditation of the student's home school or district is
787 restored after a transfer has been approved, the student may
788 continue to attend the transferee school district.

789 **SECTION 3.** Section 37-15-31, Mississippi Code of 1972, is
790 amended as follows:



791 37-15-31. (1) (a) Except as provided in subsections (2)
792 through (5) of this section, upon the petition in writing of a
793 parent or guardian resident of the school district of an
794 individual student filed or lodged with the president or secretary
795 of the school board of a school district in which the pupil has
796 been enrolled or is qualified to be enrolled as a student under
797 Section 37-15-9, or upon the aforesaid petition or the initiative
798 of the school board of a school district as to the transfer of a
799 grade or grades, individual students living in one school district
800 or a grade or grades of a school within the districts may be
801 legally transferred to another school district, by the mutual
802 consent of the school boards of all school districts concerned,
803 which consent must be given in writing and spread upon the minutes
804 of such boards.

805 (b) The school board of the transferring school
806 district to which such petition may be addressed shall act thereon
807 not later than its next regular meeting subsequent to the filing
808 or lodging of the petition, and a failure to act within that time
809 shall constitute a rejection of such request. The school board of
810 the other school district involved (the transferee board) shall
811 act on such request for transfer as soon as possible after the
812 transferor board shall have approved or rejected such transfer and
813 no later than the next regular meeting of the transferee board,
814 and a failure of such transferee board to act within such time
815 shall constitute a rejection of such request. If such a transfer



816 is approved by the transferee board, then such decision shall be
817 final. If such a transfer should be refused by the school board
818 of either school district, then such decision shall be final.

819 (c) Any legal guardianship formed for the purpose of
820 establishing residency for school district attendance purposes
821 shall not be recognized by the affected school board.

822 (2) (a) Upon the petition in writing of any parent or
823 guardian who is a resident of Mississippi and is an instructional
824 or licensed employee of a school district, but not a resident of
825 such district, the school board of the employer school district
826 shall consent to the transfer of such employee's dependent
827 school-age children to its district and shall spread the same upon
828 the minutes of the board. Upon the petition in writing of any
829 parent or guardian who is not a resident of Mississippi and who is
830 an instructional or licensed employee of a school district in
831 Mississippi, the school board of the employer school district
832 shall consent to the transfer of such employee's dependent
833 school-age children to its district and shall spread the same upon
834 the minutes of the board.

835 (b) The school board of any school district, in its
836 discretion, may adopt a uniform policy to allow the enrollment and
837 attendance of the dependent children of noninstructional and
838 nonlicensed employees, who are residents of Mississippi but are
839 not residents of their district. Such policy shall be based upon



840 the employment needs of the district, implemented according to job
841 classification groups and renewed each school year.

842 (c) The employer transferee school district shall
843 notify in writing the school district from which the pupil or
844 pupils are transferring, and the school board of the transferor
845 school district shall spread the same upon its minutes.

846 (d) Any such agreement by school boards for the legal
847 transfer of a student shall include a provision providing for the
848 transportation of the student. In the absence of such a provision
849 the responsibility for transporting the student to the transferee
850 school district shall be that of the parent or guardian.

851 (e) Any school district which accepts a student under
852 the provisions of this subsection shall not assess any tuition
853 fees upon such transferring student in accordance with the
854 provisions of Section 37-19-27.

855 (3) Upon the petition in writing of any parent or legal
856 guardian of a school-age child who is a resident of an adjacent
857 school district residing in the geographical situation described
858 in Section 37-15-29(3), the school board of the school district
859 operating the school located in closer proximity to the residence
860 of the child shall consent to the transfer of the child to its
861 district, and shall spread the same upon the minutes of the board.
862 Any such agreement by school boards for the legal transfer of a
863 student under this subsection shall include a provision for the
864 transportation of the student by either the transferor or the



865 transferee school district. In the event that either the school
866 board of the transferee or the transferor school district shall
867 object to the transfer, it shall have the right to appeal to the
868 State Board of Education whose decision shall be final. However,
869 if the school boards agreeing on the legal transfer of any student
870 shall fail to agree on which district shall provide
871 transportation, the responsibility for transporting the student to
872 the transferee school district shall be that of the parent or
873 guardian.

874 (4) Upon the petition in writing of any parent or legal
875 guardian of a school-age child who was lawfully transferred to
876 another school district prior to July 1, 1992, as described in
877 Section 37-15-29(4), the school board of the transferee school
878 district shall consent to the transfer of such child and the
879 transfer of any school-age brother and sister of such child to its
880 district, and shall spread the same upon the minutes of the board.

881 (5) (a) If the board of trustees of a municipal separate
882 school district with added territory does not have a member who is
883 a resident of the added territory outside the corporate limits,
884 upon the petition in writing of any parent or legal guardian of a
885 school-age child who is a resident of the added territory outside
886 the corporate limits, the board of trustees of the municipal
887 separate school district and the school board of the school
888 district adjacent to the added territory shall consent to the
889 transfer of the child from the municipal separate school district



890 to the adjacent school district. The agreement must be spread
891 upon the minutes of the board of trustees of the municipal
892 separate school district and the school board of the adjacent
893 school district. The agreement must provide for the
894 transportation of the student. In the absence of such a
895 provision, the parent or legal guardian shall be responsible for
896 transporting the student to the adjacent school district. Any
897 school district that accepts a student under this subsection may
898 not assess any tuition fees against the transferring student.

899 (b) Before September 1 of each year, the board of
900 trustees of the municipal separate school district shall certify
901 to the State Department of Education the number of students in the
902 added territory of the municipal separate school district who are
903 transferred to the adjacent school district under this subsection.
904 The municipal separate school district also shall certify the
905 total number of students in the school district residing in the
906 added territory plus the number of those students who are
907 transferred to the adjacent school district. Based upon these
908 figures, the department shall calculate the percentage of the
909 total number of students in the added territory who are
910 transferred to the adjacent school district and shall certify this
911 percentage to the levying authority for the municipal separate
912 school district. The levying authority shall remit to the school
913 board of the adjacent school district, from the proceeds of the ad
914 valorem taxes collected for the support of the municipal separate



915 school district from the added territory of the municipal separate
916 school district, an amount equal to the percentage of the total
917 number of students in the added territory who are transferred to
918 the adjacent school district.

919 (6) Upon the petition in writing of any parent or legal
920 guardian of a school-age child who attends a school or school
921 district whose accreditation has been withdrawn by the Commission
922 on School Accreditation, without the approval of the home school
923 district, the school board of an accredited school district of the
924 parental choice shall consent to the transfer of the child to its
925 district based on available capacity, and shall spread the same
926 upon the minutes of the board. If the transferee school is in the
927 same school district, the superintendent of schools may, in his
928 discretion, approve the transfer of the child, which consent shall
929 be subject to the ratification of the local school board and
930 spread upon the minutes of the board. In the event the transferor
931 school district shall object to the transfer, the parent or legal
932 guardian shall have the right to appeal to the State Board of
933 Education whose decision shall be final. The responsibility for
934 transporting the student to the transferee school district or
935 transferee school under this subsection (6) shall be that of the
936 parent or guardian, unless the school district agrees to provide
937 transportation.

938 **SECTION 4.** Section 37-151-93, Mississippi Code of 1972, is
939 amended as follows:



940 37-151-93. (1) Legally transferred students going from one
941 school district to another shall be counted for adequate education
942 program allotments by the school district wherein the pupils
943 attend school, but shall be counted for transportation allotment
944 purposes in the school district which furnishes or provides the
945 transportation. The school boards of the school districts which
946 approve the transfer of a student under the provisions of Section
947 37-15-31 shall enter into an agreement and contract for the
948 payment or nonpayment of any portion of their local maintenance
949 funds which they deem fair and equitable in support of any
950 transferred student. Except as provided in subsection (2) of this
951 section, local maintenance funds shall be transferred only to the
952 extent specified in the agreement and contract entered into by the
953 affected school districts. The terms of any local maintenance
954 fund payment transfer contract shall be spread upon the minutes of
955 both of the affected school district school boards. The school
956 district accepting any transfer students shall be authorized to
957 accept tuition from such students under the provisions of Section
958 37-15-31(1) * * *. No school district accepting any transfer
959 students under the provisions of Section 37-15-31(2), which
960 provides for the transfer of certain school district employee
961 dependents, shall be authorized to charge such transfer students
962 any tuition fees. No school district accepting any transfer
963 students under the provisions of Section 37-15-31(6) shall be
964 authorized to charge such transfer students any tuition fees.



965 (2) Local maintenance funds shall be paid by the home school
966 district to the transferee school district for students granted
967 transfers under the provisions of Sections 37-15-29(3) and
968 37-15-31(3) and 37-15-31(6), Mississippi Code of 1972, not to
969 exceed the "base student cost" as defined in Section 37-151-5,
970 Mississippi Code of 1972, multiplied by the number of such legally
971 transferred students.

972 **SECTION 5.** Section 37-15-13, Mississippi Code of 1972, is
973 amended as follows:

974 37-15-13. When any child qualified under the requirements of
975 Section 37-15-9 shall apply or present himself for enrollment in
976 or admission to the public schools of any school district of this
977 state, the school board of such school district shall have the
978 power and authority to designate the particular school or
979 attendance center of the district in which such child shall be
980 enrolled and which he shall attend; no enrollment of a child in a
981 school shall be final or permanent until such designation shall be
982 made by said school board. No child shall be entitled to attend
983 any school or attendance center except that to which he has been
984 assigned by the school board; however, the principal of a school
985 or superintendent of the district may, in proper cases, permit a
986 child to attend a school temporarily until a permanent assignment
987 is made by the school board. Beginning with the 2014-2015 school
988 year, a child who is attending a school in a school district in
989 this state whose accreditation has been withdrawn may attend a



990 school of parental choice in the manner prescribed in Section
991 37-15-31(6).

992 **SECTION 6.** Section 37-15-15, Mississippi Code of 1972, is
993 amended as follows:

994 37-15-15. In making assignments of children to schools or
995 attendance centers, the school board shall take into consideration
996 the educational needs and welfare of the child involved, the
997 welfare and best interest of all the pupils attending the school
998 or schools involved, the availability of school facilities,
999 sanitary conditions and facilities at the school or schools
1000 involved, health and moral factors at the school or schools, and
1001 in the community involved, the accreditation rating of the school
1002 involved, and all other factors which the school board may
1003 consider pertinent, relevant or material in their effect on the
1004 welfare and best interest of the school district and the
1005 particular school or schools involved. All such assignments shall
1006 be on an individual basis as to the particular child involved and,
1007 in making such assignment, the school board shall not be limited
1008 or circumscribed by the boundaries of any attendance areas which
1009 may have been established by such board.

1010 **SECTION 7.** This act shall take effect and be in force from
1011 and after July 1, 2014.

