MISSISSIPPI LEGISLATURE
REGULAR SESSION 2022

By: Representative Miles
To: Education

HOUSE BILL NO. 118

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO IMMEDIATELY CEASE THE ADMINISTRATION OF ALL ASSESSMENTS UNDER THE STATEWIDE TESTING PROGRAM WHICH ARE USED TO DETERMINE THE ACCOUNTABILITY RATINGS FOR SCHOOL DISTRICTS AND INDIVIDUAL SCHOOLS WITHIN LOCAL SCHOOL DISTRICTS FOR THE 2021-2022 SCHOOL YEAR DUE TO THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY IN RESPONSE TO COVID-19; TO REQUIRE THE STATE BOARD OF EDUCATION TO HOLD HARMLESS SCHOOL DISTRICTS FROM ASSIGNMENT OF DISTRICT AND SCHOOL LEVEL ACCOUNTABILITY RATINGS FOR THE 2021-2022 SCHOOL YEAR; TO AMEND SECTIONS 37-16-3, 37-16-17, 37-17-6, 37-3-49, 37-15-38 AND 37-35-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS 37-16-1, 37-16-4, 37-16-5, 37-16-7 AND 37-16-9, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE STATEWIDE TESTING PROGRAM, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Due to the state of emergency declared by the Governor of the State of Mississippi in response to a national health crisis resulting from the rapid spread of COVID-19 which required the extended closure of public schools and charter schools and adaptation to a virtual learning process during the 2019-2020 and 2020-2021 school years, the State Board of Education shall immediately cease the administration of all assessments under the statewide testing program which are used to determine
the accountability ratings for school districts and individual
schools within local school districts for the 2021-2022 school
year. These assessments include, but are not limited to, the
Third-Grade Reading Assessment, all tests administered under the
Mississippi Academic Assessment Program (MAAP), the Eleventh Grade
ACT and all end-of-course tests under the Subject Area Testing
Program.

(2) With the suspension of the statewide testing program for
the 2021-2022 school year, the State Board of Education shall
waive the academic accreditation provisions under the state
accountability model for all school districts which are determined
as a result of student performance on required assessments to the
extent that waivers are allowed by the United States Department of
Education.

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

37-16-3. (1) Subject to subsection (4) of this section, the
State Department of Education is directed to implement a program
of statewide assessment testing which shall provide for the
improvement of the operation and management of the public schools.
The statewide program shall be timed, as far as possible, so as
not to conflict with ongoing district assessment programs. As
part of the program, the department shall:

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

(b) Conduct a uniform statewide testing program in
grades deemed appropriate in the public schools, including charter
schools. The program may test skill areas, basic skills and high
school course content.

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

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

(e) Issue security procedure regulations providing for
the security and integrity of the tests that are administered
under the basic skills assessment program.
(f) In case of an allegation of a testing irregularity that prompts a need for an investigation by the Department of Education, the department may, in its discretion, take complete control of the statewide test administration in a school district or any part thereof, including, but not limited to, obtaining control of the test booklets and answer documents. In the case of any verified testing irregularity that jeopardized the security and integrity of the test(s), validity or the accuracy of the test results, the cost of the investigation and any other actual and necessary costs related to the investigation paid by the Department of Education shall be reimbursed by the local school district from funds other than federal funds, Mississippi Adequate Education Program funds, or any other state funds within six (6) months from the date of notice by the department to the school district to make reimbursement to the department.

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

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The principal's sworn certification shall be set forth on a form developed and approved by the Department of Education. If, following the administration of a statewide test, the principal has reason to believe that the test was not administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, the principal shall submit a sworn certification to the Department of Education setting forth all information known or believed by the principal about all potential violations of the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The submission of false information or false certification to the Department of Education by any licensed educator may result in licensure disciplinary action pursuant to Section 37-3-2 and criminal prosecution pursuant to Section 37-16-4.
During the 2021-2022 school year, the statewide testing program is suspended pursuant to Section 1 of House Bill No. 118, 2022 Regular Session.

SECTION 3. Section 37-16-17, Mississippi Code of 1972, is amended as follows:

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

(b) The State Board of Education shall develop and adopt course and curriculum requirements for career track programs offered by local public school boards in accordance with this section. The Mississippi Community College Board and the State Board of Education jointly shall determine course and curriculum requirements for the career track program.

(2) Alternative career track; description; curriculum. (a) A career track shall provide a student with greater technical skill and a strong academic core and shall be offered to each high school student enrolled in a public school district. The career
track program shall be linked to postsecondary options and shall
prepare students to pursue either a degree or certification from a
postsecondary institution, an industry-based training or
certification, an apprenticeship, the military, or immediate
entrance into a career field. The career track shall be designed
primarily for those students who are not college bound and shall
provide them with alternatives to entrance into a four-year
university or college after high school graduation.

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

(c) Each public school district shall offer a career
track program approved by the State Board of Education.

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

(e) The twenty-one (21) course unit requirements for
the career track shall consist of the following:

(i) At least four (4) English credits, including
English I and English II.

(ii) At least three (3) mathematics credits,
including Algebra I.

(iii) At least three (3) science credits,
including one (1) unit of biology.
(iv) At least three (3) social studies credits, including one (1) unit of U.S. History and one (1) unit of Mississippi Studies/U.S. Government.

(v) At least one-half (1/2) credit in health or physical education.

(vi) At least four (4) credits in career and technical education courses in the dual enrollment-dual credit programs authorized under Section 37-15-38.

(vii) At least one (1) credit in integrated technology with optional end of course testing.

(viii) At least two and one-half (2-1/2) credits in additional electives or career and technical education courses required by the local school board, as approved by the State Board of Education. Academic courses within the career track of the standard diploma shall provide the knowledge and skill necessary for proficiency on the state subject area tests, which pursuant to Section 1 of House Bill No. 118, 2022 Regular Session, are suspended for the 2021-2022 school year.

(3) Nothing in this section shall disallow the development of a dual enrollment program with a technical college so long as an individual school district, with approval from the State Department of Education, agrees to implement such a program in connection with a technical college and the agreement is also approved by the proprietary school's commission.
(4) The career track program for students not pursuing a Baccalaureate Degree shall not be available to any student entering the Ninth Grade in the 2017-2018 school year or thereafter.

SECTION 4. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

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

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

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

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Number of Certified School Librarians</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 499 Students</td>
<td>1/2 Full-time Equivalent Certified Librarian</td>
</tr>
<tr>
<td>500 or More Students</td>
<td>1 Full-time Certified</td>
</tr>
</tbody>
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(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

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

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

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

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

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual noncharter public schools which shall include the following:
(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

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

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

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

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

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

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the
State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the
school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; *

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

(j) The State Board of Education shall suspend the statewide testing program, as required under Section 1 of House Bill No. 118
2022 Regular Session, and hold harmless school districts and
charter schools from assignment of district and school level
accountability ratings for the 2021-2022 school year.

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

(i) To mobilize resources and supplies to ensure
that all students exit third grade reading on grade level by 2015;
(ii) To reduce the student dropout rate to
thirteen percent (13%) by 2015; and
(iii) To have sixty percent (60%) of students
scoring proficient and advanced on the assessments of the Common
Core State Standards by 2016 with incremental increases of three
percent (3%) each year thereafter.

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

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

(i) Student Achievement: the percent of students
proficient and advanced on the current state assessments;
(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;

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

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

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

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

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

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

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

(x) Standards for student, school and school
district performance will be increased when student proficiency is
at a seventy-five percent (75%) and/or when sixty-five percent
(65%) of the schools and/or school districts are earning a grade
of "B" or higher, in order to raise the standard on performance
after targets are met.
(6) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

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

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

(9) [Deleted]

(10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (15) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (15) of this section have been invoked.
(11) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

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

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

(i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision
of the State Board of Education establishing the probationary period of time shall be final;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The parent or legal guardian of a school-age child
who is enrolled in a school district whose accreditation has been
withdrawn by the Commission on School Accreditation and without
approval of that school district may file a petition in writing to
a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b).

In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

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

(i) Place the school district into district transformation, in which the school district shall remain until it has fulfilled all conditions related to district transformation. If the district was assigned an accreditation rating of "D" or "F" when placed into district transformation, the district shall be eligible to return to local control when the school district has attained a "C" rating or higher for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period;
(ii) Abolish the school district and administratively consolidate the school district with one or more existing school districts;

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

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

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to district transformation status, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2)
chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee the interim superintendent assigned by the State Board of Education to a local school district, hear appeals that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be interim superintendents and financial advisors, if applicable, of all school districts subject to district transformation status. After State Board of Education approval, these individuals shall be deemed independent contractors.
(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

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

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

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

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

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

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

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

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

(iv) Attending all meetings of the district's school board and administrative staff;
(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

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

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

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

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

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

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

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

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

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

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

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

"Shall County Superintendent of Education ________ (here the name of the superintendent shall be inserted) of the ____________ (here the title of the school district shall be inserted) be retained in office? Yes _______ No _______

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

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

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

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

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

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

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

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

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

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

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

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

(21) If a local school district is determined as failing and
placed into district transformation status for reasons authorized
by the provisions of this section, the interim superintendent
appointed to the district shall, within forty-five (45) days after
being appointed, present a detailed and structured corrective
action plan to move the local school district out of district
transformation status to the deputy superintendent. A copy of the
interim superintendent's corrective action plan shall also be
filed with the State Board of Education.
If the Governor declares an extreme state of emergency in the state in response to a national health crisis resulting from the rapid spread of COVID-19 which requires the extended closure of public schools and charter schools for an indeterminate period, the accountability requirements of this section are inapplicable to public schools and charter schools until such a time when it is determined by the Governor that the threat of the emergency no longer exists so as to present a disruption to traditional in-person learning and accountability and assessment waivers are no longer granted by the United States Department of Education for those purposes.

SECTION 5. Section 37-3-49, Mississippi Code of 1972, is amended as follows:

37-3-49. (1) The State Department of Education shall provide an instructional program and establish guidelines and procedures for managing such program in the public schools within the school districts throughout the state as part of the State Program of Educational Accountability and Assessment of Performance as prescribed in Section 37-3-46. Public school districts may (a) elect to adopt the instructional program and management system provided by the State Department of Education, or (b) elect to adopt an instructional program and management system which meets or exceeds criteria established by the State Department of Education for such. This provision shall begin with the courses taught in Grades K-8 which contain skills tested
through the Mississippi Basic Skills Assessment Program and shall proceed through all secondary school courses mandated for graduation and all secondary school courses in the Mississippi end-of-course testing program, which pursuant to Section 1 of House Bill No. 118, 2022 Regular Session, are suspended for the 2021-2022 school year. Other state core objectives must be included in the district's instructional program as they are provided by the State Department of Education along with instructional practices, resources, evaluation items and management procedures. Districts are encouraged to adapt this program and accompanying procedures to all other instructional areas. The department shall provide that such program and guidelines, or a program and guidelines developed by a local school district which incorporates the core objectives from the curriculum structure are enforced through the performance-based accreditation system. It is the intent of the Legislature that every effort be made to protect the instructional time in the classroom and reduce the amount of paperwork which must be completed by teachers. The State Department of Education shall take steps to insure that school districts properly use staff development time to work on the districts' instructional management plans.

(2) The State Department of Education shall provide such instructional program and management guidelines which shall require for every public school district that:
(a) All courses taught in Grades K-8 which contain skills which are tested through the Mississippi Basic Skills Assessment Program, all secondary school courses mandated for graduation, and all courses in the end-of-course testing program shall include the State Department of Education's written list of learning objectives.

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

(c) The set of objectives provided by the State Department of Education must be accompanied by suggested instructional practices and resources that would help teachers organize instruction so as to promote student learning of the objectives. Objectives added by the school district must also be accompanied by suggested instructional practices and resources that would help teachers organize instruction. The instructional practices and resources that are identified are to be used as suggestions and not as requirements that teachers must follow.

The goal of the program is to have students to achieve the desired objective and not to limit teachers in the way they teach.

(d) Standards for student performance must be established for each core objective in the local program and those standards establish the district's definition of mastery for each objective.
(e) There shall be an annual review of student performance in the instructional program against locally established standards. When weaknesses exist in the local instructional program, the district shall take action to improve student performance.

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

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

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

SECTION 6. Section 37-15-38, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(4) **Admission criteria for dual enrollment in community and junior college or university programs.** The Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning may recommend to the State Board of Education admission criteria for dual enrollment programs under which high school students may enroll at a community or junior college or university while they are still attending high school and enrolled in high school courses. Students may be admitted to enroll in community or junior college courses under the dual enrollment
programs if they meet that individual institution's stated dual
enrollment admission requirements.

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

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

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

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

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

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

(11) [Deleted]

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

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

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

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

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

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

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

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

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

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

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

(19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
A local school board and the local community colleges board shall
establish a Mississippi Works Dual Enrollment-Dual Credit Option
Program under which potential or recent student dropouts may
dually enroll in their home school and a local community college
in a dual credit program consisting of high school completion
coursework and a community college credential, certificate or
degree program. Students completing the dual enrollment-credit
option may obtain their high school diploma while obtaining a
community college credential, certificate or degree. The
Mississippi Department of Employment Security shall assist
students who have successfully completed the Mississippi Works
Dual Enrollment-Dual Credit Option in securing a job upon the
application of the student or the participating school or
community college. The Mississippi Works Dual Enrollment-Dual
Credit Option Program will be implemented statewide in the 2012-2013 school year and thereafter. The State Board of Education, local school board and the local community college board shall establish criteria for the Dual Enrollment-Dual Credit Program. Students enrolled in the program will not be eligible to participate in interscholastic sports or other extracurricular activities at the home school district. Tuition and costs for community college courses offered under the Dual Enrollment-Dual Credit Program shall not be charged to the student, parents or legal guardians. When dually enrolled, the student shall be counted for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school, as provided in Section 37-151-7(1)(a). Any transportation required by the student to participate in the Dual Enrollment-Dual Credit Program is the responsibility of the parent or legal guardian of the student, and transportation costs may be paid from any available public or private sources, including the local school district. Grades and college credits earned by a student admitted to this Dual Enrollment-Dual Credit Program shall be recorded on the high school student record and on the college transcript at the community college and high school where the student attends classes. The transcript of the community college coursework may be released to another institution or applied toward college graduation requirements. Except as otherwise provided in Section
of House Bill No. 118, 2022 Regular Session, any course that is required for subject area testing as a requirement for graduation from a public school in Mississippi is eligible for dual credit, and courses eligible for dual credit shall also include career, technical and degree program courses. All courses eligible for dual credit shall be approved by the superintendent of the local school district and the chief instructional officer at the participating community college in order for college credit to be awarded. A community college shall make the final decision on what courses are eligible for semester hour credits and the local school superintendent, subject to approval by the Mississippi Department of Education, shall make the final decision on the transfer of college courses credited to the student's high school transcript.

SECTION 7. Section 37-35-3, Mississippi Code of 1972, is amended as follows:

37-35-3. (1) The board of trustees of any school district, including any community/junior college, may establish and maintain classes for adults, including general educational development classes, under the regulations authorized in this chapter and pursuant to the standards prescribed in subsection (3). The property and facilities of the public school districts may be used for this purpose where such use does not conflict with uses already established.
(2) The trustees of any school district desiring to establish such program may request the taxing authority of the district to levy additional ad valorem taxes for the support of this program. The board of supervisors, in the case of a county school district, a special municipal separate school district, or a community/junior college district, and the governing authority of any municipality, in the case of a municipal separate school district, is authorized, in its discretion, to levy a tax not exceeding one (1) mill upon all the taxable property of the district for the support of this program. The tax shall be in addition to all other taxes authorized by law to be levied. In addition to the funds realized from any such levy, the board of trustees of any school district is authorized to use any surplus funds that it may have or that may be made available to it from local sources to supplement this program.

(3) (a) Any student participating in an approved High School Equivalency Diploma Option program administered by a local school district or a local school district with an approved contractual agreement with a community/junior college or other local entity shall not be considered a dropout. Students in such a program administered by a local school district shall be considered as enrolled within the school district of origin for the purpose of enrollment for minimum program funding only. Such students shall not be considered as enrolled in the regular school program for academic or programmatic purposes.
(b) Students participating in an approved High School Equivalency Diploma Option program shall have an individual career plan developed at the time of placement to insure that the student's academic and job skill needs will be met. The Individual Career Plan will address, but is not limited to, the following:

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

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

(d) High School Equivalency Diploma Option programs may be operated by local school districts or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate a High School Equivalency Diploma Option program, the school board of a district designated to be the lead district shall serve as the governing board of the High School Equivalency Diploma Option program. Transportation for students placed in the High School Equivalency Diploma Option program shall be the responsibility of the school district of
origin. The expense of establishing, maintaining and operating such High School Equivalency Diploma Option programs may be paid from funds made available to the school district through contributions, minimum program funds or from local district maintenance funds.

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

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

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

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

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

(f) Students participating in an approved High School Equivalency Diploma Option program, who are enrolled in subject area courses through January 31 in a school with a traditional
class schedule or who are enrolled in subject area courses through October 31 or through March 31 in a school on a block schedule, shall be required to take the end-of-course subject area tests for those courses in which they are enrolled, except as otherwise provided for the 2021-2022 school year under Section 1 of House Bill No. 118, Regular Session.

SECTION 8. Section 37-16-1, Mississippi Code of 1972, is brought forward as follows:

37-16-1. The primary purpose of the statewide testing program is to provide information needed for state-level decisions. The program shall be designed to:

(a) Assist in the identification of educational needs at the state, district and school levels.

(b) Assess how well districts and schools are meeting state goals and minimum performance standards.

(c) Provide information to aid in the development of policy issues and concerns.

(d) Provide a basis for comparisons among districts, between charter schools throughout the state and nonpublic charter schools in those school districts in which charter schools are located, and between districts, the state and the nation, where appropriate.

(e) Produce data which can be used to aid in the identification of exceptional educational programs or processes.
SECTION 9. Section 37-16-4, Mississippi Code of 1972, is brought forward as follows:

37-16-4. (1) It is unlawful for anyone knowingly and willfully to do any of the following acts regarding mandatory uniform tests administered to students as required by the State Department of Education:

(a) Give examinees access to test questions prior to testing;
(b) Copy or reproduce all or any portion of any secure test booklet;
(c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
(d) Make answer keys available to examinees;
(e) Fail to account for all secure test materials before, during and after testing;
(f) Participate in, direct, aid, counsel, assist in, encourage or fail to report any of the acts prohibited in this section.

(2) Any person violating any provisions of subsection (1) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars ($1,000.00), or be imprisoned for not more than ninety (90) days, or both. Upon conviction, the State Board of Education may suspend or revoke the administrative or teaching credentials, or both, of the person convicted.
(3) Any person submitting a false certification to the State Department of Education that each statewide test in a school was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, and with willful intent, is guilty of a felony and upon conviction thereof shall be fined not more than Fifteen Thousand Dollars ($15,000.00), or be imprisoned for not more than three (3) years, or both. Upon conviction, the State Board of Education may suspend or revoke the administrative or teaching credentials, or both, of the person convicted.

(4) The district attorney shall investigate allegations of violations of this section, either on its own initiative following a receipt of allegations, or at the request of a school district or the State Department of Education.

(5) The district attorney shall furnish to the State Superintendent of Education a report of the findings of any investigation conducted pursuant to this section.

(6) The State Board of Education shall establish statistical guidelines to examine the results of state mandated tests to determine where there is evidence of testing irregularities resulting in false or misleading results in the aggregate or composite test scores of the class, grade, age group or school district. When said irregularities are identified, the State Superintendent of Education may order that any group of students identified as being required to retake the test at state expense
under state supervision. The school district shall be given at
least thirty (30) days' notice before the next test administration
and shall comply with the order of the State Superintendent of
Education. The results from the second administration of the test
shall be final for all uses of that data.

(7) Nothing in this section may be construed to prohibit or
interfere with the responsibilities of the State Board of
Education or the State Department of Education in test development
or selection, test form construction, standard setting, test
scoring, and reporting, or any other related activities which in
the judgment of the State Superintendent of Education are
necessary and appropriate.

SECTION 10. Section 37-16-5, Mississippi Code of 1972, is
brought forward as follows:

37-16-5. The school board of every district in this state
shall periodically assess student performance and achievement in
each school. Such assessment programs shall be based upon local
goals and objectives which are compatible with the state's plan
for education and which supplement the minimum performance
standards approved by the State Board of Education. Data from
district assessment programs shall be provided to the State
Department of Education when such data is required in order to
evaluate specific instructional programs or processes or when the
data is needed for other research or evaluation projects. Each
district may provide acceptable, compatible district assessment
data to substitute for any assessment data needed at the state
level when the State Department of Education certifies that such
data is acceptable for the purposes of Section 37-16-3.

SECTION 11. Section 37-16-7, Mississippi Code of 1972, is
brought forward as follows:

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

(a) Mastery of minimum academic skills as measured by
assessments developed and administered by the State Board of
Education.

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

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

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

(3) The State Board of Education may establish student
proficiency standards for promotion to grade levels leading to
graduation.
SECTION 12. Section 37-16-9, Mississippi Code of 1972, is brought forward as follows:

37-16-9. (1) The state board shall, after a public hearing and consideration, make provision for appropriate accommodations for testing instruments and procedures for students with identified handicaps or disabilities in order to ensure that the results of the testing represent the student's achievement, rather than reflecting the student's impaired sensory, manual, speaking or psychological process skills, except when such skills are the factors the test purports to measure.

(2) The public hearing and consideration required hereunder shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data.

(3) Children with disabilities shall be included in general statewide and district-wide assessments programs, with appropriate accommodations, where necessary. As appropriate, the State Department of Education and the local educational agency shall:

(a) Develop policies and procedures for the participation of children with disabilities in alternate assessments for those children who cannot participate in statewide and district-wide assessment programs; and

(b) Develop and, beginning not later than July 1, 2000, conduct those alternate assessments.
(4) The State Department of Education shall make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

(a) The number of children with disabilities participating in regular assessments;

(b) The number of children participating in alternate assessments;

(c) The performance of those children on regular assessments, beginning not later than July 1, 1998, and on alternate assessments, not later than July 1, 2000, if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children; and

(d) Data relating to the performance of children with disabilities shall be disaggregated for assessments conducted after July 1, 1998.

SECTION 13. This act shall take effect and be in force from and after its passage.