

**PRIVILEGED AND CONFIDENTIAL**  
**ATTORNEY-CLIENT COMMUNICATION; ATTORNEY WORK PRODUCT**  
**MEMORANDUM**

To: Gearl Loden, Ph.D.  
C: Board of Trustees

From: Kelly Dowling Stimpson, J.D.

Re: Review of 2016 Legislation Affecting the Tupelo Public School District

Date: June 10, 2016

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The 2016 Mississippi Legislature, in its 2016 session, passed numerous education bills: 12 Senate Bills and 15 House Bills. Of these 27 bills, only five may require a modification to TPSD Board policy, as summarized below.

**SB 2064 Distance Learning Collaborative Act**

This bill establishes the Distance Learning Collaborative Program, wherein high school courses are eligible for dual credit.

**SB 2160 High School Diploma**

For students who withdrew from school before graduation, a high school diploma may be awarded for later achieving reasonably comparable requirements.

**SB 2678 School Safety Plan Documents**

School safety plan documents are now exempt from the Public Records Act.

**HB 33 Equal Opportunity for Students with Special Needs**

Amends 37-181-3, the Equal Opportunity for Students with Special Needs Act, to revise the definition of "eligible student" to include those with an active IEP for the past five years.

NOTE: 1.) Current law defines an "eligible student" as one with an active IEP in the past **18 months**. Thus, HB 33 expands the potential pool of students eligible for these SPED vouchers. 2.) "Eligible school" is a nonpublic school that has enrolled a participating student.

**HB 207 National Board Certification**

All school district employees are to be reimbursed for actual costs of completing each component of the National Board Certification.

All of the legislative bills are more fully described on the attached summary.

Signed by Gov	Short Title	Requires Change to TPSD Policies?
SB2064	Distance Learning Collaborative Act	Yes
SB2157	Literacy-based Promotion Act	
SB2160	HS Diploma	Yes
SB2161	Charter Schools Act of 2014	No
SB2388	Reading intervention	No
SB2392	Consolidated Starkville-Oktibbeha	No
SB2398	16th section land	No
SB2438	Appointment of all supt after 2019	No
SB2495	Consolidation Montgomery Cty	No
SB2500	Consolidation Lumberton PSD	No
SB2501	Coahoma Ag HS->early college hs	No
SB2678	School safety plan documents	Yes
<b>Signed by Gov</b>		
HB 33	Equal Opp for Students with Special Needs Act; revise def of "eligible student" to include those with an active IEP for past 5 yrs	Maybe (check to see how specific TPSD policy is)
HB 34	Fin'l advisors; req those apptd by State Supt of Pub Ed to be independent contractors	No
HB 37	Dyslexia Therapy Scholarship; delete repealer	No
HB110	School buses; motor vehicles need not stop on divided hwy	No

HB200	EEF Procurement Cards; revise definition of "teachers" to include those employed at public special purpose schools	No
HB 207	Natl Bd Cert; reimb for costs of completing.	Maybe (check to see how specific TPSD policy is)
HB494	Sex-related /abstinence education and Teen Pregnancy Prevention Task Force	No
HB926	Consolidation Holmes Cty	No
HB928	Arrest of students on school property; provide for collection of data	No
HB968	MS Guard Youth Challenge Program;	No
HB987	Consolidation in Leflore Cty	No
HB989	Oversight of failing schools	No
HB991	Consolidation Chickasaw Cty	No
HB1000	Summer Normals	No
HB1643	Appropriations for MAEP and Dept Ed; can't spend funds on MASS	No
VETOED		
HB199	State Dept of Ed; procedures	



Description of Bill	
Distance Learning Collaborative Program courses are eligible for dual credit.	
Clarifying assessments for prohibiting promotion to grade 4. Amends the Literacy Based Promotion Act (i.e., Third Grade Gate) to provide that any third grade student scoring in the lowest 2 achievement levels in reading on the state assessment shall not be promoted to 4th grade.	
Students who withdrew from school before graduation; authorize hs diploma for achieving reasonably comparable reqmts.	
Makes technical amendments relating to finding, enrollment and operation; allows students in C. D. and F districts to cross district lines to attend charter schools. Local and state funds will follow the student; preference given to underserved students.	
Authorizes the MDE to conduct a reading intervention program at "C" level or low-perf school districts.	
All local school superintendents will all be appointed after 1/1/19	
Now exempt from Public Records Act	
Amends 37-181-3, the Equal Opportunity for Students with Special Needs Act, to revise the definition of "eligible student" to include those with an active IEP for past five years. (NOTE current law defines an "eligible student" as one with an active IEP in the past 18 months. Thus, HB 33 expands the potential pool of students eligible for these SPED vouchers.) Five year pilot program Education Scholarship Account (ESA). "Eligible school" is a nonpublic school that has enrolled a participating student.	
No change	
Clarify that motor vehicles need not stop when meeting or passing on divided hwy	

<p><b>HB 200</b> provides that teachers at the state's four special schools (School for the Blind, School for the Deaf, School for the Arts, and School for Math and Science) receive procurement cards.</p>	
<p>All school e'ees to be reimbursed for actual costs of completing each component of certification.</p>	
<p>The repealer of this statute has been extended to 2021.</p>	
<p>The added language to this statute provides that the State Supt will prepare an annual report on arrests on campus or at school related activity.</p>	
<p>Clarifies terms for awarding HS diploma to participants of Program.</p>	
<p>MS Achievement School District; establish to oversee administration of certain failing schools with an "F" rating for two consecutive years</p>	
<p>Repealed</p>	
<p>State Department of Education; remove from certain State Personnel Board procedures for a total of five years</p>	

## House Education Bills

### **HB 33 - Equal Opportunity for Students with Special Needs Act; revise definition of "eligible student" to include those with an active IEP for past five years**

- Revises the definition of "eligible student" to include any student who has had an active IEP within the past five years of the date application as a qualification for assistance under the Equal Opportunity for Students With Special Needs Act

**This act shall take effect and be in force from and after July 1, 2016.**

### **HB 34 - Financial advisors; require those appointed by the State Supt. of Public Education to certain school districts to be independent contractors**

- Requires that financial advisors appointed by the State Superintendent of Public Education to districts with serious financial conditions shall be independent contractors unless employed by the State of Mississippi

**This act shall take effect and be in force from and after July 1, 2016.**

### **HB 37 - Dyslexia Therapy Scholarship for Students with Dyslexia Program; delete repealer on**

- Repeals the code section that provides for the repeal of the dyslexia therapy scholarship for students with dyslexia program

**This act shall take effect and be in force from and after July 1, 2016.**

### **HB 110 - School buses; clarify that motor vehicle need not stop when meeting or passing on divided highway**

- Clarifies the circumstances under which a person need not stop when meeting or passing a school bus on a divided highway

**This act shall take effect and be in force from and after July 1, 2016.**

### **HB 200 - EEF Procurement Cards; revise definition of "teachers" to include those employed at public special purpose schools to receive**

- Include the teachers employed at the Mississippi School for the Arts, the Mississippi School for Math and science, the Mississippi School for the Blind or the Mississippi School for the Deaf in the definition of the term "teachers" for purposes of receiving education enhancement fund procurement cards

**This act shall take effect and be in force from and after July 1, 2016.**



**HB 207 - National Board Certification; all school employees to be reimbursed for actual cost of completing each component of certification**

- Authorizes a process reimbursement for each component of National Board Certification for teachers
- Authorizes that effective July 1, 2016, if funds are available for that purpose, any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties: Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington. The salary supplement awarded under the provisions of this subsection (3) (\$4,000) shall be in addition to the salary supplement awarded under the provisions of subsection (2) (\$6,000) of this section.

**HB 494 - Sex-related/abstinence education and Teen Pregnancy Prevention Task Force; extend repealer on**

- Extends by five years the repealer on the provision of law requiring every school district to adopt a policy to implement abstinence-only or abstinence-plus education into its curriculum and the provision of law creating and prescribing the duties of the Teen Pregnancy Prevention Task Force

**This act shall take effect and be in force from and after July 1, 2016.**

**HB 926 - School district administrative consolidation; require in Holmes County and Durant Public School Districts**

- Provides that in the Holmes County and Durant Public School Districts there shall be an administrative consolidation into one school district to be designated as the Holmes County Consolidated School District effective July 1, 2018
- Within two (2) years prior to the date of consolidation, or as soon as practicable after July 1, 2016, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation.
- Provides for the composition and selection of the Board of Trustees of the new Holmes County Consolidated School District
- Directs the State Board of Education to administratively consolidate any school district which does not voluntarily follow the consolidation order
- Abolishes the former school districts following the administrative consolidation and provides for the transfer of school district assets and liabilities
- Provides for execution of teacher and school district employee contracts and the preparation of a school district budget in the new school district
- Directs the State Board of Education to promulgate regulations to implement such administrative consolidation

**This act shall take effect and be in force from and after July 1, 2016.**

**HB 928– Arrest of students on school property; provide for collection of data.**

- Directs the State Superintendent of Education shall gather annually all of the reports provided under this section and prepare a report on the number of students arrested as a result of any unlawful activity which occurred on educational property or during a school related activity.
- Provides that all data must be disaggregated by race, ethnicity, gender, school, offense and law enforcement agency involved.
- Requires that the report prepared by the State Superintendent of Public Education shall not include the identity of any student who was arrested.
- Requires that on or before January 1 of each year, the State Superintendent of Public Education shall report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Joint PEER Committee on this section.
- The report must include data regarding arrests as a result of any unlawful activity which occurred on educational property or during a school related activity.

**This act shall take effect and be in force from and after July 1, 2016.**

**HB 968 - MS Youth Challenge Program; clarify terms for purposes of qualifying participants for graduation**

- Clarifies the synonymous meaning of the terms "high school equivalency diploma" and "GED" for purposes of qualifying students in the Mississippi National Guard Youth Challenge Program for graduation

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

**HB 987 - School district administrative consolidation; require in Leflore County and Greenwood Public School Districts**

- Provides that in the Leflore County and Greenwood Public School districts there shall be an administrative consolidation into one school district to be designated as the Greenwood-Leflore Consolidated School District effective July 1, 2019
- As soon as practicable, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation
- Provides for the composition and selection of the Board of Trustees of the new Greenwood-Leflore Consolidated School District
- Directs the State Board of Education to administratively consolidate any school district which does not voluntarily follow the consolidation order
- Abolishes the former 2 school districts following the administrative consolidation and provides for the transfer of school district assets and liabilities



- Provides for execution of teacher and school district employee contracts and the preparation of a school district budget in the new school district
- Directs the State Board of Education to promulgate regulations to implement such administrative consolidation

**This act shall take effect and be in force from and after July 1, 2016.**

**HB 989 - MS Achievement School District; establish to oversee administration of certain failing schools with a "F" rating for two consecutive years**

- Creates the Mississippi Achievement School District for the purpose of improving certain failing public schools throughout the state
- Provides that Mississippi Achievement School District shall be a statewide district comprised of all public schools that have been assigned an "F" rating under the state accreditation system for two consecutive school years
- Requires the board to procure office space for the district and to appoint a highly qualified individual to serve as school district superintendent
- Requires the State Board of Education to adopt rules and regulations governing the transfer of schools from the local school district to the Achievement School District
- Specifies that schools assigned an "F" designation for the second consecutive year in the 2017-2018 school year must be absorbed immediately by the Achievement School District unless the Achievement School District determines that a gradual transfer of control, complete before the 2017-2018 school year begins, is in the school's best interest
- Requires school districts from which schools are being absorbed to cooperate with the Mississippi Achievement School District and the State Board of Education in the school's transfer
- Provides for the subsequent return of a school to local school district control by the Mississippi Achievement School District subject to certain conditions being met
- Requires the superintendent of the Mississippi Achievement School District to recommend highly qualified persons for employment at a school and to authorize the continued employment, in the school board's discretion, of personnel employed at a school that is being absorbed
- Authorizes the Mississippi Achievement School District to use the personal and real property of a school that is absorbed, subject to rules and regulations adopted jointly by the State Board of Education
- Provides for state and local funding of schools in the Mississippi Achievement School District

**This act shall take effect and be in force from and after July 1, 2016.**

**HB 991 - School district administrative consolidation; require throughout entire Chickasaw County**

- Provides for the establishment of an advisory council be appointed and report back to the Legislature by December 1, 2016 on how the three districts will be consolidated.

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

**HB 1000 - Summer normals; repeal**

- Takes this law off the books

**This act shall take effect and be in force from and after July 1, 2016.**

**HB 1643 - Appropriation; Education, Department of**

- An act making an appropriation for the purpose of funding K-12 and other related educational activities, including certain agencies and programs, in the State of Mississippi, for the fiscal year 2017

**This act shall take effect and be in force from and after July 1, 2016.**

## **Senate Education Bills**

**SB 2064 - Distance Learning Collaborative Act; establish grant program administered by Mississippi Department of Education**

- Establishes the Distance Learning Collaborative Act
- Provides for a grant program administered by the Mississippi Department of Education to provide funds for the development and implementation of distance learning programs in school districts and approved collaborative entities meeting standards adopted by the State Board of Education
- Provides certain minimum standards for the program
- Provides that funds shall be appropriated for the Distance Learning Collaborative Act on a phased-in basis and to authorize the expenditure of funds from private sources
- Requires school districts to make information about online learning programs available to students
- Clarifies that Distance Learning Collaborative courses are fully eligible for the dual high school and postsecondary credit program
- No funds were appropriated

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2157 - Literacy-based Promotion Act; clarify assessments for prohibiting promotion to Grade 4**

- Provides standards to be documented for intensive reading instruction and intervention under the Literacy-Based Promotion Act



- Provides that beginning in the 2018-2019 school year promotion to grade 4 is prohibited unless a student's reading deficiency is remedied before the end of grade 3 as demonstrated by certain assessments and to make certain technical amendments to the "Literacy-Based Promotion Act"
- Phases in a more rigorous assessment by 2018-19 school year
- Amends good cause exemptions for students with disabilities

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2160 - Students who withdrew from school before graduation; authorize high school diploma for achieving reasonably comparable requirements**

- Provides that a high school diploma may be granted to students who withdrew from school before graduation and later achieved the reasonably comparable requirements that existed at the time that the student would have graduated

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2161 - Mississippi Charter Schools Act of 2013; make technical amendments relating to funding, enrollment and operation**

- Revises the designation of school districts which may disapprove the location of a charter school
- Revises the residency requirement for applicants to attend a charter school and to require charter schools to give enrollment preference to underserved children
- Provides that any student who resides in the geographical boundaries of a school district that was rated "C," "D" or "F" at the time the charter school was approved by the authorizer board, or who resides in the geographical boundaries of a school district rated "C," "D" or "F" at the time the student enrolls may cross school district lines to attend a charter school
- Requires charter schools to offer courses meeting state requirements for high school graduation
- For the purpose of eligibility for participation in the Public Employees' Retirement System, a public charter school is considered to be a political subdivision of the state. Employees in public charter schools are eligible for participation in other benefits programs if the public charter school governing board chooses to participate
- Require teachers at charter schools to be fully certified within three years of employment
- Provides that state fund payments are based on accurate enrollment projections and clarifies the calculation and distribution of the local ad valorem tax portion of the charter school per pupil funding
- Revises the audit date for charter schools
- Requires the local school district to lease a conversion charter school facility at or below fair market value
- Includes charter schools in the authority for participation in the state public school building fund program



- Prohibits public school districts from retaliating against an employee because the employee is involved in creating a charter school
- Includes public charter schools in the definition of political subdivision for purposes of the public employees' retirement system

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2388 - Reading intervention program at "C" level or low-performing school districts; direct State Department of Education to conduct**

- Authorizes and directs the State Department of Education to conduct a reading intervention program at "C" level or low-performing districts and schools and to prescribe standards for the program

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2392 - Starkville-Oktibbeha Consolidated School District and Mississippi State University; may operate model rural school**

- Authorizes the Starkville-Oktibbeha Consolidated School District and Mississippi State University to enter into an agreement for constructing and operating a model rural education school for sixth and seventh grade students from Oktibbeha County

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2398 - Sixteenth section lieu land; authorize exchange for timber development**

- Authorizes the exchange of multiple parcels of forested sixteenth section lieu land for significant timber management, research and development

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

**SB 2438 - Local school superintendents; all appointed after January 1, 2019**

- Provides for the appointment of all superintendents of schools from and after January 1, 2019

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2495 - School district consolidation; require in Montgomery County**

- Provides that in the Montgomery County and Winona Municipal Separate School districts there shall be an administrative consolidation into one school district to be designated as the Winona-Montgomery Consolidated School District, which shall be a county wide municipal separate school district effective July 1, 2018

- As soon as practicable, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation
- Provides for the composition of the board of trustees of the new Winona-Montgomery Consolidated School District
- Directs the State Board of Education to administratively consolidate any school district which does not voluntarily follow the consolidation order
- Abolishes the former school districts following the administrative consolidation and provide for the transfer of school district assets and liabilities
- Provides for execution of teacher and school district employee contracts and the preparation of a school district budget in the new school district
- Directs the State Board of Education to promulgate regulations to implement such administrative consolidation

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2500 - School district consolidation; require in Lumberton Public School District and adjoining districts**

- Not later than July 1, 2019, the local school boards of the Lumberton Public School District, Lamar County School District and Poplarville Separate School District shall, under the authority provided in Section 37-7-103, enter into an agreement, to abolish and dissolve the Lumberton School District and its central administrative office to be effective for the start of the 2019-2020 school year.
- Provides that an advisory council will be created and established to be known as the Commission on the Administrative Consolidation of the Lumberton Public School District. The commission shall be composed of eleven (11) members as prescribed by the legislature.
- The Commission on the Administrative Consolidation of the Lumberton Public School District shall meet within thirty (30) days of passage of this act upon the call of the State Superintendent of Education and shall hold hearings and meet as necessary and develop a report to the Legislature, the Governor and the State Board of Education on or before December 1, 2017, with the agreed-upon plan for proceeding with the abolition and dissolving of the Lumberton Public School District, which shall include a reasonable effort to maintain and operate a school in the former Lumberton Public School District by which students desiring may, in the discretion of the parents of such students, attend.

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2501 - Coahoma Agriculture High School; provide for closure and transfer of facilities, equipment and students**

- Provides that the Board of Trustees of Coahoma Agricultural High School are authorized to make application to the Mississippi Department of Education for the approval of



converting the facilities and programs of the agricultural high school to an Early College High School.

- In the event the State Board of Education approves this application, effective July 1, 2018, the Coahoma Agricultural High School shall be transferred to the Coahoma Community College District and shall be used as an Early College High School serving up to four hundred (400) students from the following counties: Bolivar, Coahoma, Tunica, Tallahatchie and Quitman.
- In the event the State Board of Education does not approve the application of the Board of Trustees of the Coahoma Agricultural High School to establish an Early College High School, effective July 1, 2018, the Coahoma Agricultural High School shall be closed. Upon closure, all real property titled to or used by Coahoma Agricultural High School will become the property of the Coahoma Community College District.

**This act shall take effect and be in force from and after July 1, 2016.**

**SB 2678 - School safety plan documents; exempt from Public Records Act.**

- School safety plan documents containing preventive services listed in Section 37-3-83 shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

**This act shall take effect and be in force from and after July 1, 2016.**