

By: Representatives McCoy, Scott (17th)

To: Education

HOUSE BILL NO. 960

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO REDUCE PER DIEM PAYMENTS
3 TO LOCAL SCHOOL BOARD MEMBERS AND SALARY PAYMENTS TO LOCAL SCHOOL
4 SUPERINTENDENTS IF THE SCHOOL DISTRICT IS UNDER A CONSERVATORSHIP
5 FOR FAILURE TO CORRECT ACCREDITATION DEFICIENCIES, TO REQUIRE ANY
6 SCHOOL DISTRICT UNDER A CONSERVATORSHIP TO REIMBURSE THE STATE
7 DEPARTMENT OF EDUCATION FOR THE SALARY AND OTHER ACTUAL COSTS
8 RELATED TO THE DUTIES OF THE CONSERVATOR, TO AUTHORIZE THE
9 COMMISSION ON SCHOOL ACCREDITATION TO DEVELOP A SCHOOL IMPROVEMENT
10 PROGRAM AND A PROBATIONARY PERIOD FOR SCHOOLS WITH ACCREDITATION
11 DEFICIENCIES AND TO EXERCISE MANAGEMENT OVERRIDE AND SALARY
12 REDUCTION AUTHORITY OVER THE PRINCIPAL OF SCHOOLS WHICH HAVE HAD
13 THEIR ACCREDITATION WITHDRAWN, AND TO DELETE CERTAIN REFERENCES TO
14 LEVEL I AND LEVEL II SCHOOL DISTRICTS; TO AMEND SECTION 37-17-13,
15 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE STATE BOARD OF
16 EDUCATION SHALL HAVE ALL POWERS OF THE PREVIOUSLY EXISTING SCHOOL
17 SUPERINTENDENT WHEN THE SCHOOL DISTRICT HAS BEEN ABOLISHED DUE TO
18 A STATE OF EMERGENCY; TO AMEND SECTIONS 37-6-13 AND 37-9-37,
19 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD
20 SECTIONS 37-17-1 THROUGH 37-17-5, AND 37-17-7 THROUGH 37-17-11,
21 MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE ACCREDITATION OF
22 SCHOOLS; TO BRING FORWARD SECTIONS 37-16-1 THROUGH 37-16-11,
23 MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE STATEWIDE ASSESSMENT
24 TESTING IN PUBLIC SCHOOLS; AND FOR RELATED PURPOSES.

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

26 SECTION 1. Section 37-17-6, Mississippi Code of 1972, is
27 amended as follows:

28 37-17-6. (1) The State Board of Education, acting through
29 the Commission on School Accreditation, shall establish and
30 implement a permanent performance-based accreditation system, and
31 all public elementary and secondary schools shall be accredited
32 under this system.

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

38 (3) (a) Beginning with the 1994-1995 school year, the State

39 Board of Education, acting through the Commission on School
40 Accreditation, shall require as a minimum requirement for Level
41 III, IV and V accreditation, that school districts employ
42 certified school librarians according to the following formula:

43	Number of Students		Number of Certified
44	Per School Library		School Librarians
45	0 - 499 Students	$\frac{1}{2}$	Full-time Equivalent
46			Certified Librarian
47	500 or More Students	1	Full-time Certified
48			Librarian

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

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

56 (d) To qualify for Level III accreditation, school
57 librarians in such district shall spend at least fifty percent
58 (50%) of direct work time in a school library and shall devote no
59 more than one-fourth ($\frac{1}{4}$) of the workday to administrative
60 activities which are library related.

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

64 (f) Any additional millage levied to fund school
65 librarians required for accreditation under this subsection shall
66 be included in the tax increase limitation set forth in Sections
67 37-57-105 and 37-57-107 and shall not be deemed a new program for
68 purposes of the limitation.

69 (4) On or before July 1, 1994, the State Board of Education
70 shall implement the performance-based accreditation system which
71 shall include school performance standards that are comparable to
72 any national standards which may be established. The system shall

73 establish rigorous minimum standards; establish levels above the
74 minimum which demand exemplary performance; hold all school
75 districts accountable for their students' educational progress;
76 and establish strict measures for those districts which fail to
77 meet minimum standards.

78 (5) Nothing in this section shall be deemed to require a
79 nonpublic school which receives no local, state or federal funds
80 for support to become accredited by the State Board of Education.

81 (6) The State Board of Education shall create an
82 accreditation audit unit under the Commission on School
83 Accreditation. This audit unit shall be made up of full-time
84 employees of the State Department of Education who are trained as
85 accreditation auditors. This audit unit shall conduct field
86 audits of schools on a random basis or when ordered by the
87 Commission on School Accreditation, to determine whether schools
88 are complying with accreditation standards. The audit unit shall
89 also train the evaluators set forth in subsection (10) of this
90 section. The audit unit shall report directly to the Commission
91 on School Accreditation on the result of all audits.

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

98 (8) The Commission on School Accreditation shall select,
99 approve, train and assign all evaluators who conduct on-site
100 accreditation reviews. Prior to this action, the commission shall
101 have established guidelines and criteria for the selection and
102 training of all evaluators and shall have obtained the approval of
103 the State Board of Education of these guidelines and criteria.
104 All on-site accreditation reviews shall be submitted directly to
105 the Commission on School Accreditation.

106 (9) The State Board of Education shall establish, for those

107 school districts failing to meet accreditation standards, a
108 program of development to be complied with in order to receive
109 state funds, except as otherwise provided in subsection (14) of
110 this section when the Governor has declared a state of emergency
111 in a school district or as otherwise provided in Section 206,
112 Mississippi Constitution of 1890. The state board, in
113 establishing these standards, shall provide for notice to schools
114 and sufficient time and aid to enable schools to attempt to meet
115 these standards, unless procedures under subsection (14) of this
116 section have been invoked.

117 (10) Beginning July 1, 1998, the State Board of Education
118 shall be charged with the implementation of the program of
119 development in each applicable * * * school district as follows:

120 (a) Develop an impairment report for each district
121 failing to meet accreditation standards in conjunction with school
122 district officials, no later than the end of the school year, and
123 make recommendations for corrective actions to remove the
124 impairment status;

125 (b) Notify any applicable * * * school district failing
126 to meet accreditation standards that it is on probation until the
127 recommendations for corrective action are taken or until the
128 deficiencies have been removed. * * * The State Department of
129 Education shall develop a corrective action plan with the school
130 district to improve its deficiencies. For district academic
131 deficiencies, the corrective action plan for each such school
132 district shall be based upon a complete analysis of the following:
133 student test data, student grades, student attendance reports,
134 student drop-out data, existence and other relevant data. The
135 corrective action plan shall describe the specific measures to be
136 taken by the particular school district to improve: (i)
137 instruction; (ii) curriculum; (iii) professional development; (iv)
138 personnel and classroom organization; (v) student incentives for
139 performance; (vi) process deficiencies; and (vii) reporting to the
140 local school board, parents and the community. The corrective

141 action plan shall describe the specific individuals responsible
142 for implementing each component of the recommendation and how each
143 will be evaluated. All corrective action plans shall be presented
144 to the State Board of Education for approval. Local school
145 districts may revise their corrective action plans at any time;
146 however, all revisions shall be submitted to the State Department
147 of Education for review and shall be submitted to the State Board
148 of Education for final approval. Local school districts may
149 recommend to the State Board of Education a schedule for the
150 completion of its corrective action plan, to be approved by the
151 State Board of Education prior to its implementation. The
152 decision of the State Board of Education establishing the
153 probationary period of time shall be final;

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

165 (d) Contract, in its discretion, with the institutions
166 of higher learning or other appropriate private entities to
167 develop corrective action plans and provide professional
168 development for schools placed on probation;

169 (e) Provide for publication of public notice at least
170 one (1) time during the probationary period, in a newspaper
171 published within the jurisdiction of the school district failing
172 to meet accreditation standards, or if no newspaper is published
173 therein, then in a newspaper having a general circulation therein.

174 The publication shall include the following: declaration of

175 school system's status as being on probation; all details relating
176 to the impairment report, length of probationary period, and
177 corrective action recommendations made. Public notices issued
178 under this section shall be subject to Section 13-3-31 and not
179 contrary to other laws regarding newspaper publication.

180 (11) If the recommendations for corrective action are not
181 taken by the school district or if the deficiencies are not
182 removed by the end of the probationary period, the Commission on
183 School Accreditation shall conduct a hearing to allow such
184 affected school district to present evidence or other reasons why
185 its accreditation should not be withdrawn. Subsequent to its
186 consideration of the results of such hearing, the Commission on
187 School Accreditation shall be authorized, with the approval of the
188 State Board of Education, to withdraw the accreditation of a
189 public school district, and issue a request to the Governor that a
190 state of emergency be declared in that district which would allow
191 the State Board of Education to select from the following actions:

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

201 (b) Override any decision of the local school board
202 concerning the management and operation of the school district;

203 (c) Assign an interim "conservator" who will administer
204 the management and operation of the school system through the
205 school superintendent until corrective actions are implemented or
206 the deficiencies are removed. The school superintendent of a
207 deficient school shall comply fully with the conservator appointed
208 by the State Board of Education. The cost of the salary of the

209 conservator and any other actual and necessary costs related to
210 the conservatorship paid by the State Department of Education
211 shall be reimbursed by the local school district from other than
212 minimum or adequate education program funds. The department shall
213 submit an itemized statement to the superintendent of the local
214 school district for reimbursement purposes, and any unpaid balance
215 may be withheld from the district's minimum or adequate education
216 program funds;

217 (d) Reduce per diem compensation or the annual salary,
218 as the case may be, and expense reimbursement payments to local
219 school board members for attending regular or special board
220 meetings;

221 (e) Reduce monthly salary amounts paid to the
222 superintendent of schools or the county superintendent of
223 education of such school district, to not less than One Hundred
224 Dollars (\$100.00) per month;

225 (f) If the district's accreditation deficiencies are
226 related to the fact that a particular school lacks the resources
227 to meet these standards, grant transfers to students who attend
228 this school so that they may attend other accredited schools in a
229 manner which is not in violation of state or federal law;

230 (g) If the accreditation deficiencies are related to
231 the fact that the school district is too small, with too few
232 resources, to meet the required standards and if another school
233 district is willing to accept those students, abolish that
234 district and assign that territory to another school district or
235 districts. If the school district has proposed a voluntary
236 consolidation with another school district or districts, then if
237 the State Board of Education finds that it is in the best interest
238 of the pupils of the district for such consolidation to proceed,
239 the voluntary consolidation shall have priority over any such
240 assignment of territory by the State Board of Education.

241 (12) The Commission on School Accreditation shall be
242 responsible for public notice at least once a week for at least

243 three (3) consecutive weeks, after a state of emergency has been
244 declared, in a newspaper published within the jurisdiction of the
245 school district failing to meet accreditation standards, or if no
246 newspaper is published therein, then in a newspaper having a
247 general circulation therein. The size of such notice shall be no
248 smaller than one-fourth (1/4) of a standard newspaper page and
249 shall be printed in bold print. Such notice shall begin as
250 follows: "By authority of Section 37-17-6, Mississippi Code of
251 1972, adopted by the Mississippi Legislature during the 1991
252 Regular Session, this school district (name of school district) is
253 hereby placed under the jurisdiction of the State Department of
254 Education acting through its appointed conservator (name of
255 conservator)."

256 The notice shall also include all details relating to the
257 school district's emergency status including impairment
258 deficiencies, conditions of conservatorship and corrective actions
259 recommended. Public notices issued under this section shall be
260 subject to Section 13-3-31 and not contrary to other laws
261 regarding newspaper publication.

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

267 Nothing in this section shall be construed to grant any
268 individual, corporation, board or conservator the authority to
269 levy taxes except in accordance with presently existing statutory
270 provisions.

271 (14) If the State Board of Education and the Commission on
272 School Accreditation determine that an extreme emergency situation
273 exists in a school district which jeopardizes the safety, security
274 or educational interests of the children enrolled in the schools
275 in that district and such emergency situation is believed to be
276 related to a serious violation or violations of accreditation

277 standards or state or federal law, the State Board of Education,
278 with the concurrence of the State Auditor, may request the
279 Governor to declare a state of emergency in that school district.
280 For purposes of this subsection, such declarations of a state of
281 emergency shall not be limited to those instances when a school
282 district's impairments are related to a lack of financial
283 resources, but also shall include serious failure to meet minimum
284 academic standards, as evidenced by a continued pattern of poor
285 student performance. During the state of emergency, the State
286 Board of Education shall take such action as prescribed in Section
287 37-17-13 and may take one or more of the following actions:

288 (a) Assign an interim conservator who will be
289 responsible for the administration, management and operation of
290 the school district, including, but not limited to, the following
291 activities:

292 (i) Approving or disapproving all financial
293 obligations of the district, including, but not limited to, the
294 employment, termination, nonrenewal and reassignment of all
295 certified and noncertified personnel, contractual agreements and
296 purchase orders, and approving or disapproving all claim dockets
297 and the issuance of checks; in approving or disapproving
298 employment contracts of superintendents, assistant superintendents
299 or principals, the interim conservator shall not be required to
300 comply with the time limitations prescribed in Sections 37-9-15
301 and 37-9-105;

302 (ii) Supervising the day-to-day activities of the
303 district's staff, including reassigning the duties and
304 responsibilities of personnel in a manner which, in the
305 determination of the conservator, will best suit the needs of the
306 district;

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

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

313 (v) Approving or disapproving all athletic, band
314 and other extracurricular activities and any matters related to
315 those activities;

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

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

323 (b) Override any decision of the local school board or
324 superintendent of education, or both, relating to the
325 administration and operation of the school district;

326 (c) Reduce local supplements paid to school district
327 employees, including, but not limited to, instructional personnel,
328 assistant reading instructors and extracurricular activities
329 personnel, if the district's impairment is related to a lack of
330 financial resources, but only to an extent which will result in
331 the salaries being comparable to districts similarly situated, as
332 determined by the State Board of Education; * * *

333 (d) Require the production of the necessary reports,
334 correspondence, financial statements and any other documents or
335 information necessary to ascertain the extent of the district's
336 deficiencies and the corrective action required to remove the
337 district's impairment status;

338 (e) Reduce per diem compensation or the annual salary,
339 as the case may be, and expense reimbursement payments to local
340 school board members for attending regular or special board
341 meetings; and

342 (f) Reduce monthly salary amounts paid to the
343 superintendent of schools or the county superintendent of
344 education of such school district, to not less than One Hundred

345 Dollars (\$100.00) per month.

346 The cost of the salary of the conservator and any other
347 actual and necessary costs related to the conservatorship paid by
348 the State Department of Education shall be reimbursed by the local
349 school district from funds other than minimum or adequate
350 education program funds. The department shall submit an itemized
351 statement to the superintendent of the local school district for
352 reimbursement purposes, and any unpaid balance may be withheld
353 from the district's minimum or adequate education program funds.

354 Upon the declaration of a state of emergency in a school
355 district under this subsection, the State Board of Education shall
356 cause notice to be published for at least three (3) consecutive
357 weeks in a newspaper published within the jurisdiction of that
358 school district, or if no newspaper is published therein, in a
359 newspaper having a general circulation in the school district.
360 The notice shall be no smaller than one-fourth (1/4) of a standard
361 newspaper page and shall be printed in bold print in a section
362 other than the legal notices section of the newspaper. The notice
363 shall include, in the discretion of the State Board of Education,
364 any or all details relating to the district's emergency status,
365 including the declaration of a state of emergency in the school
366 district and a description of the district's impairment
367 deficiencies and corrective actions recommended and being taken in
368 the emergency situation.

369 At such time as satisfactory corrective action has been taken
370 in such school district, the State Board of Education, with the
371 concurrence of the State Auditor, may request the Governor to
372 declare that the state of emergency no longer exists in such
373 district, and the powers and responsibilities of an interim
374 conservator assigned to such district shall cease from and after
375 the termination of the state of emergency. Upon termination of
376 the state of emergency in such school district, the State Board of
377 Education shall cause notice to be published in the school
378 district in the same manner provided above, to include any or all

379 details relating to the corrective action taken in the school
380 district which resulted in the termination of the state of
381 emergency.

382 In order to provide loans to school districts under a state
383 of emergency which have impairments related to a lack of financial
384 resources, the School District Emergency Assistance Fund is
385 created as a special fund in the State Treasury into which monies
386 may be transferred or appropriated by the Legislature from any
387 available public education funds. The maximum amount that may be
388 appropriated or transferred to the School District Emergency
389 Assistance Fund for any one (1) emergency shall be Two Million
390 Dollars (\$2,000,000.00), and the maximum amount that may be
391 appropriated during any fiscal year shall be Three Million Dollars
392 (\$3,000,000.00).

393 The State Board of Education may loan monies from the School
394 District Emergency Assistance Fund to a school district that is
395 under a state of emergency in such amounts, as determined by the
396 board, which are necessary to correct the district's impairments
397 related to a lack of financial resources. The loans shall be
398 evidenced by an agreement between the school district and the
399 State Board of Education and shall be repayable in principal,
400 without necessity of interest, to the State General Fund or the
401 Education Enhancement Fund, depending on the source of funding for
402 such loan, by the school district from any allowable funds that
403 are available. The total amount loaned to the district shall be
404 due and payable within five (5) years after the impairments
405 related to a lack of financial resources are corrected. If a
406 school district fails to make payments on the loan in accordance
407 with the terms of the agreement between the district and the State
408 Board of Education, the State Department of Education, in
409 accordance with rules and regulations established by the State
410 Board of Education, may withhold that district's minimum program
411 funds in an amount and manner that will effectuate repayment
412 consistent with the terms of the agreement; such funds withheld by

413 the department shall be deposited into the State General Fund or
414 the Education Enhancement Fund, as the case may be.

415 If the State Board of Education determines that an extreme
416 emergency exists, simultaneous with the powers exercised in this
417 subsection, it shall take immediate action against all parties
418 responsible for the affected school districts having been
419 determined to be in an extreme emergency. Such action shall
420 include, but not be limited to, initiating civil actions to
421 recover funds and criminal actions to account for criminal
422 activity. Any funds recovered by the State Auditor or the State
423 Board of Education from the surety bonds of school officials or
424 from any civil action brought under this subsection shall be
425 applied toward the repayment of any loan made to a school district
426 hereunder.

427 A declaration by the Governor that a state of emergency
428 exists in a school district under this subsection shall have no
429 effect on the requirements set forth in subsections (9) through
430 (12) of this section. During the period of a state of emergency
431 declared under this subsection, the State Board of Education may
432 proceed under the authority of subsections (9) through (12) of
433 this section. If a provision in this subsection directly
434 conflicts with a provision in subsection (9), (10), (11) or (12),
435 during the state of emergency, this subsection shall prevail.

436 (15) In the event a majority of the membership of the school
437 board of any school district resigns from office, the State Board
438 of Education shall be authorized to assign an interim conservator,
439 who shall be responsible for the administration, management and
440 operation of the school district until such time as new board
441 members are selected or the Governor declares a state of emergency
442 in that school district under subsection (14), whichever occurs
443 first. In such case, the State Board of Education, acting through
444 the interim conservator, shall have all powers which were held by
445 the previously existing school board, and may take such action as
446 prescribed in Section 37-17-13 and/or one or more of the actions

447 authorized in subsection (14)(a) through (d) of this section.

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

455 (17) The State Board of Education, on such date deemed
456 appropriate by the board, shall establish for those individual
457 schools failing to meet accreditation standards a program of
458 development to be complied with in order to receive state funds.
459 Under the program, the following actions shall be taken by the
460 State Board of Education:

461 (a) Develop an impairment report for each school
462 failing to meet accreditation standards in conjunction with the
463 school principal, no later than the end of the school year, and
464 make recommendations for school improvements to remove the
465 impairment status;

466 (b) Notify any school failing to meet accreditation
467 standards that it is on probation until the recommendations for
468 school improvement are taken or until the deficiencies have been
469 removed. The State Department of Education shall develop a school
470 improvement plan with the school principal to improve its
471 deficiencies to be presented to the State Board of Education for
472 approval. School principals may revise their school improvement
473 plans at any time; however, all revisions shall be submitted to
474 the State Department of Education for review and shall be
475 submitted to the State Board of Education for final approval. The
476 decision of the State Board of Education establishing the
477 probationary period of time shall be final;

478 (c) Offer, during the probationary period, technical
479 assistance to the school in making improvement actions; or
480 contract, in its discretion, with the institutions of higher

481 learning or other appropriate private entities to develop school
482 improvement plans and provide professional development for schools
483 placed on probation;

484 (d) Provide for publication of public notice at least
485 one (1) time during the probationary period, in a newspaper
486 published within the school attendance zone of the school failing
487 to meet accreditation standards, which shall include a declaration
488 of the school's status as being on probation, all details relating
489 to the impairment report, the length of probationary period, and
490 school improvement recommendations made. Public notices issued
491 under this paragraph shall be subject to Section 13-3-31 and not
492 contrary to other laws regarding newspaper publication.

493 If the recommendations for corrective action are not taken by
494 the school or if the deficiencies are not removed by the end of
495 the probationary period, the Commission on School Accreditation
496 shall conduct a hearing to allow such school to present evidence
497 or other reasons why its accreditation should not be withdrawn.
498 Subsequent to its consideration or the results of such hearing,
499 the Commission on School Accreditation, with the approval of the
500 State Board of Education, may withdraw the accreditation of the
501 school and may either override any decision of the school
502 principal concerning the management and operation of that
503 particular school or reduce monthly salary amounts paid to the
504 principal of that particular school until such time as corrective
505 actions are implemented or the deficiencies removed.

506 SECTION 2. Section 37-17-13, Mississippi Code of 1972, is
507 amended as follows:

508 37-17-13. (1) Whenever the Governor declares a state of
509 emergency in a school district in response to a certification by
510 the State Board of Education and the Commission on School
511 Accreditation made under Section 37-17-6(14), the State Board of
512 Education, in addition to any actions taken under Section
513 37-17-6(14), shall abolish the school district and assume control
514 and administration of the schools formerly constituting the

515 district, and appoint a conservator to carry out this purpose
516 under the direction of the State Board of Education. In such
517 case, the State Board of Education shall have all powers which
518 were held by the previously existing school board and the
519 previously existing superintendent of schools or county
520 superintendent of education, including, but not limited to, those
521 enumerated in Section 37-7-301, and the authority to request tax
522 levies from the appropriate governing authorities for the support
523 of the schools and to receive and expend the tax funds as provided
524 by Section 37-57-1 et seq. and Section 37-57-105 et seq.

525 (2) When a school district is abolished under this section,
526 loans from the School District Emergency Assistance Fund may be
527 made by the State Board of Education for the use and benefit of
528 the schools formerly constituting the district in accordance with
529 the procedures set forth in Section 37-17-6(14) for such loans to
530 the district. The abolition of a school district under this
531 section shall not impair or release the property of that school
532 district from liability for the payment of the loan indebtedness,
533 and it shall be the duty of the appropriate governing authorities
534 to levy taxes on the property of the district so abolished from
535 year to year according to the terms of the indebtedness until same
536 shall be fully paid.

537 (3) After a school district is abolished under this section,
538 at such time as the State Board of Education determines that the
539 impairments have been substantially corrected, the State Board of
540 Education shall reconstitute, reorganize or change or alter the
541 boundaries of the previously existing district; provided, however,
542 that no partition or assignment of territory formerly included in
543 the abolished district to one or more other school districts may
544 be made by the State Board of Education without the consent of the
545 school board of the school district to which such territory is to
546 be transferred, such consent to be spread upon its minutes. At
547 that time, the State Board of Education, in appropriate cases,
548 shall notify the appropriate governing authority or authorities of

549 its action and request them to provide for the election or
550 appointment of school board members and a superintendent or
551 superintendents to govern the district or districts affected, in
552 the manner provided by law.

553 SECTION 3. Section 37-6-13, Mississippi Code of 1972, is
554 amended as follows:

555 37-6-13. Each person serving as a member of the school board
556 of any school district shall receive per diem in the amount of
557 Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
558 meetings of the school board during any one (1) fiscal year or, in
559 his or her discretion, irrevocably may choose to receive as
560 compensation for his or her services an annual salary in the
561 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
562 choice shall remain in force for all successive terms or periods
563 of service of that member. The receipt of the compensation shall
564 not entitle any member of a school board to receive or be eligible
565 for any state employee group insurance, retirement or other fringe
566 benefits. Each member shall be reimbursed for the necessary
567 expenses and mileage in attending meetings of the school board.
568 In addition to the foregoing, all members may be reimbursed for
569 mileage and actual expenses incurred in the further performance of
570 their duties, including attendance at any mandatory school board
571 training session or at regional and national education meetings,
572 when such mileage and other expenses are authorized by the board
573 prior to the date on which they occur. Detailed vouchers shall be
574 submitted for reimbursement for all expenses authorized by this
575 section. Such reimbursement shall be in accordance with Section
576 25-3-41.

577 Such expenses shall be paid on order of the school board by
578 pay certificates issued by the superintendent of the school
579 district involved against the funds available for payment of the
580 administrative expense of said district.

581 This section shall not entitle any school board member to per
582 diem, salary payments or other compensation if the school district

583 is subject to a conservatorship under Section 37-17-6.

584 SECTION 4. Section 37-9-37, Mississippi Code of 1972, is
585 amended as follows:

586 37-9-37. The amount of the salary to be paid any
587 superintendent, principal or licensed employee shall be fixed by
588 the school board, provided that the requirements of Chapter 19 of
589 this title are met as to superintendents, principals and licensed
590 employees paid in whole or in part from minimum education program
591 funds. In employing such superintendents, principals and licensed
592 employees and in fixing their salaries, the school boards shall
593 take into consideration the character, professional training,
594 experience, executive ability and teaching capacity of the
595 licensed employee, superintendent or principal. It is the intent
596 of the Legislature that whenever the salary of the school district
597 superintendent is set by a school board, the board shall take into
598 consideration the amount of money that the district spends per
599 pupil, and shall attempt to insure that the administrative cost of
600 the district and the amount of the salary of the superintendent
601 are not excessive in comparison to the per pupil expenditure of
602 the district.

603 This section shall not entitle any superintendent of schools
604 or county superintendent of education to salary payments or other
605 compensation if the school district is subject to a
606 conservatorship under Section 37-17-6.

607 SECTION 5. Section 37-17-1, Mississippi Code of 1972, is
608 brought forward as follows:

609 37-17-1. The power and authority to prescribe standards for
610 the accreditation of public schools, to insure compliance with
611 such standards and to establish procedures for the accreditation
612 of public schools is hereby vested in the state board of
613 education. The board shall, by orders placed upon its minutes,
614 adopt all necessary rules and regulations to effectuate the
615 purposes of this chapter and shall provide, through the state
616 department of education, for the necessary personnel for the

617 enforcement of standards so established.

618 SECTION 6. Section 37-17-3, Mississippi Code of 1972, is
619 brought forward as follows:

620 37-17-3. The Commission on School Accreditation created
621 under this section is hereby continued and reconstituted as
622 follows:

623 The State Board of Education shall appoint a "Commission on
624 School Accreditation" to be composed of fifteen (15) qualified
625 members. The membership of said commission shall be composed of
626 the following: two (2) classroom teachers, two (2) principals of
627 schools, one (1) superintendent of a separate school district, one
628 (1) superintendent of a county or other school district, one (1)
629 local school board member from a separate school district; one (1)
630 local school board member from a county or other school district;
631 and seven (7) members who are not actively engaged in the
632 education profession. Members of the commission serving on July
633 1, 1994, shall continue to serve until their term of office
634 expires. No new appointments shall be made until such time as the
635 expiration of a member's term has reduced the commission to less
636 than fifteen (15) members, at which time new appointments shall be
637 made from the categories specified hereinabove. The membership of
638 said commission shall be appointed by the board upon
639 recommendation of the State Superintendent of Public Education.
640 In making the first appointments, five (5) members shall be
641 appointed for a term of one (1) year, five (5) members shall be
642 appointed for a term of two (2) years, five (5) members shall be
643 appointed for a term of three (3) years, and five (5) members
644 shall be appointed for a term of four (4) years. Thereafter, all
645 members shall be appointed for a term of four (4) years. Said
646 commission shall meet upon call of the State Superintendent of
647 Public Education. There shall be three (3) members of said
648 commission from each congressional district. Each member of said
649 commission shall receive the per diem authorized by Section
650 25-3-69, Mississippi Code of 1972, plus actual and necessary

651 expenses and mileage as authorized by Section 25-3-41, Mississippi
652 Code of 1972, for each day actually spent in attending the
653 meetings of the commission. The expenses of said commission shall
654 be paid out of any funds available for the operation of the State
655 Department of Education.

656 SECTION 7. Section 37-17-5, Mississippi Code of 1972, is
657 brought forward as follows:

658 37-17-5. It shall be the purpose of the Commission on School
659 Accreditation to continually review the standards on accreditation
660 and the enforcement thereof and to make recommendations thereon to
661 the State Board of Education. All controversies involving the
662 accreditation of schools shall be initially heard by a duly
663 authorized representative of the commission before whom a complete
664 record shall be made. After the conclusion of the hearing, the
665 duly authorized representative of the commission shall make a
666 recommendation to the commission as to the resolution of the
667 controversies, and the commission, after considering the
668 transcribed record and the recommendation of its representative,
669 shall make its decision which becomes final unless the local
670 school board of the school district involved shall appeal to the
671 State Board of Education, which appeal shall be on the record
672 previously made before the commission's representative except as
673 may be provided by rules and regulations adopted by the State
674 Board of Education. Such rules and regulations may provide for
675 the submission of new factual evidence. All appeals from the
676 State Board of Education shall be on the record and shall be filed
677 in the Circuit Court of the First Judicial District of Hinds
678 County, Mississippi. The commission shall select a competent and
679 qualified court reporter to record and transcribe all hearings
680 held before its duly authorized representative whose fees and
681 costs of transcription shall be paid by the school district
682 involved within forty-five (45) days after having been notified of
683 such costs and fees by the commission. An appropriate member of
684 the staff of the State Department of Education shall be designated

685 by the State Superintendent of Public Education to serve as
686 executive secretary of the commission.

687 SECTION 8. Section 37-17-7, Mississippi Code of 1972, is
688 brought forward as follows:

689 37-17-7. Any nonpublic school may, through its governing
690 body, request that the State Board of Education approve such
691 institution. Approval shall be based upon a process promulgated
692 by the State Board of Education; provided, however, that in no
693 event shall the State Board of Education adopt more stringent
694 standards for approval of nonpublic schools than the accreditation
695 standards applied to public schools.

696 SECTION 9. Section 37-17-8, Mississippi Code of 1972, is
697 brought forward as follows:

698 37-17-8. (1) The State Board of Education, through the
699 Commission on School Accreditation, shall establish criteria for
700 comprehensive in-service staff development plans. These criteria
701 shall: (a) include, but not be limited to, formula and guidelines
702 for allocating available state funds for in-service training to
703 local school districts; (b) require that a portion of the plans be
704 devoted exclusively for the purpose of providing staff development
705 training for beginning teachers within that local school district
706 and for no other purpose; and (c) require that a portion of the
707 school district's in-service training for administrators and
708 teachers be dedicated to the application and utilization of
709 various disciplinary techniques. The board shall each year make
710 recommendations to the Legislature concerning the amount of funds
711 which shall be appropriated for this purpose.

712 (2) Beginning with the 1998-1999 school year, school
713 districts shall not be required to submit staff development plans
714 to the Commission on School Accreditation for approval. However,
715 any school district accredited at Level 1 or Level 2 shall
716 include, as a part of any required corrective action plan,
717 provisions to address staff development in accordance with State
718 Board of Education requirements. All school districts, unless

719 specifically exempt from this section, must maintain on file staff
720 development plans as required under this section. The plan shall
721 have been prepared by a district committee appointed by the
722 district superintendent and consisting of teachers,
723 administrators, school board members, and lay people, and it shall
724 have been approved by the district superintendent.

725 (3) In order to insure that teachers are not overburdened
726 with paperwork and written reports, local school districts and
727 the State Board of Education shall take such steps as may be
728 necessary to further the reduction of paperwork requirements on
729 teachers.

730 (4) If any school district meets Level 4 or 5 accreditation
731 standards, the State Board of Education, in its discretion, may
732 exempt such school district from the provisions of this section.

733 SECTION 10. Section 37-17-9, Mississippi Code of 1972, is
734 brought forward as follows:

735 37-17-9. This chapter shall not be construed to establish
736 the only accrediting agency in the State of Mississippi, and
737 nothing contained herein shall be construed to prevent any
738 nonpublic school association or associations or group or groups
739 from establishing its or their accrediting agency, unrelated to
740 any such accrediting agency for public schools as established by
741 this chapter. Nothing in this chapter shall prevent such
742 nonpublic school accrediting agency or agencies from functioning
743 in such capacity.

744 SECTION 11. Section 37-17-11, Mississippi Code of 1972, is
745 brought forward as follows:

746 37-17-11. The State Board of Education, in its discretion,
747 may exempt any school district which meets Level 4 or 5
748 accreditation from any compulsory standard of accreditation.
749 Provided, however, that in the event such standard of
750 accreditation is an educational policy required by statute, any
751 such exemption shall only be made if specifically authorized by
752 law.

753 SECTION 12. Section 37-16-1, Mississippi Code of 1972, is
754 brought forward as follows:

755 37-16-1. The primary purpose of the statewide testing
756 program is to provide information needed for state-level
757 decisions. The program shall be designed to:

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

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

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

764 (d) Provide a basis for comparisons among districts and
765 between districts, the state and the nation, where appropriate.

766 (e) Produce data which can be used to aid in the
767 identification of exceptional educational programs or processes.

768 SECTION 13. Section 37-16-3, Mississippi Code of 1972, is
769 brought forward as follows:

770 37-16-3. (1) The State Department of Education is directed
771 to implement a program of statewide assessment testing which shall
772 provide for the improvement of the operation and management of the
773 public schools. The statewide program shall be timed, as far as
774 possible, so as not to conflict with ongoing district assessment
775 programs. As part of the program, the department shall:

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

782 (b) Conduct a uniform statewide testing program in
783 grades deemed appropriate. The program may test skill areas,
784 basic skills and high school course content.

785 (c) Monitor the results of the assessment program and,
786 at any time the composite student performance of a school or basic

787 program is found to be below the established minimum standards,
788 notify the district superintendent, the school principal and the
789 school advisory committee or other existing parent group of the
790 situation within thirty (30) days of its determination. The
791 department shall further provide technical assistance to the
792 district in the identification of the causes of this deficiency
793 and shall recommend courses of action for its correction.

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

798 (e) Issue security procedure regulations providing for
799 the security and integrity of the tests that are administered
800 under the basic skills assessment program.

801 (2) Uniform basic skills tests shall be completed by each
802 student in the appropriate grade. In the event of excused or
803 unexcused student absences, make-up tests shall be given. The
804 school superintendent of every school district in the state shall
805 annually certify to the State Department of Education that each
806 student enrolled in the appropriate grade has completed the
807 required basic skills assessment test for his or her grade.

808 SECTION 14. Section 37-16-4, Mississippi Code of 1972, is
809 brought forward as follows:

810 37-16-4. (1) It is unlawful for anyone knowingly and
811 willfully to do any of the following acts regarding mandatory
812 uniform tests administered to students as required by the State
813 Department of Education and the General Educational Development
814 Test (GED):

815 (a) Give examinees access to test questions prior to
816 testing;

817 (b) Copy or reproduce all or any portion of any secure
818 test booklet;

819 (c) Coach examinees during testing or alter or
820 interfere with examinees' responses in any way;

821 (d) Make answer keys available to examinees;

822 (e) Fail to account for all secure test materials
823 before, during and after testing;

824 (f) Participate in, direct, aid, counsel, assist in,
825 encourage or fail to report any of the acts prohibited in this
826 section.

827 (2) Any person violating any provisions of subsection (1) of
828 this section is guilty of a misdemeanor and upon conviction shall
829 be fined not more than One Thousand Dollars (\$1,000.00), or be
830 imprisoned for not more than ninety (90) days, or both. Upon
831 conviction, the State Board of Education may suspend or revoke the
832 administrative or teaching credentials, or both, of the person
833 convicted.

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

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

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

854 (6) Nothing in this section may be construed to prohibit or

855 interfere with the responsibilities of the State Board of
856 Education or the State Department of Education in test development
857 or selection, test form construction, standard setting, test
858 scoring, and reporting, or any other related activities which in
859 the judgment of the State Superintendent of Education are
860 necessary and appropriate.

861 SECTION 15. Section 37-16-5, Mississippi Code of 1972, is
862 brought forward as follows:

863 37-16-5. The school board of every district in this state
864 shall periodically assess student performance and achievement in
865 each school. Such assessment programs shall be based upon local
866 goals and objectives which are compatible with the state's plan
867 for education and which supplement the minimum performance
868 standards approved by the State Board of Education. Data from
869 district assessment programs shall be provided to the State
870 Department of Education when such data is required in order to
871 evaluate specific instructional programs or processes or when the
872 data is needed for other research or evaluation projects. Each
873 district may provide acceptable, compatible district assessment
874 data to substitute for any assessment data needed at the state
875 level when the State Department of Education certifies that such
876 data is acceptable for the purposes of Section 37-16-3.

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

879 37-16-7. (1) Each district school board shall establish
880 standards for graduation from its schools which shall include as a
881 minimum:

882 (a) Mastery of the minimum performance standards in
883 reading, writing and mathematics skills, utilized in everyday life
884 situations, measured in a functional literacy examination
885 developed and administered by the State Board of Education in a
886 manner prescribed after a public hearing.

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

889 school board.

890 (2) A student who meets all requirements prescribed in
891 subsection (1) of this section shall be awarded a standard diploma
892 in a form prescribed by the state board.

893 SECTION 17. Section 37-16-9, Mississippi Code of 1972, is
894 brought forward as follows:

895 37-16-9. (1) The state board shall, after a public hearing
896 and consideration, make provision for appropriate modification of
897 testing instruments and procedures for students with identified
898 handicaps or disabilities in order to ensure that the results of
899 the testing represent the student's achievement, rather than
900 reflecting the student's impaired sensory, manual, speaking or
901 psychological process skills, except when such skills are the
902 factors the test purports to measure.

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

907 SECTION 18. Section 37-16-11, Mississippi Code of 1972, is
908 brought forward as follows:

909 37-16-11. A student who has been properly classified, in
910 accordance with rules established by the state board, as "educable
911 mentally retarded," "trainable mentally retarded," "deaf,"
912 "specific learning disabled," "physically handicapped whose
913 ability to communicate orally or in writing is seriously
914 impaired," or "emotionally handicapped" shall not be required to
915 meet all requirements of Section 37-16-7, and shall, upon meeting
916 all applicable requirements prescribed by the district school
917 board, be awarded a special diploma in a form prescribed by the
918 state board; provided, however, that such special graduation
919 requirements prescribed by the district school board shall include
920 minimum graduation requirements as prescribed by the state board.

921 Any such student who meets all special requirements of the
922 district school board for his exceptionality, but is unable to

923 meet the appropriate special state minimum requirements, shall be
924 awarded a special certificate of completion in a form prescribed
925 by the state board. Nothing provided in this section, however,
926 shall be construed to limit or restrict the right of an
927 exceptional student solely to a special diploma. Any such student
928 shall, upon proper request, be afforded the opportunity to fully
929 meet all requirements of Section 37-16-7 through the standard
930 procedures established therein and thereby qualify for a standard
931 diploma upon graduation.

932 SECTION 19. This act shall take effect and be in force from
933 and after July 1, 1999.