

By: Senator(s) Carmichael

To: Education

SENATE BILL NO. 2161
(As Sent to Governor)

1 AN ACT TO ESTABLISH A MISSISSIPPI COMMISSION ON COLLEGE AND
2 CAREER READINESS TO DEVELOP AND RECOMMEND NEW CURRICULUM AND
3 ASSESSMENT STANDARDS FOR THE PUBLIC SCHOOLS BASED ON NATIONAL AND
4 INTERNATIONAL BENCHMARKS; TO PROVIDE FOR THE MEMBERSHIP OF THE
5 COMMISSION AND TO PROVIDE THAT THE COMMISSION SHALL BE LOCATED
6 ADMINISTRATIVELY IN THE STATE DEPARTMENT OF EDUCATION; TO
7 AUTHORIZE THE STATE BOARD OF EDUCATION TO CONSIDER THE NEW
8 MISSISSIPPI COLLEGE AND CAREER READINESS STANDARDS RECOMMENDED BY
9 THE COMMISSION; TO DIRECT THE STATE BOARD OF EDUCATION TO REMOVE
10 THE COMMON CORE COPYRIGHT AND ANY REFERENCES TO THE COMMON CORE
11 STANDARDS FROM THE MISSISSIPPI COLLEGE AND CAREER READINESS
12 STANDARDS; TO PROVIDE FOR STUDENT CONFIDENTIALITY; TO AMEND
13 SECTION 37-16-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT
14 THE STATE DEPARTMENT OF EDUCATION TO DISCONTINUE PARCC STUDENT
15 ASSESSMENTS OR ANY OTHER CONSORTIA DEVELOPED TEST; TO AMEND
16 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO DELETE UNTIL JANUARY
17 1, 2017, THE REQUIREMENT THAT THE STATE DEPARTMENT OF EDUCATION
18 COMBINE THE STATE SCHOOL ACCOUNTABILITY SYSTEM WITH THE FEDERAL
19 SYSTEM; TO CONFORM REFERENCES TO THE STATE ACCOUNTABILITY
20 STANDARDS TO THE "MISSISSIPPI COLLEGE AND CAREER-READY STANDARDS";
21 TO AMEND SECTION 37-177-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY
22 TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** (1) There is hereby established the Mississippi
25 Commission on College and Career Readiness (commission). The
26 commission shall be located administratively in the offices of the
27 State Department of Education but shall exercise all its



prescribed statutory powers independently of the State Board of Education.

(2) The commission shall be composed of fifteen (15) members as follows:

(a) Two (2) parent members appointed by the Governor;

(b) Six (6) K-12 public school educators: two (2) of whom shall have a specialist or other advanced degree in mathematics; two (2) of whom shall have a specialist or other advanced degree in English language arts; one (1) of whom shall have a specialist or other advanced degree in science; and one (1) of whom shall have a specialist or other advanced degree in history. Each educator appointed from each subject area enumerated in this paragraph must be a current educator with a minimum of five (5) years of classroom experience, three (3) of whom represent elementary education, three (3) of whom represent secondary education, and each of whom shall be appointed from a school district with an "A" or "B" accountability rating. The Lieutenant Governor shall appoint two (2) elementary education educator appointees, one (1) of whom shall be selected from the First Congressional District and one (1) from the Fourth Congressional District, and one (1) secondary education educator appointee from the state at large; and the Speaker of the House shall appoint two (2) secondary education educator appointees, one (1) of whom shall be selected from the Second Congressional District and one (1) from the Third Congressional District, and



one (1) elementary education educator appointee from the state at large;

(c) One (1) member appointed by the State Board of Education. In making their appointment, the board is not limited to appointing a representative from the following groups: local school board member or superintendent, any certified teacher or administrator described under paragraph (b), and mathematics and/or English language arts expert for K-Grade 12 as evidenced by a specialist or other advanced degree;

(d) One (1) member who shall be a mathematics instructor employed at a community or junior college in the state and who holds advanced degree certification in the discipline area, and who shall be appointed by the Governor;

(e) One (1) member employed at a public state institution of higher learning who shall be a child psychologist or specialist in curriculum development and implementation, and who shall be appointed by the Governor;

(f) The Chairmen of the House and Senate Education Committees and the Chairmen of the House and Senate Appropriations Committees, each of whom shall serve as nonvoting ex officio members of the commission.

Commission appointees shall be citizens of Mississippi who have a demonstrated expertise in the development or implementation of educational standards, who are qualified to assure the alignment of standards to college and career readiness. The



commission shall be as fairly balanced as reasonably possible with members from each of the congressional districts.

(3) Members of the commission shall be appointed by the appointing authority prescribed in subsection (2) of this section within thirty (30) days of the effective date of this act.

(4) The commission shall hold its first meeting no later than June 1, 2015, upon the call of the Governor, and shall organize for business, select a chairman, and shall adopt bylaws for conducting business and issuing reports. Members shall serve without compensation but shall be reimbursed for necessary expenditures incurred in the performance of their duties as members of the commission.

(5) The commission shall meet upon the call of the chairman. A quorum of the commission shall be a majority of the voting members. Any vacancy on the commission shall be filled by the appointing authority.

(6) To the extent that funds are available, the commission may contract for professional, clerical and consultant services. The commission may also contract with an entity who has an excellent national reputation in the area of school standards and assessments to facilitate the work of the commission.

Professional and clerical staff positions for the commission may be filled by persons whose services are loaned to the commission to fulfill the work of the commission.



102 (7) The State Department of Education shall provide meeting
103 rooms, office space, equipment and supplies to the commission and
104 shall be reimbursed from the commission's budget, to the extent
105 that funds are available.

106 (8) Notwithstanding any current law to the contrary, upon
107 the request of the commission, all state departments and agencies
108 and local governments and their subdivisions shall furnish the
109 commission with any information in their possession or available
110 to them.

111 (9) The commission shall do the following:

112 (a) Recommend additional academic standards or propose
113 changes to existing academic standards to the State Board of
114 Education and the State Legislature.

115 (b) Consider the impact on educators, including the
116 need for professional development, when making any of the
117 recommendations required in this section.

118 (c) Review relevant research on the subject area and
119 identify areas in the standards where revision is appropriate.

120 (d) Examine curriculum standards for the subject area
121 adopted by other states.

122 (e) Collect feedback on the standards from teachers,
123 parents and other citizens and make feedback available to the
124 public via Internet posting.



(f) Issue its recommendation to the State Board of Education, the Governor and the appropriate committees of the Legislature not later than December 1, 2015.

SECTION 2. (1) Academic standards adopted by the State Board of Education shall continue to be named and referred to as the "Mississippi College and Career Readiness Standards," reflecting emphasis on Mississippi's needs and priorities while maintaining the educational morals and objectives of the state.

(2) The State Board of Education shall remove the Common Core copyright and any references to the Common Core Standards from the Mississippi College and Career Readiness Standards to ensure Mississippi's sovereign right to modify standards to best meet the needs of Mississippi's citizens.

(3) The State Board of Education shall ensure that no official, employee, agency or board of the state shall enter into any agreement, memorandum of understanding, or contract with any federal agency or private entity which in any way cedes or limits state discretion or control over the development, adoption or revision of the Mississippi College and Career Readiness Standards, including, but not limited to, agreements, memoranda of understanding and contracts in exchange for funding for public schools and programs.

SECTION 3. No personally identifiable data on students' or their families' religions, political party affiliations, biometric information or voting histories shall be shared with the federal



government without parental consent. No personally identifiable student data shall be collected for the purpose of the development of commercial products or services without parental consent. No psychological or socio-emotional surveys shall be administered to students or completed by school personnel regarding a particular student without parental consent.

SECTION 4. Section 37-16-7, Mississippi Code of 1972, is amended 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. Beginning with the 2015-2016 school year, the State Department of Education shall not require school districts to administer the multistate Partnership for Assessment of Readiness for College and Careers (PARCC) test or any other consortia developed test.

(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.

(4) Beginning in the 2014-2015 school year, students enrolled in Mississippi public schools may not be required to pass any end-of-course test administered under the Subject Area Testing Program as a requirement for graduation. The State Board of Education shall adopt a policy requiring the administration of those end-of-course tests mandated under the federal requirements of No Child Left Behind.

SECTION 5. 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



199 that is air-conditioned as a minimum requirement for
200 accreditation.

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

205	Number of Students	Number of Certified
206	Per School Library	School Librarians
207	0 - 499 Students	1/2 Full-time Equivalent
208		Certified Librarian
209	500 or More Students	1 Full-time Certified
210		Librarian

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

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

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



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

225 (f) Any additional millage levied to fund school
226 librarians required for accreditation under this subsection shall
227 be included in the tax increase limitation set forth in Sections
228 37-57-105 and 37-57-107 and shall not be deemed a new program for
229 purposes of the limitation.

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

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

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

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

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

242 (e) Set annual performance standards for each of the
243 schools of the state and measure the performance of each school
244 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



270 federal law. Under the new designations, a school or school
271 district that has earned a "Star" rating shall be designated an
272 "A" school or school district; a school or school district that
273 has earned a "High-Performing" rating shall be designated a "B"
274 school or school district; a school or school district that has
275 earned a "Successful" rating shall be designated a "C" school or
276 school district; a school or school district that has earned an
277 "Academic Watch" rating shall be designated a "D" school or school
278 district; a school or school district that has earned a
279 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
280 be designated an "F" school or school district. Effective with
281 the implementation of any new curriculum and assessment standards,
282 the State Board of Education, acting through the State Department
283 of Education, is further authorized and directed to change the
284 school and school district accreditation rating system to a simple
285 "A," "B," "C," "D," and "F" designation based on a combination of
286 student achievement scores and student growth as measured by the
287 statewide testing programs developed by the State Board of
288 Education pursuant to Chapter 16, Title 37, Mississippi Code of
289 1972. In any statute or regulation containing the former
290 accreditation designations, the new designations shall be
291 applicable;

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



(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.

(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 * * * Mississippi College and Career Readiness Standards by 2016 with incremental increases of three percent (3%) each year thereafter.



318 (b) Effective January 1, 2017, the State Department of
319 Education shall combine the state school and school district
320 accountability system with the federal system in order to have a
321 single system.

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

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

327 (ii) Individual student growth: the percent of
328 students making one (1) year's progress in one (1) year's time on
329 the state assessment, with an emphasis on the progress of the
330 lowest twenty-five percent (25%) of students in the school or
331 district;

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

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



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

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

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

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

359 (ix) The State Department of Education shall
360 determine feeder patterns of schools that do not earn a school
361 grade because the grades and subjects taught at the school do not
362 have statewide standardized assessments needed to calculate a
363 school grade. Upon determination of the feeder pattern, the
364 department shall notify schools and school districts prior to the
365 release of the school grades beginning in 2013. Feeder schools
366 will be assigned the accountability designation of the school to
367 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 conservator, 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;



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

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

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

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



542 been declared, the State Board of Education may request the
543 Governor to declare that the state of emergency no longer exists
544 in the district.

545 (e) The parent or legal guardian of a school-age child
546 who is enrolled in a school district whose accreditation has been
547 withdrawn by the Commission on School Accreditation and without
548 approval of that school district may file a petition in writing to
549 a school district accredited by the Commission on School
550 Accreditation for a legal transfer. The school district
551 accredited by the Commission on School Accreditation may grant the
552 transfer according to the procedures of Section 37-15-31(1)(b).
553 In the event the accreditation of the student's home district is
554 restored after a transfer has been approved, the student may
555 continue to attend the transferee school district. The per-pupil
556 amount of the adequate education program allotment, including the
557 collective "add-on program" costs for the student's home school
558 district shall be transferred monthly to the school district
559 accredited by the Commission on School Accreditation that has
560 granted the transfer of the school-age child.

561 (f) Upon the declaration of a state of emergency for
562 any school district in which the Governor has previously declared
563 a state of emergency, the State Board of Education may either (i)
564 establish a conservatorship or (ii) abolish the school district
565 and administratively consolidate the school district with one or
566 more existing school districts or (iii) reduce the size of the



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

(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 state conservatorship, 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 conservators assigned by the State Board of Education to a
local school district, hear appeals from school districts under
conservatorship 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



592 school district from which the appeal originated in order to
593 ensure the ability of appellants, other parties and witnesses to
594 appeal without undue burden of travel costs or loss of time from
595 work, and perform other related duties as assigned by the State
596 Superintendent of Public Education. The deputy state
597 superintendent is responsible for the Mississippi Recovery School
598 District and shall determine, based on rigorous professional
599 qualifications set by the State Board of Education, the
600 appropriate individuals to be engaged to be conservators and
601 financial advisors, if applicable, of all school districts subject
602 to state conservatorship. After State Board of Education
603 approval, these individuals shall be deemed independent
604 contractors.

605 (13) Upon the declaration of a state of emergency in a
606 school district under subsection (12) of this section, the
607 Commission on School Accreditation shall be responsible for public
608 notice at least once a week for at least three (3) consecutive
609 weeks in a newspaper published within the jurisdiction of the
610 school district failing to meet accreditation standards, or if no
611 newspaper is published therein, then in a newspaper having a
612 general circulation therein. The size of the notice shall be no
613 smaller than one-fourth (1/4) of a standard newspaper page and
614 shall be printed in bold print. If a conservator has been
615 appointed for the school district, the notice shall begin as
616 follows: "By authority of Section 37-17-6, Mississippi Code of



617 1972, as amended, adopted by the Mississippi Legislature during
618 the 1991 Regular Session, this school district (name of school
619 district) is hereby placed under the jurisdiction of the State
620 Department of Education acting through its appointed conservator
621 (name of conservator)."

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

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

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



642 Nothing in this section shall be construed to grant any
643 individual, corporation, board or conservator the authority to
644 levy taxes except in accordance with presently existing statutory
645 provisions.

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

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



666 (ii) Supervising the day-to-day activities of the
667 district's staff, including reassigning the duties and
668 responsibilities of personnel in a manner which, in the
669 determination of the conservator, will best suit the needs of the
670 district;

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

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

677 (v) Approving or disapproving all athletic, band
678 and other extracurricular activities and any matters related to
679 those activities;

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

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

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



691 Except when, in the determination of the State Board of
692 Education, the school district's impairment is related to a lack
693 of financial resources, the cost of the salary of the conservator
694 and any other actual and necessary costs related to the
695 conservatorship paid by the State Department of Education shall be
696 reimbursed by the local school district from funds other than
697 adequate education program funds. The department shall submit an
698 itemized statement to the superintendent of the local school
699 district for reimbursement purposes, and any unpaid balance may be
700 withheld from the district's adequate education program funds.

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

706 (b) In order to provide loans to school districts under
707 a state of emergency or under conservatorship that have
708 impairments related to a lack of financial resources, the School
709 District Emergency Assistance Fund is created as a special fund in
710 the State Treasury into which monies may be transferred or
711 appropriated by the Legislature from any available public
712 education funds. Funds in the School District Emergency
713 Assistance Fund up to a maximum balance of Three Million Dollars
714 (\$3,000,000.00) annually shall not lapse but shall be available
715 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 under conservatorship, 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.



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

755 (16) If a majority of the membership of the school board of
756 any school district resigns from office, the State Board of
757 Education shall be authorized to assign an interim conservator,
758 who shall be responsible for the administration, management and
759 operation of the school district until the time as new board
760 members are selected or the Governor declares a state of emergency
761 in that school district under subsection (12), whichever occurs
762 first. In that case, the State Board of Education, acting through
763 the interim conservator, shall have all powers which were held by
764 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 conservator. 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 _____"



790 (here the title of the school district shall be inserted) be
791 retained in office? Yes _____ No _____"

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

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

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



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

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

834 If a majority of those voting on the question vote against
835 retaining the member of the school board in office, a vacancy in
836 that board member's office shall exist, which shall be filled in
837 the manner provided by law; otherwise, the school board member
838 shall remain in office for the term of that office, and at the



839 expiration of the term of office, the member shall be eligible for
840 qualification and election to another term or terms of office.

841 However, if a majority of the school board members are recalled in
842 the special election, the Governor shall authorize the board of
843 supervisors of the county in which the school district is situated
844 to appoint members to fill the offices of the members recalled.

845 The board of supervisors shall make those appointments in the
846 manner provided by law for filling vacancies on the school board,
847 and the appointed members shall serve until the office is filled
848 at the next regular special election or general election.

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

861 (iii) If the local school board is comprised of
862 both elected and appointed members, the elected members shall be
863 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.



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

893 (21) If a local school district is determined as failing and
894 placed into conservatorship for reasons authorized by the
895 provisions of this section, the conservator appointed to the
896 district shall, within forty-five (45) days after being appointed,
897 present a detailed and structured corrective action plan to move
898 the local school district out of conservatorship status to the
899 local school board and local superintendent of education if they
900 have not been removed by the conservator, or if the board and
901 superintendent have been removed, to the local governing authority
902 of the municipality or county in which the school district under
903 conservatorship is located. A copy of the conservator's
904 corrective action plan shall also be filed with the State Board of
905 Education.

906 **SECTION 6.** Section 37-177-5, Mississippi Code of 1972, is
907 amended as follows:

908 37-177-5. The State Department of Education shall establish
909 a Mississippi Reading Panel to collaborate with the State
910 Department of Education in recommending appropriate equitable
911 alternative standardized assessments and cut scores to be used to
912 determine promotion to the Fourth Grade of those Third Grade



913 students who scored at the lowest achievement level on the state
914 annual accountability assessment or who, for unforeseen
915 circumstances, were unable to take the assessment. The panel
916 should have knowledge and input in the adoption or development of
917 a universal screener for required use only in select schools most
918 in need for the reading intervention program to identify reading
919 deficiencies and determine progress. A suggestive list of no less
920 than four (4) screening assessments should be available to schools
921 not selected for the critical reading intervention program taking
922 into consideration those screening assessments already being used
923 satisfactorily in Mississippi elementary schools. An approved
924 alternative standardized reading assessment may be used in
925 2014-2015 in the transition to * * * the Mississippi College and
926 Career-Ready Standards testing. The panel shall consist of six
927 (6) members as follows: the State Superintendent of Education, or
928 his/her designee, who will chair the committee; the Chair of the
929 House Education Committee, or his designee; the Chairman of the
930 Senate Education Committee, or his designee; one (1) member
931 appointed by the Governor; and two (2) additional members
932 appointed by the State Superintendent of Education.

933 **SECTION 7.** This act shall take effect and be in force from
934 and after its passage.

