

By: Senator(s) Ferris

To: Education

## SENATE BILL NO. 2156

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16 WITHDRAWN AND TO DELETE CERTAIN REFERENCES TO LEVEL I AND LEVEL II  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

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

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

26 37-17-6. (1) The State Board of Education, acting through  
27 the Commission on School Accreditation, shall establish and  
28 implement a permanent performance-based accreditation system, and  
29 all public elementary and secondary schools shall be accredited  
30 under this system.

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

36 (3) (a) Beginning with the 1994-1995 school year, the State  
37 Board of Education, acting through the Commission on School

38 Accreditation, shall require as a minimum requirement for Level  
39 III, IV and V accreditation, that school districts employ  
40 certified school librarians according to the following formula:

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

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

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

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

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

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

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

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

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

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

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

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

104 (9) The State Board of Education shall establish, for those  
105 school districts failing to meet accreditation standards, a

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

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

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

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

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

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

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

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

172 The publication shall include the following: declaration of  
173 school system's status as being on probation; all details relating

174 to the impairment report, length of probationary period, and  
175 corrective action recommendations made. Public notices issued  
176 under this section shall be subject to Section 13-3-31 and not  
177 contrary to other laws regarding newspaper publication.

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

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

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

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

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

214 (d) Reduce per diem compensation and expense  
215 reimbursement payments to local school board members for attending  
216 regular or special board meetings;

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

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

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

237 (12) The Commission on School Accreditation shall be  
238 responsible for public notice at least once a week for at least  
239 three (3) consecutive weeks, after a state of emergency has been  
240 declared, in a newspaper published within the jurisdiction of the  
241 school district failing to meet accreditation standards, or if no

242 newspaper is published therein, then in a newspaper having a  
243 general circulation therein. The size of such notice shall be no  
244 smaller than one-fourth (1/4) of a standard newspaper page and  
245 shall be printed in bold print. Such notice shall begin as  
246 follows: "By authority of Section 37-17-6, Mississippi Code of  
247 1972, adopted by the Mississippi Legislature during the 1991  
248 Regular Session, this school district (name of school district) is  
249 hereby placed under the jurisdiction of the State Department of  
250 Education acting through its appointed conservator (name of  
251 conservator)."

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

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

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

267 (14) If the State Board of Education and the Commission on  
268 School Accreditation determine that an extreme emergency situation  
269 exists in a school district which jeopardizes the safety, security  
270 or educational interests of the children enrolled in the schools  
271 in that district and such emergency situation is believed to be  
272 related to a serious violation or violations of accreditation  
273 standards or state or federal law, the State Board of Education,  
274 with the concurrence of the State Auditor, may request the  
275 Governor to declare a state of emergency in that school district.



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

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

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

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

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

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

309                   (v) Approving or disapproving all athletic, band

310 and other extracurricular activities and any matters related to  
311 those activities;

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

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

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

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

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

334 (e) Reduce per diem compensation and expense  
335 reimbursement payments to local school board members for attending  
336 regular or special board meetings;

337 (f) Reduce monthly salary amounts paid to the  
338 superintendent of schools or the county superintendent of  
339 education of such school district, to not less than One Hundred  
340 Dollars (\$100.00) per month.

341 The cost of the salary of the conservator and any other  
342 actual and necessary costs related to the conservatorship paid by  
343 the State Department of Education shall be reimbursed by the local

344 school district from nonminimum program funds. The department  
345 shall submit an itemized statement to the superintendent of the  
346 local school district for reimbursement purposes, and any unpaid  
347 balance may be withheld from the district's minimum or adequate  
348 education program funds.

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

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

377       In order to provide loans to school districts under a state

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

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

410 If the State Board of Education determines that an extreme  
411 emergency exists, simultaneous with the powers exercised in this

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

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

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

443 (16) Beginning with the school district audits conducted for  
444 the 1997-1998 fiscal year, the State Board of Education, acting  
445 through the Commission on School Accreditation, shall require each

446 school district to comply with standards established by the State  
447 Department of Audit for the verification of fixed assets and the  
448 auditing of fixed assets records as a minimum requirement for  
449 accreditation.

450 (17) Beginning July 1, 1999, or at a later date as  
451 determined by the State Board of Education acting through the  
452 Commission on School Accreditation, the State Board of Education  
453 shall establish for those individual schools failing to meet  
454 accreditation standards, a program of development to be complied  
455 with in order to receive state funds, as follows:

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

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

473 (c) Offer, during the probationary period, technical  
474 assistance to the school in making improvement actions; or  
475 contract, in its discretion, with the institutions of higher  
476 learning or other appropriate private entities to develop school  
477 improvement plans and provide professional development for schools  
478 placed on probation;

479 (d) Provide for publication of public notice at least

480 one (1) time during the probationary period, in a newspaper  
481 published within the school attendance zone of the school failing  
482 to meet accreditation standards, which shall include the  
483 following: declaration of school's status as being on probation;  
484 all details relating to the impairment report, length of  
485 probationary period, and school improvement recommendations made.  
486 Public notices issued under this paragraph shall be subject to  
487 Section 13-3-31 and not contrary to other laws regarding newspaper  
488 publication.

489 (e) If the recommendations for corrective action are  
490 not taken by the school or if the deficiencies are not removed by  
491 the end of the probationary period, the Commission on School  
492 Accreditation shall conduct a hearing to allow such school to  
493 present evidence or other reasons why its accreditation should not  
494 be withdrawn. Subsequent to its consideration or the results of  
495 such hearing, the Commission on School Accreditation shall be  
496 authorized, with the approval of the State Board of Education, to  
497 withdraw the accreditation of the school and shall be authorized  
498 to select from the following actions:

499 (i) Override any decision of the school principal  
500 concerning the management and operation of that particular school;

501 (ii) Reduce monthly salary amounts paid to the  
502 principal of that particular school until such time as corrective  
503 actions are implemented or the deficiencies are removed.

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

506 37-17-13. (1) Whenever the Governor declares a state of  
507 emergency in a school district in response to a certification by  
508 the State Board of Education and the Commission on School  
509 Accreditation made under Section 37-17-6(14), the State Board of  
510 Education, in addition to any actions taken under Section  
511 37-17-6(14), shall abolish the school district and assume control  
512 and administration of the schools formerly constituting the  
513 district, and appoint a conservator to carry out this purpose

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

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

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



548 appointment of school board members and a superintendent or  
549 superintendents to govern the district or districts affected, in  
550 the manner provided by law.

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

553 37-6-13. Each person serving as a member of the school board  
554 of any school district shall receive per diem in the amount of  
555 Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)  
556 meetings of the school board during any one (1) fiscal year or, in  
557 his or her discretion, irrevocably may choose to receive as  
558 compensation for his or her services an annual salary in the  
559 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which  
560 choice shall remain in force for all successive terms or periods  
561 of service of that member. The receipt of the compensation shall  
562 not entitle any member of a school board to receive or be eligible  
563 for any state employee group insurance, retirement or other fringe  
564 benefits. Each member shall be reimbursed for the necessary  
565 expenses and mileage in attending meetings of the school board.  
566 In addition to the foregoing, all members may be reimbursed for  
567 mileage and actual expenses incurred in the further performance of  
568 their duties, including attendance at any mandatory school board  
569 training session or at regional and national education meetings,  
570 when such mileage and other expenses are authorized by the board  
571 prior to the date on which they occur. Detailed vouchers shall be  
572 submitted for reimbursement for all expenses authorized by this  
573 section. Such reimbursement shall be in accordance with Section  
574 25-3-41.

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

579 This section shall not entitle any school board member to per  
580 diem or other compensation if the school district is subject to a  
581 conservatorship as provided in Section 37-17-6(11) or (14),

582 Mississippi Code of 1972.

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

585 37-9-37. The amount of the salary to be paid any  
586 superintendent, principal or licensed employee shall be fixed by  
587 the school board, provided that the requirements of Chapter 19 of  
588 this title are met as to superintendents, principals and licensed  
589 employees paid in whole or in part from minimum education program  
590 funds. In employing such superintendents, principals and licensed  
591 employees and in fixing their salaries, the school boards shall  
592 take into consideration the character, professional training,  
593 experience, executive ability and teaching capacity of the  
594 licensed employee, superintendent or principal. It is the intent  
595 of the Legislature that whenever the salary of the school district  
596 superintendent is set by a school board, the board shall take into  
597 consideration the amount of money that the district spends per  
598 pupil, and shall attempt to insure that the administrative cost of  
599 the district and the amount of the salary of the superintendent  
600 are not excessive in comparison to the per pupil expenditure of  
601 the district.

602 This section shall not entitle any superintendent of schools  
603 or county superintendent of education to salary or other  
604 compensation if the school district is subject to a  
605 conservatorship as provided in Section 37-17-6(11) or (14),  
606 Mississippi Code of 1972.

607 SECTION 5. This act shall take effect and be in force from  
608 and after July 1, 1999.