

By: Senator(s) DeBar, Parker, Sparks,
Branning, Boyd, Butler, Norwood

To: Education

SENATE BILL NO. 2689
(As Passed the Senate)

1 AN ACT TO REQUIRE THE DISCONTINUATION OF END-OF-COURSE
2 SUBJECT AREA TESTING IN PUBLIC HIGH SCHOOLS FOR 11TH AND 12TH
3 GRADES; TO REQUIRE THE DEPARTMENT TO SECURE APPROVAL FROM THE
4 UNITED STATES DEPARTMENT OF EDUCATION TO ALLOW NATIONALLY
5 RECOGNIZED COLLEGE-READINESS AND CAREER-READINESS EXAMS, SUCH AS,
6 BUT NOT LIMITED TO, THE ACT AND ACT WORKKEYS ASSESSMENT, TO SERVE
7 AS COMPLIANCE WITH ANY FEDERAL TESTING REQUIREMENTS; TO REQUIRE
8 ALL HIGH SCHOOL STUDENTS TO TAKE A NATIONALLY RECOGNIZED
9 COLLEGE-READINESS AND CAREER-READINESS TESTS, SUCH AS THE ACT AND
10 ACT WORKKEYS ASSESSMENTS; TO AMEND SECTION 37-17-6, MISSISSIPPI
11 CODE OF 1972, TO REVISE CERTAIN PROVISIONS RELATED TO THE STATE'S
12 PERMANENT PERFORMANCE-BASED ACCREDITATION SYSTEM FOR SCHOOLS; TO
13 AMEND SECTIONS 37-16-3, 37-16-7, 37-16-17, 37-3-49, 37-15-38 AND
14 37-35-3, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISION OF
15 THIS ACT; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Beginning in the 2026-2027 school year, the State
18 Board of Education shall cease to require the administration of
19 all end-of-course subject area tests for eleventh and twelfth
20 grades. In lieu of the end-of-course tests, students enrolled in
21 public secondary schools shall be administered nationally
22 recognized college-readiness and career-readiness tests, such as,
23 but not limited to, the ACT and ACT WorkKeys assessments, deemed
24 appropriate by the Mississippi Department of Education and



25 required by Section 37-17-6. The Department of Education shall
26 seek to secure approval from the United States Department of
27 Education to allow nationally recognized college-readiness and
28 career-readiness tests, such as, but not limited to, the ACT and
29 ACT WorkKeys assessments, to serve as compliance with any Federal
30 testing requirements, thereby eliminating all Federal EOC tests
31 administered to eleventh and twelfth grades.

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

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

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

46 (b) Conduct a uniform statewide testing program in
47 grades deemed appropriate in the public schools, including charter
48 schools, which shall include the administration of a
49 career-readiness assessment, such as, but not limited to, the ACT



50 WorkKeys Assessment, deemed appropriate by the Mississippi
51 Department of Education working in coordination with the Office of
52 Workforce Development, to * * * all students * * *. Each
53 individual school district shall * * * ensure the assessment is
54 administered in the tenth, eleventh or twelfth grade. The program
55 shall also include the administration of a college-readiness
56 assessment, such as, but not limited to, the ACT, deemed
57 appropriate by the Mississippi Department of Education. The
58 program may test skill areas, basic skills and high school course
59 content.

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

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



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

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

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



99 State Department of Education that each student enrolled in the
100 appropriate grade has completed the required basic skills
101 assessment test for his or her grade in a valid test
102 administration.

103 (3) Within five (5) days of completing the administration of
104 a statewide test, the principal of the school where the test was
105 administered shall certify under oath to the State Department of
106 Education that the statewide test was administered in strict
107 accordance with the Requirements of the Mississippi Statewide
108 Assessment System as adopted by the State Board of Education. The
109 principal's sworn certification shall be set forth on a form
110 developed and approved by the Department of Education. If,
111 following the administration of a statewide test, the principal
112 has reason to believe that the test was not administered in strict
113 accordance with the Requirements of the Mississippi Statewide
114 Assessment System as adopted by the State Board of Education, the
115 principal shall submit a sworn certification to the Department of
116 Education setting forth all information known or believed by the
117 principal about all potential violations of the Requirements of
118 the Mississippi Statewide Assessment System as adopted by the
119 State Board of Education. The submission of false information or
120 false certification to the Department of Education by any licensed
121 educator may result in licensure disciplinary action pursuant to
122 Section 37-3-2 and criminal prosecution pursuant to Section
123 37-16-4.



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

126 37-16-7. (1) Each district school board shall establish
127 standards for graduation from its schools which shall include as a
128 minimum:

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

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

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

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

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

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

147 37-16-17. (1) **Purpose.** (a) The purpose of this section is
148 to create a quality option in Mississippi's high schools for



149 students not wishing to pursue a baccalaureate degree, which shall
150 consist of challenging academic courses and modern
151 career-technical studies. The goal for students pursuing the
152 career technical education pathways is to graduate from high
153 school with a standard diploma and credit toward a community
154 college certification in a career-technical field. These students
155 also shall be encouraged to take the national assessment in the
156 career-technical field in which they become certified.

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

171 (2) **Career technical education pathway; description;**
172 **curriculum.** (a) A career technical education pathway shall
173 provide a student with greater technical skill and a strong



174 academic core and shall be offered to each high school student
175 enrolled in a public school district. The career technical
176 education pathway shall be linked to postsecondary options and
177 shall prepare students to pursue either a degree or certification
178 from a postsecondary institution, an industry-based training or
179 certification, an apprenticeship, the military, or immediate
180 entrance into a career field. The career technical education
181 pathway shall provide students with alternatives to entrance into
182 a four-year university or college after high school graduation.

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

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

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

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

198 (i) English I;



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

218 * * *

219 (f) The courses provided in paragraph (e) of this

220 subsection may be tailored to the individual needs of the school

221 district as long as the amendments align with the basic course

222 requirements of paragraph (e).



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

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

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

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

239 (3) (a) * * * The State Board of Education, acting through
240 the Commission on School Accreditation, shall require that school
241 districts employ certified school librarians according to the
242 following formula:

243	Number of Students	Number of Certified
244	Per School Library	School Librarians
245	0 - 499 Students	1/2 Full-time Equivalent
246		Certified Librarian
247	500 or More Students	1 Full-time Certified



248

Librarian

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

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

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

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

263 (f) Any additional millage levied to fund school
264 librarians required for accreditation under this subsection shall
265 be included in the tax increase limitation set forth in Sections
266 37-57-105 and 37-57-107 and shall not be deemed a new program for
267 purposes of the limitation.

268 (4) * * * [Deleted]

269 (5) (a) * * * The State Department of Education, acting
270 through the Mississippi Commission on School Accreditation,
271 shall * * * implement a single "A" through "F" school and school
272 district accountability system complying with applicable federal



273 and state requirements in order to reach the following educational
274 goals:

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

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

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

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

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

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

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

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

297 * * *



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

304 (* * *y) The school and school district
305 accountability system shall incorporate a standards-based growth
306 model, in order to support improvement of individual student
307 learning;

308 * * *

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

318 (* * *vii) Standards for student, school and
319 school district performance will be increased when student
320 proficiency is at a seventy-five percent (75%) and/or when
321 sixty-five percent (65%) of the schools and/or school districts



322 are earning a grade of "B" or higher, in order to raise the
323 standard on performance after targets are met;

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

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

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

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

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



347 (9) [Deleted]

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

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

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

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



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

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



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

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

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



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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

534 (ii) Abolish the school district and
535 administratively consolidate the school district with one or more
536 existing school districts;

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

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



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

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



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

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



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

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

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

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



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

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

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

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



642 comply with the time limitations prescribed in Sections 37-9-15
643 and 37-9-105;

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

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

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

655 (v) Approving or disapproving all athletic, band
656 and other extracurricular activities and any matters related to
657 those activities;

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

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

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



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

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

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

683 (b) In order to provide loans to school districts under
684 a state of emergency or in district transformation status that
685 have impairments related to a lack of financial resources, the
686 School District Emergency Assistance Fund is created as a special
687 fund in the State Treasury into which monies may be transferred or
688 appropriated by the Legislature from any available public
689 education funds. Funds in the School District Emergency
690 Assistance Fund up to a maximum balance of Three Million Dollars
691 (\$3,000,000.00) annually shall not lapse but shall be available



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

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



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

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

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



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

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

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



765 "Shall County Superintendent of Education _____ (here the
766 name of the superintendent shall be inserted) of the _____
767 (here the title of the school district shall be inserted) be
768 retained in office? Yes _____ No _____"

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

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

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



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

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

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

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



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

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



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

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

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

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



863 the Legislature before December 1, 1999, with any necessary
864 legislative recommendations.

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

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

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

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



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



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

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

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

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

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



935 standards establish the district's definition of mastery for each
936 objective.

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

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

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

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

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

956 37-15-38. (1) The following phrases have the meanings
957 ascribed in this section unless the context clearly requires
958 otherwise:



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

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

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

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

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



984 in high school courses. Students may be admitted to enroll in
985 community or junior college courses under the dual enrollment
986 programs if they meet that individual institution's stated dual
987 enrollment admission requirements.

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

996 (6) **Transportation responsibility.** Any transportation
997 required by a student to participate in the dual enrollment
998 program is the responsibility of the parent, custodian or legal
999 guardian of the student. Transportation costs may be paid from
1000 any available public or private sources, including the local
1001 school district.

1002 (7) **School district average daily attendance credit.** When
1003 dually enrolled, the student may be counted, for adequate
1004 education program funding purposes, in the average daily
1005 attendance of the public school district in which the student
1006 attends high school.

1007 (8) **High school student transcript transfer requirements.**
1008 Grades and college credits earned by a student admitted to a dual



1009 credit program must be recorded on the high school student record
1010 and on the college transcript at the university or community or
1011 junior college where the student attends classes. The transcript
1012 of the university or community or junior college coursework may be
1013 released to another institution or applied toward college
1014 graduation requirements.

1015 (9) **Determining factor of prerequisites for dual enrollment**
1016 **courses.** Each university and community or junior college
1017 participating in a dual enrollment program shall determine course
1018 prerequisites. Course prerequisites shall be the same for dual
1019 enrolled students as for regularly enrolled students at that
1020 university or community or junior college.

1021 (10) **Process for determining articulation of curriculum**
1022 **between high school, university, and community and junior college**
1023 **courses.** All dual credit courses must meet the standards
1024 established at the postsecondary level. Postsecondary level
1025 developmental courses may not be considered as meeting the
1026 requirements of the dual credit program. Dual credit memorandum
1027 of understandings must be established between each postsecondary
1028 institution and the school district implementing a dual credit
1029 program.

1030 (11) [Deleted]

1031 (12) **Eligible courses for dual credit programs.** Courses
1032 eligible for dual credit include, but are not necessarily limited
1033 to, foreign languages, advanced math courses, advanced science



1034 courses, performing arts, advanced business and technology, and
1035 career and technical courses. Distance Learning Collaborative
1036 Program courses approved under Section 37-67-1 shall be fully
1037 eligible for dual credit. All courses being considered for dual
1038 credit must receive unconditional approval from the superintendent
1039 of the local school district and the chief instructional officer
1040 at the participating community or junior college or university in
1041 order for college credit to be awarded. A university or community
1042 or junior college shall make the final decision on what courses
1043 are eligible for semester hour credits.

1044 (13) **High school Carnegie unit equivalency.** One (1)
1045 three-hour university or community or junior college course is
1046 equal to one (1) high school Carnegie unit.

1047 (14) **Course alignment.** The universities, community and
1048 junior colleges and the State Department of Education shall
1049 periodically review their respective policies and assess the place
1050 of dual credit courses within the context of their traditional
1051 offerings.

1052 (15) **Maximum dual credits allowed.** It is the intent of the
1053 dual enrollment program to make it possible for every eligible
1054 student who desires to earn a semester's worth of college credit
1055 in high school to do so. A qualified dually enrolled high school
1056 student must be allowed to earn an unlimited number of college or
1057 university credits for dual credit.



1058 (16) **Dual credit program allowances.** A student may be
1059 granted credit delivered through the following means:

1060 (a) Examination preparation taught at a high school by
1061 a qualified teacher. A student may receive credit at the
1062 secondary level after completion of an approved course and passing
1063 the standard examination, such as an Advanced Placement or
1064 International Baccalaureate course through which a high school
1065 student is allowed CLEP credit by making a three (3) or higher on
1066 the end-of-course examination.

1067 (b) College or university courses taught at a high
1068 school or designated postsecondary site by a qualified teacher who
1069 is an employee of the school district and approved as an
1070 instructor by the collaborating college or university.

1071 (c) College or university courses taught at a college,
1072 university or high school by an instructor employed by the college
1073 or university and approved by the collaborating school district.

1074 (d) Online courses of any public university, community
1075 or junior college in Mississippi.

1076 (17) **Qualifications of dual credit instructors.** A dual
1077 credit academic instructor must meet the requirements set forth by
1078 the regional accrediting association (Southern Association of
1079 College and Schools). University and community and junior college
1080 personnel have the sole authority in the selection of dual credit
1081 instructors.



1082 A dual credit career and technical education instructor must
1083 meet the requirements set forth by the Mississippi Community
1084 College Board in the qualifications manual for postsecondary
1085 career and technical personnel.

1086 (18) **Guidance on local agreements.** The Chief Academic
1087 Officer of the State Board of Trustees of State Institutions of
1088 Higher Learning and the Chief Instructional Officers of the
1089 Mississippi Community College Board and the State Department of
1090 Education, working collaboratively, shall develop a template to be
1091 used by the individual community and junior colleges and
1092 institutions of higher learning for consistent implementation of
1093 the dual enrollment program throughout the State of Mississippi.

1094 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
1095 A local school board and the local community colleges board shall
1096 establish a Mississippi Works Dual Enrollment-Dual Credit Option
1097 Program under which potential or recent student dropouts may
1098 dually enroll in their home school and a local community college
1099 in a dual credit program consisting of high school completion
1100 coursework and a community college credential, certificate or
1101 degree program. Students completing the dual enrollment-credit
1102 option may obtain their high school diploma while obtaining a
1103 community college credential, certificate or degree. The
1104 Mississippi Department of Employment Security shall assist
1105 students who have successfully completed the Mississippi Works
1106 Dual Enrollment-Dual Credit Option in securing a job upon the



1107 application of the student or the participating school or
1108 community college. The Mississippi Works Dual Enrollment-Dual
1109 Credit Option Program will be implemented statewide in the
1110 2012-2013 school year and thereafter. The State Board of
1111 Education, local school board and the local community college
1112 board shall establish criteria for the Dual Enrollment-Dual Credit
1113 Program. Students enrolled in the program will not be eligible to
1114 participate in interscholastic sports or other extracurricular
1115 activities at the home school district. Tuition and costs for
1116 community college courses offered under the Dual Enrollment-Dual
1117 Credit Program shall not be charged to the student, parents or
1118 legal guardians. When dually enrolled, the student shall be
1119 counted for adequate education program funding purposes, in the
1120 average daily attendance of the public school district in which
1121 the student attends high school, as provided in Section
1122 37-151-7(1)(a). Any transportation required by the student to
1123 participate in the Dual Enrollment-Dual Credit Program is the
1124 responsibility of the parent or legal guardian of the student, and
1125 transportation costs may be paid from any available public or
1126 private sources, including the local school district. Grades and
1127 college credits earned by a student admitted to this Dual
1128 Enrollment-Dual Credit Program shall be recorded on the high
1129 school student record and on the college transcript at the
1130 community college and high school where the student attends
1131 classes. The transcript of the community college coursework may



1132 be released to another institution or applied toward college
1133 graduation requirements. * * * Courses that are eligible for dual
1134 credit * * * shall * * * include, but not be limited to, core
1135 academic, career, technical and degree program courses. All
1136 courses eligible for dual credit shall be approved by the
1137 superintendent of the local school district and the chief
1138 instructional officer at the participating community college in
1139 order for college credit to be awarded. A community college shall
1140 make the final decision on what courses are eligible for semester
1141 hour credits and the local school superintendent, subject to
1142 approval by the Mississippi Department of Education, shall make
1143 the final decision on the transfer of college courses credited to
1144 the student's high school transcript.

1145 **SECTION 8.** Section 37-35-3, Mississippi Code of 1972, is
1146 amended as follows:

1147 37-35-3. (1) The board of trustees of any school district,
1148 including any community/junior college, may establish and maintain
1149 classes for adults, including general educational development
1150 classes, under the regulations authorized in this chapter and
1151 pursuant to the standards prescribed in subsection (3). The
1152 property and facilities of the public school districts may be used
1153 for this purpose where such use does not conflict with uses
1154 already established.

1155 (2) The trustees of any school district desiring to
1156 establish such program may request the taxing authority of the



1157 district to levy additional ad valorem taxes for the support of
1158 this program. The board of supervisors, in the case of a county
1159 school district, a special municipal separate school district, or
1160 a community/junior college district, and the governing authority
1161 of any municipality, in the case of a municipal separate school
1162 district, is authorized, in its discretion, to levy a tax not
1163 exceeding one (1) mill upon all the taxable property of the
1164 district for the support of this program. The tax shall be in
1165 addition to all other taxes authorized by law to be levied. In
1166 addition to the funds realized from any such levy, the board of
1167 trustees of any school district is authorized to use any surplus
1168 funds that it may have or that may be made available to it from
1169 local sources to supplement this program.

1170 (3) (a) Any student participating in an approved High
1171 School Equivalency Diploma Option program administered by a local
1172 school district or a local school district with an approved
1173 contractual agreement with a community/junior college or other
1174 local entity shall not be considered a dropout. Students in such
1175 a program administered by a local school district shall be
1176 considered as enrolled within the school district of origin for
1177 the purpose of enrollment for minimum program funding only. Such
1178 students shall not be considered as enrolled in the regular school
1179 program for academic or programmatic purposes.

1180 (b) Students participating in an approved High School
1181 Equivalency Diploma Option program shall have an individual career



1182 plan developed at the time of placement to insure that the
1183 student's academic and job skill needs will be met. The
1184 Individual Career Plan will address, but is not limited to, the
1185 following:

1186 (i) Academic/instructional needs of the student;
1187 (ii) Job readiness needs of the student; and
1188 (iii) Work experience program options available
1189 for the student.

1190 (c) Students participating in an approved High School
1191 Equivalency Diploma Option program may participate in existing job
1192 and skills development programs or in similar programs developed
1193 in conjunction with the High School Equivalency Diploma Option
1194 program and the vocational director.

1195 (d) High School Equivalency Diploma Option programs may
1196 be operated by local school districts or may be operated by two
1197 (2) or more adjacent school districts, pursuant to a contract
1198 approved by the State Board of Education. When two (2) or more
1199 school districts contract to operate a High School Equivalency
1200 Diploma Option program, the school board of a district designated
1201 to be the lead district shall serve as the governing board of the
1202 High School Equivalency Diploma Option program. Transportation
1203 for students placed in the High School Equivalency Diploma Option
1204 program shall be the responsibility of the school district of
1205 origin. The expense of establishing, maintaining and operating
1206 such High School Equivalency Diploma Option programs may be paid



1207 from funds made available to the school district through
1208 contributions, minimum program funds or from local district
1209 maintenance funds.

1210 (e) The State Department of Education will develop
1211 procedures and criteria for placement of a student in the High
1212 School Equivalency Diploma Option programs. Students placed in
1213 High School Equivalency Diploma Option programs shall have
1214 parental approval for such placement and must meet the following
1215 criteria:

1216 (i) The student must be at least sixteen (16)
1217 years of age;

1218 (ii) The student must be at least one (1) full
1219 grade level behind his or her ninth grade cohort or must have
1220 acquired less than four (4) Carnegie units;

1221 (iii) The student must have taken every
1222 opportunity to continue to participate in coursework leading to a
1223 diploma; and

1224 (iv) The student must be certified to be eligible
1225 to participate in the GED course by the school district
1226 superintendent, based on the developed criteria.

1227 (f) Students participating in an approved High School
1228 Equivalency Diploma Option program * * * shall be required to take
1229 the * * * college- and career-readiness assessments as described
1230 in Section 37-17-6.



1231 **SECTION 9.** This act shall take effect and be in force from
1232 and after July 1, 2024, and shall stand repealed on June 30, 2024.

