

By: Representative Montgomery

To: Education;  
Appropriations

## HOUSE BILL NO. 1318

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH  
2 AND IMPLEMENT AN EXCELLENT SCHOOLS PROGRAM FOR IDENTIFYING AND  
3 GRANTING FINANCIAL INCENTIVES TO LOW-PERFORMING SCHOOLS THAT  
4 IMPROVE; TO ESTABLISH CRITERIA AND AUTHORIZE SALARY PAYMENTS TO  
5 SCHOOL PERSONNEL UNDER THIS PROGRAM; TO AMEND SECTION 37-17-6,  
6 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON SCHOOL  
7 ACCREDITATION TO DEVELOP A SCHOOL IMPROVEMENT PROGRAM AND A  
8 PROBATIONARY PERIOD FOR SCHOOLS WITH ACCREDITATION DEFICIENCIES,  
9 TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ASSIGN AND EMPOWER  
10 ASSISTANCE TEAMS IN SUCH LOW-PERFORMING SCHOOLS, TO AUTHORIZE SUCH  
11 ASSISTANCE TEAMS TO RECOMMEND EMPLOYMENT TERMINATION OF LICENSED  
12 EMPLOYEES IN SUCH LOW-PERFORMING SCHOOLS, TO PROVIDE AN EMPLOYMENT  
13 TERMINATION AND APPEALS PROCEDURE, AND TO AUTHORIZE THE COMMISSION  
14 TO EXERCISE MANAGEMENT OVERRIDE AUTHORITY AND SALARY REDUCTION  
15 AUTHORITY OVER THE PRINCIPAL OF A SCHOOL WHICH HAS HAD ITS  
16 ACCREDITATION WITHDRAWN; TO AMEND SECTIONS 37-6-13, 37-9-37 AND  
17 37-9-105, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR  
18 RELATED PURPOSES.

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

20 SECTION 1. (1) The State Board of Education shall establish,  
21 design and implement` schools that improve. The State Board of  
22 Education shall develop rules and regulations for the program,  
23 establish criteria, and establish a process through which  
24 improving schools will be identified and rewarded. Beginning with  
25 the 1999-2000 school year, Excellent School designation shall be  
26 made by the State Board of Education as follows:

27 (a) Any Level 1 school that achieves Level 2 of the  
28 performance-based accreditation standards as prescribed in Section  
29 37-17-6 shall be designated as an Excellent School.

30 (b) Excellent Schools that meet Level 2 accreditation  
31 standards shall be identified through the consideration of an  
32 index of indicators of schools' performance to be developed by the  
33 board, which shall be correlated to the performance-based  
34 accreditation system. The index shall include, but not be limited  
35 to, the following:

(i) High student achievement scores;

(ii) Low dropout rates;

(iii) Good student attendance;

(iv) High teacher attendance and participation in professional development activities and organizations. Teacher absence from school for professional development and/or contributions should be weighted in favor of the school district;

(v) Percent of students in core curriculum as developed by the Board of Trustees of State Institutions of Higher Learning;

(vi) Measures of parental and community participation;

(vii) Student participation in extracurricular academic and community-based activities;

(viii) The ratio of the school's administrative budget to its instructional budget.

No Level 2 school shall be designated as an Excellent School until it has completed the review process and met the criteria established by the State Board of Education.

An Excellent School designation shall be given by the board to any Level 2 school whose composite index improved from one (1) school year to the next and the level of improvement was deemed "substantial" by the board. The board shall define and publish what improvements will be considered substantial before the beginning of each school year. Excellent School designation shall not depend upon a favorable comparison with the index achieved by any other school in the state. The index shall be applied to the school data by the State Board of Education and shall be structured so that Excellent School designation shall not be achieved by a school where the lowest quartile of student achievement scores is not improving.

(2) Upon designation, Excellent Schools shall be eligible to receive an incentive amount to be determined by the State Board of Education per licensed personnel and an incentive amount to be

70 determined by the State Board of Education per nonlicensed  
71 personnel. Seventy percent (70%) of the funds earned through  
72 designation as an Excellent School shall be used for salary  
73 expenses for existing personnel. Use of the remaining thirty  
74 percent (30%) of the funds shall be determined by a vote of all  
75 personnel employed at the school or attendance center. No portion  
76 of the funds shall be expended for athletics.

77 SECTION 2. Section 37-17-6, Mississippi Code of 1972, is  
78 amended as follows:

79 37-17-6. (1) The State Board of Education, acting through  
80 the Commission on School Accreditation, shall establish and  
81 implement a permanent performance-based accreditation system, and  
82 all public elementary and secondary schools shall be accredited  
83 under this system.

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

89 (3) (a) Beginning with the 1994-1995 school year, the State  
90 Board of Education, acting through the Commission on School  
91 Accreditation, shall require as a minimum requirement for Level  
92 III, IV and V accreditation, that school districts employ  
93 certified school librarians according to the following formula:

|    |                      |   |                      |
|----|----------------------|---|----------------------|
| 94 | Number of Students   |   | Number of Certified  |
| 95 | Per School Library   |   | School Librarians    |
| 96 | 0 - 499 Students     | ½ | Full-time Equivalent |
| 97 |                      |   | Certified Librarian  |
| 98 | 500 or More Students | 1 | Full-time Certified  |
| 99 |                      |   | Librarian            |

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

102 (c) The assignment of such school librarians to the  
103 particular schools shall be at the discretion of the local school

104 district. No individual shall be employed as a certified school  
105 librarian without appropriate training and certification as a  
106 school librarian by the State Department of Education.

107 (d) To qualify for Level III accreditation, school  
108 librarians in such district shall spend at least fifty percent  
109 (50%) of direct work time in a school library and shall devote no  
110 more than one-fourth (1/4) of the workday to administrative  
111 activities which are library related.

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

115 (f) Any additional millage levied to fund school  
116 librarians required for accreditation under this subsection shall  
117 be included in the tax increase limitation set forth in Sections  
118 37-57-105 and 37-57-107 and shall not be deemed a new program for  
119 purposes of the limitation.

120 (4) On or before July 1, 1994, the State Board of Education  
121 shall implement the performance-based accreditation system which  
122 shall include school performance standards that are comparable to  
123 any national standards which may be established. The system shall  
124 establish rigorous minimum standards; establish levels above the  
125 minimum which demand exemplary performance; hold all school  
126 districts accountable for their students' educational progress;  
127 and establish strict measures for those districts which fail to  
128 meet minimum standards.

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

132 (6) The State Board of Education shall create an  
133 accreditation audit unit under the Commission on School  
134 Accreditation. This audit unit shall be made up of full-time  
135 employees of the State Department of Education who are trained as  
136 accreditation auditors. This audit unit shall conduct field  
137 audits of schools on a random basis or when ordered by the

Commission on School Accreditation, to determine whether schools are complying with accreditation standards. The audit unit shall also train the evaluators set forth in subsection (10) of this section. The audit unit shall report directly to the Commission on School Accreditation on the result of all audits.

(7) The State Board of Education shall be specifically authorized and empowered to withhold adequate minimum education program or 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.

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

(9) 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 (14) 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 (14) of this section have been invoked.

(10) 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, no later than the end of the school year, and make recommendations for corrective actions to remove the impairment status;

(b) Notify any applicable \* \* \* school district failing to meet accreditation standards that it is on probation until the recommendations for corrective action are taken or until the deficiencies have been removed. \* \* \* The State Department of Education shall develop a corrective action plan with the school district 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 drop-out data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district to improve: (a) instruction; (b) curriculum; (c) professional development; (d) personnel and classroom organization; (e) student incentives for performance; (f) process deficiencies; and (g) 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 presented to the State Board of Education for approval. Local school districts may revise their corrective action plans at any time; however, all revisions shall be submitted to the State Department of Education for review and shall be submitted to the State Board of Education for final approval. Local school districts may recommend to the State Board of Education a schedule for the completion of its corrective action plan, to be approved by the State Board of Education prior to its implementation. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical

206 assistance to the school district in making corrective actions.  
207 Beginning July 1, 1998, subject to the availability of funds, the  
208 State Department of Education shall provide technical and/or  
209 financial assistance to all such school districts in order to  
210 implement each measure identified in that district's corrective  
211 action plan through professional development and on-site  
212 assistance. Each such school district shall apply for and utilize  
213 all available federal funding in order to support its corrective  
214 action plan in addition to state funds made available under this  
215 paragraph;

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

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

225 The publication shall include the following: declaration of  
226 school system's status as being on probation; all details relating  
227 to the impairment report, length of probationary period, and  
228 corrective action recommendations made. Public notices issued  
229 under this section shall be subject to Section 13-3-31 and not  
230 contrary to other laws regarding newspaper publication.

231 (11) If the recommendations for corrective action are not  
232 taken by the \* \* \* school district or if the deficiencies are not  
233 removed by the end of the probationary period, the Commission on  
234 School Accreditation shall conduct a hearing to allow such  
235 affected school district to present evidence or other reasons why  
236 its accreditation should not be withdrawn. Subsequent to its  
237 consideration of the results of such hearing, the Commission on  
238 School Accreditation shall be authorized, with the approval of the  
239 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 which would allow the State Board of Education to select from the following actions:

(a) 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. Such 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;

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

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

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

(e) If the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for such consolidation to proceed,



the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education.

(12) The Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks, after a state of emergency has been declared, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of such notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. Such notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

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

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

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

(14) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation

exists in a school district which jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and such emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, the State Board of Education, with the concurrence of the State Auditor, may request the Governor to declare a state of emergency in that school district. For purposes of this subsection, such 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. During the state of emergency, the State Board of Education shall take such action as prescribed in Section 37-17-13 and may take one or more of the following actions:

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

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

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

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

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

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

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

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

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

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

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

Upon the declaration of a state of emergency in a school district under this subsection, the State Board of Education shall cause notice to be published for at least three (3) consecutive

376 weeks in a newspaper published within the jurisdiction of that  
377 school district, or if no newspaper is published therein, in a  
378 newspaper having a general circulation in the school district.  
379 The notice shall be no smaller than one-fourth (1/4) of a standard  
380 newspaper page and shall be printed in bold print in a section  
381 other than the legal notices section of the newspaper. The notice  
382 shall include, in the discretion of the State Board of Education,  
383 any or all details relating to the district's emergency status,  
384 including the declaration of a state of emergency in the school  
385 district and a description of the district's impairment  
386 deficiencies and corrective actions recommended and being taken in  
387 the emergency situation.

388       At such time as satisfactory corrective action has been taken  
389 in such school district, the State Board of Education, with the  
390 concurrence of the State Auditor, may request the Governor to  
391 declare that the state of emergency no longer exists in such  
392 district, and the powers and responsibilities of an interim  
393 conservator assigned to such district shall cease from and after  
394 the termination of the state of emergency. Upon termination of  
395 the state of emergency in such school district, the State Board of  
396 Education shall cause notice to be published in the school  
397 district in the same manner provided above, to include any or all  
398 details relating to the corrective action taken in the school  
399 district which resulted in the termination of the state of  
400 emergency.

401       In order to provide loans to school districts under a state  
402 of emergency which have impairments related to a lack of financial  
403 resources, the School District Emergency Assistance Fund is  
404 created as a special fund in the State Treasury into which monies  
405 may be transferred or appropriated by the Legislature from any  
406 available public education funds. The maximum amount that may be  
407 appropriated or transferred to the School District Emergency  
408 Assistance Fund for any one (1) emergency shall be Two Million  
409 Dollars (\$2,000,000.00), and the maximum amount that may be

410 appropriated during any fiscal year shall be Three Million Dollars  
411 (\$3,000,000.00).

412         The State Board of Education may loan monies from the School  
413 District Emergency Assistance Fund to a school district that is  
414 under a state of emergency in such amounts, as determined by the  
415 board, which are necessary to correct the district's impairments  
416 related to a lack of financial resources. The loans shall be  
417 evidenced by an agreement between the school district and the  
418 State Board of Education and shall be repayable in principal,  
419 without necessity of interest, to the State General Fund or the  
420 Education Enhancement Fund, depending on the source of funding for  
421 such loan, by the school district from any allowable funds that  
422 are available. The total amount loaned to the district shall be  
423 due and payable within five (5) years after the impairments  
424 related to a lack of financial resources are corrected. If a  
425 school district fails to make payments on the loan in accordance  
426 with the terms of the agreement between the district and the State  
427 Board of Education, the State Department of Education, in  
428 accordance with rules and regulations established by the State  
429 Board of Education, may withhold that district's minimum program  
430 funds in an amount and manner that will effectuate repayment  
431 consistent with the terms of the agreement; such funds withheld by  
432 the department shall be deposited into the State General Fund or  
433 the Education Enhancement Fund, as the case may be.

434         If the State Board of Education determines that an extreme  
435 emergency exists, simultaneous with the powers exercised in this  
436 subsection, it shall take immediate action against all parties  
437 responsible for the affected school districts having been  
438 determined to be in an extreme emergency. Such action shall  
439 include, but not be limited to, initiating civil actions to  
440 recover funds and criminal actions to account for criminal  
441 activity. Any funds recovered by the State Auditor or the State  
442 Board of Education from the surety bonds of school officials or  
443 from any civil action brought under this subsection shall be

444 applied toward the repayment of any loan made to a school district  
445 hereunder.

446 A declaration by the Governor that a state of emergency  
447 exists in a school district under this subsection shall have no  
448 effect on the requirements set forth in subsections (9) through  
449 (12) of this section. During the period of a state of emergency  
450 declared under this subsection, the State Board of Education may  
451 proceed under the authority of subsections (9) through (12) of  
452 this section. If a provision in this subsection directly  
453 conflicts with a provision in subsection (9), (10), (11) or (12),  
454 during the state of emergency, this subsection shall prevail.

455 (15) In the event a majority of the membership of the school  
456 board of any school district resigns from office, the State Board  
457 of Education shall be authorized to assign an interim conservator,  
458 who shall be responsible for the administration, management and  
459 operation of the school district until such time as new board  
460 members are selected or the Governor declares a state of emergency  
461 in that school district under subsection (14), whichever occurs  
462 first. In such case, the State Board of Education, acting through  
463 the interim conservator, shall have all powers which were held by  
464 the previously existing school board, and may take such action as  
465 prescribed in Section 37-17-13 and/or one or more of the actions  
466 authorized in subsection (14)(a) through (d) of this section.

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

474 (17) The State Board of Education, on such date deemed  
475 appropriate by the board, shall establish for those individual  
476 schools failing to meet accreditation standards a program of  
477 development to be complied with in order to receive state funds.

Under the program, the following actions shall be taken by the State Board of Education.

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

(b) Notify any school failing to meet accreditation standards that it is on probation until the recommendations for school improvement are taken or until the deficiencies have been removed. The State Department of Education shall develop a school improvement plan with the school principal to improve its deficiencies, to be presented to the State Board of Education for approval. School principals may revise their school improvement plans at any time; however, all revisions shall be submitted to the State Department of Education for review and shall be submitted to the State Board of Education for final approval. 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 in making improvement actions; or contract, in its discretion, with the institutions of higher learning or other appropriate private entities to develop school improvement plans and provide professional development for schools placed on probation;

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

If the recommendations for corrective action are not taken by the school 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 such school to present evidence or other reasons why its accreditation should not be withdrawn. Subsequent to its consideration or the results of such hearing, the Commission on School Accreditation, with the approval of the State Board of Education, may withdraw the accreditation of the school and may either override any decision of the school principal concerning the management and operation of that particular school or reduce monthly salary amounts paid to the principal of that particular school until such time as corrective actions are implemented or the deficiencies are removed.

(f) The State Board of Education, acting through the Commission on School Accreditation, may assign an assistance team to any school identified as low-performing under this subsection or to any other school that requests an assistance team and that the state board determines would benefit from an assistance team. The state board shall give priority to low-performing schools in which the educational performance of the students is declining. The State Department of Education, with the approval of the state board, shall provide staff as needed and requested by an assistance team. When assigned to an identified low-performing school, an assistance team shall take the following actions:

(i) Review and investigate all facets of school operations and assist in developing recommendations for improving student performance at that school;

(ii) Evaluate, at least semiannually, the licensed personnel assigned to the school and make findings and recommendations concerning their performance;

(iii) Collaborate with school staff, central offices and local school boards in the design, implementation and monitoring of a plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance at



546 that school;

547 (iv) Make recommendations as the school develops  
548 and implements this plan;

549 (v) Review the school's progress;

550 (vi) Report, as appropriate, to the local school  
551 board, the community and the State Board of Education on the  
552 school's progress. If an assistance team determines that an  
553 accepted school improvement plan is impeding student performance  
554 at a school, the team may recommend to the local school board that  
555 it vacate the relevant portions of that plan and direct the school  
556 to revise those portions;

557 (vii) If a school fails to improve student  
558 performance after assistance is provided under this paragraph, the  
559 assistance team may recommend that the assistance continues or  
560 that the state board take further action under this section.

561 (g) The State Board of Education may revoke or refuse  
562 to renew a teacher's or administrator's license when: (i) the  
563 state board identifies the school in which the teacher is employed  
564 as low-performing under this subsection; and (ii) the assistance  
565 team assigned to that school under this subsection makes the  
566 recommendation to revoke or refuse to renew the teacher's license  
567 for one or more reasons established by the State Board of  
568 Education, acting through the Commission on Teacher and  
569 Administrator Education, Certification and Licensure and  
570 Development, in its rules for certificate/license suspension or  
571 revocation established under Section 37-3-2. A teacher, assistant  
572 principal or other licensed school employee may request a hearing  
573 before a panel of three (3) members of the Commission on Teacher  
574 and Administrator Education, Certification and Licensure and  
575 Development within thirty (30) days of any dismissal under this  
576 paragraph. The State Board of Education shall adopt procedures to  
577 ensure that due process rights are afforded to persons recommended  
578 for dismissal under this paragraph. Decisions of the panel may be  
579 appealed on the record to the State Board of Education, with

further right of judicial review as provided under Section 37-3-2.

(h) The State Board of Education or a local school board may terminate the contract of a school administrator or superintendent dismissed under this paragraph. Nothing in this subsection shall prevent a local school board from refusing to renew the contract of any person employed in a school identified as low-performing under this subsection. Neither party to a school administrator contract is entitled to damages under this subsection. The State Board of Education shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection.

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

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

614 25-3-41.

615       Such expenses shall be paid on order of the school board by  
616 pay certificates issued by the superintendent of the school  
617 district involved against the funds available for payment of the  
618 administrative expense of said district.

619       This section shall not entitle any school board member to per  
620 diem or other compensation if the school is low-performing as  
621 provided in Section 37-17-6.

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

624       37-9-37. The amount of the salary to be paid any  
625 superintendent, principal or licensed employee shall be fixed by  
626 the school board, provided that the requirements of Chapter 19 of  
627 this title are met as to superintendents, principals and licensed  
628 employees paid in whole or in part from minimum education program  
629 funds. In employing such superintendents, principals and licensed  
630 employees and in fixing their salaries, the school boards shall  
631 take into consideration the character, professional training,  
632 experience, executive ability and teaching capacity of the  
633 licensed employee, superintendent or principal. It is the intent  
634 of the Legislature that whenever the salary of the school district  
635 superintendent is set by a school board, the board shall take into  
636 consideration the amount of money that the district spends per  
637 pupil, and shall attempt to insure that the administrative cost of  
638 the district and the amount of the salary of the superintendent  
639 are not excessive in comparison to the per pupil expenditure of  
640 the district.

641       This section shall not entitle any superintendent of schools  
642 or county superintendent of education to salary or other  
643 compensation if the school is low-performing as provided in  
644 Section 37-17-6.

645       SECTION 5. Section 37-9-105, Mississippi Code of 1972, is  
646 amended as follows:

647       37-9-105. In the event that a determination is made by a

648 school district not to offer an employee a renewal contract for a  
649 successive year, written notice of nonrenewal shall be given  
650 within seven (7) days of the date when the recommendation to  
651 reemploy would have been made under the provisions of Sections  
652 37-9-15 and 37-9-17, and amendments thereto, but in any event no  
653 later than the following:

654           (a) If the employee is a superintendent, the school  
655 district shall give notice of nonreemployment on or before  
656 February 1;

657           (b) If the employee is a principal, the school district  
658 shall give notice of nonreemployment on or before March 1;

659           (c) If the employee is a teacher or other professional  
660 educator, the school district shall give notice of nonreemployment  
661 on or before April 8.

662       An interim conservator or a low-performing school assistance  
663 team appointed pursuant to the provisions of Section  
664 37-17-6(14)(a) or (17), or a school board acting on the  
665 recommendation of a school district financial advisor or a  
666 low-performing school assistance team appointed pursuant to the  
667 provisions of Sections 37-9-18 or 37-17-6(17) shall not be  
668 required to comply with the time limitations prescribed in this  
669 section for recommending the reemployment of superintendents,  
670 assistant superintendents or principals.

671       SECTION 6. This act shall take effect and be in force from  
672 and after July 1, 1999.