

By: Senator(s) Ferris

To: Education

SENATE BILL NO. 2156  
(As Passed the Senate)

1 AN ACT ENTITLED THE MISSISSIPPI STUDENT ACHIEVEMENT  
2 IMPROVEMENT ACT OF 1999; TO AMEND SECTION 37-16-7, MISSISSIPPI  
3 CODE OF 1972, TO AUTHORIZE STUDENT ASSESSMENT STANDARDS FOR  
4 STUDENT PROMOTION AND GRADUATION IN THE PUBLIC SCHOOLS; TO AMEND  
5 SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO DEFINE STANDARDS FOR  
6 THE IMPLEMENTATION OF A PERFORMANCE-BASED ACCREDITATION SYSTEM FOR  
7 INDIVIDUAL SCHOOLS AND SCHOOL DISTRICTS BY THE STATE BOARD OF  
8 EDUCATION, TO REQUIRE ANY SCHOOL DISTRICT UNDER A CONSERVATORSHIP  
9 TO REIMBURSE THE STATE DEPARTMENT OF EDUCATION FOR THE SALARY AND  
10 OTHER ACTUAL COSTS RELATED TO THE DUTIES OF THE CONSERVATOR, TO  
11 AUTHORIZE THE STATE BOARD OF EDUCATION TO INITIATE AND MAKE  
12 DECISIONS REGARDING THE OPERATION OF SCHOOLS AND SCHOOL DISTRICTS  
13 UNDER A CONSERVATORSHIP, TO CLARIFY THE AUTHORITY OF THE  
14 CONSERVATOR, TO DELETE CERTAIN REFERENCES TO LEVEL I AND LEVEL II  
15 SCHOOL DISTRICTS, TO EMPOWER AND DIRECT THE STATE BOARD OF  
16 EDUCATION TO ESTABLISH AND IMPLEMENT AN IMPROVING AND  
17 HIGH-PERFORMING SCHOOLS PROGRAM FOR IDENTIFYING AND GRANTING  
18 FINANCIAL INCENTIVES TO SCHOOLS THAT IMPROVE AND TO ESTABLISH  
19 CRITERIA AND AUTHORIZE SALARY PAYMENTS TO SCHOOL PERSONNEL UNDER  
20 THIS PROGRAM; TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972,  
21 TO CLARIFY THAT THE STATE BOARD OF EDUCATION SHALL HAVE ALL POWERS  
22 OF THE PREVIOUSLY EXISTING SCHOOL SUPERINTENDENT IN CASES WHERE  
23 THE SCHOOL DISTRICT HAS BEEN ABOLISHED DUE TO A STATE OF EMERGENCY  
24 AND IN CONFORMITY; TO AMEND SECTION 25-9-120, MISSISSIPPI CODE OF  
25 1972, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ENTER INTO  
26 LONG-TERM CONTRACTS FOR STUDENT ASSESSMENT; TO AMEND SECTION  
27 37-15-29 AND 37-15-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
28 TRANSFER OF STUDENTS RESIDING IN ADJACENT SCHOOL DISTRICTS WHEN  
29 THE PARENT OR GUARDIAN OWNS PROPERTY IN BOTH DISTRICTS, IF THE  
30 TRANSFEREE SCHOOL OR DISTRICT HAS A HIGHER ACCREDITATION LEVEL;  
31 AND FOR RELATED PURPOSES.

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

33 SECTION 1. This act shall be known and may be cited as the  
34 "Mississippi Student Achievement Improvement Act of 1999."

35 SECTION 2. Section 37-16-7, Mississippi Code of 1972, is  
36 amended as follows:

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

40                   (a) Mastery of \* \* \* minimum academic skills as  
41 measured by assessments developed and administered by the State  
42 Board of Education \* \* \*.

43                   (b) Completion of a minimum number of academic credits,  
44 and all other applicable requirements prescribed by the district  
45 school board.

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

49           (3) The State Board of Education may establish student  
50 proficiency standards for promotion to grade levels leading to  
51 graduation.

52           SECTION 3. Section 37-17-6, Mississippi Code of 1972, is  
53 amended as follows:

54                   37-17-6. (1) The State Board of Education, acting through  
55 the Commission on School Accreditation, shall establish and  
56 implement a permanent performance-based accreditation system, and  
57 all public elementary and secondary schools shall be accredited  
58 under this system.

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

64                   (3) (a) Beginning with the 1994-1995 school year, the State  
65 Board of Education, acting through the Commission on School  
66 Accreditation, shall require \* \* \* that school districts employ  
67 certified school librarians according to the following formula:

68           Number of Students	Number of Certified
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69	Per School Library		School Librarians
70	0 - 499 Students	½	Full-time Equivalent
71			Certified Librarian
72	500 or More Students	1	Full-time Certified
73			Librarian

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

76 (c) The assignment of such school librarians to the  
77 particular schools shall be at the discretion of the local school  
78 district. No individual shall be employed as a certified school  
79 librarian without appropriate training and certification as a  
80 school librarian by the State Department of Education.

81 (d) \* \* \* School librarians in such district shall  
82 spend at least fifty percent (50%) of direct work time in a school  
83 library and shall devote no more than one-fourth (1/4) of the  
84 workday to administrative activities which are library related.

85 (e) Nothing in this subsection shall prohibit any  
86 school district from employing more certified school librarians  
87 than are provided for in this section.

88 (f) Any additional millage levied to fund school  
89 librarians required for accreditation under this subsection shall  
90 be included in the tax increase limitation set forth in Sections  
91 37-57-105 and 37-57-107 and shall not be deemed a new program for  
92 purposes of the limitation.

93 (4) On or before July 1, 2000, the State Board of Education  
94 shall implement the performance-based accreditation system for  
95 school districts and for individual schools which shall include  
96 the following:

97 (a) High expectations for students and high standards

98 for all schools, with a focus on the basic curriculum;

99 (b) Strong accountability for results with appropriate  
100 local flexibility for local implementation;

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

103 (d) Individual schools shall be held accountable for  
104 student growth and performance;

105 (e) Set annual performance standards for each of the  
106 schools of the state and measure the performance of each school  
107 against itself through the standard that has been set for it;

108 (f) A determination of which schools exceed their  
109 standards and a plan for providing recognition and rewards  
110 including monetary incentives to such schools, subject to  
111 appropriation therefor by the Legislature;

112 (g) A determination of which schools are failing to  
113 meet their standards and a determination of the appropriate role  
114 of the State Board of Education and the State Department of  
115 Education in providing assistance and initiating possible  
116 intervention; and

117 (h) Development of a comprehensive student assessment  
118 system to implement these requirements.

119 The State Board of Education may continue to assign school  
120 district performance levels by using a number classification and  
121 may assign individual school performance levels by using a number  
122 classification to be consistent with school district performance  
123 levels.

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

127           (6) The State Board of Education shall create an  
128 accreditation audit unit under the Commission on School  
129 Accreditation \* \* \* to determine whether schools are complying  
130 with accreditation standards. \* \* \*

131           (7) The State Board of Education shall be specifically  
132 authorized and empowered to withhold adequate minimum education  
133 program or adequate education program fund allocations, whichever  
134 is applicable, to any public school district for failure to timely  
135 report student, school personnel and fiscal data necessary to meet  
136 state and/or federal requirements.

137           (8) \* \* \*

138           (9) The State Board of Education shall establish, for those  
139 school districts failing to meet accreditation standards, a  
140 program of development to be complied with in order to receive  
141 state funds, except as otherwise provided in subsection (14) of  
142 this section when the Governor has declared a state of emergency  
143 in a school district or as otherwise provided in Section 206,  
144 Mississippi Constitution of 1890. The state board, in  
145 establishing these standards, shall provide for notice to schools  
146 and sufficient time and aid to enable schools to attempt to meet  
147 these standards, unless procedures under subsection (14) of this  
148 section have been invoked.

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

152                   (a) Develop an impairment report for each district  
153 failing to meet accreditation standards in conjunction with school  
154 district officials \* \* \*;

155                   (b) Notify any applicable \* \* \* school district failing

156 to meet accreditation standards that it is on probation  
157 until \* \* \* corrective actionsu are taken or until the deficiencies  
158 have been removed. \* \* \* The local school district shall develop  
159 a corrective action plan \* \* \* to improve its deficiencies. For  
160 district academic deficiencies, the corrective action plan for  
161 each such school district shall be based upon a complete analysis  
162 of the following: student test data, student grades, student  
163 attendance reports, student drop-out data, existence and other  
164 relevant data. The corrective action plan shall describe the  
165 specific measures to be taken by the particular school district  
166 and school to improve: (a) instruction; (b) curriculum; (c)  
167 professional development; (d) personnel and classroom  
168 organization; (e) student incentives for performance; (f) process  
169 deficiencies; and (g) reporting to the local school board, parents  
170 and the community. The corrective action plan shall describe the  
171 specific individuals responsible for implementing each component  
172 of the recommendation and how each will be evaluated. All  
173 corrective action plans shall be provided to the State Board of  
174 Education as may be required. \* \* \* The decision of the State  
175 Board of Education establishing the probationary period of time  
176 shall be final;

177 (c) Offer, during the probationary period, technical  
178 assistance to the school district in making corrective actions.  
179 Beginning July 1, 1998, subject to the availability of funds, the  
180 State Department of Education shall provide technical and/or  
181 financial assistance to all such school districts in order to  
182 implement each measure identified in that district's corrective  
183 action plan through professional development and on-site  
184 assistance. Each such school district shall apply for and utilize

185 all available federal funding in order to support its corrective  
186 action plan in addition to state funds made available under this  
187 paragraph;

188 (d) Contract, in its discretion, with the institutions  
189 of higher learning or other appropriate private entities to assist  
190 school districts;

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

196 The publication shall include the following: declaration of  
197 school system's status as being on probation; all details relating  
198 to the impairment report, and other information as the State Board  
199 of Education deems appropriate. Public notices issued under this  
200 section shall be subject to Section 13-3-31 and not contrary to  
201 other laws regarding newspaper publication.

202 (11) If the recommendations for corrective action are not  
203 taken by the local school district or if the deficiencies are not  
204 removed by the end of the probationary period, the Commission on  
205 School Accreditation shall conduct a hearing to allow such  
206 affected school district to present evidence or other reasons why  
207 its accreditation should not be withdrawn. Subsequent to its  
208 consideration of the results of such hearing, the Commission on  
209 School Accreditation shall be authorized, with the approval of the  
210 State Board of Education, to withdraw the accreditation of a  
211 public school district, and issue a request to the Governor that a  
212 state of emergency be declared in that district which would allow  
213 the State Board of Education to select from the following actions:

214           (a) Declare a state of emergency, under which some or  
215 all of state funds can be escrowed except as otherwise provided in  
216 Section 206, Constitution of 1890, until the board determines  
217 corrective actions are being taken or the deficiencies have been  
218 removed, or that the needs of students warrant the release of  
219 funds. Such funds may be released from escrow for any program  
220 which the board determines to have been restored to standard even  
221 though the state of emergency may not as yet be terminated for the  
222 district as a whole;

223           (b) Override any decision of the local school board  
224 concerning the management and operation of the school district, or  
225 initiate and make decisions concerning the management and  
226 operation of the school district;

227           (c) Assign an interim "conservator" who will administer  
228 the management and operation of the school system \* \* \* until  
229 corrective actions are implemented or the deficiencies are  
230 removed. The interim conservator shall be responsible for the  
231 administration, management and operation of the school district,  
232 including, but not limited to, the following activities:

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



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

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

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

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

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

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

264 The school superintendent and the local school board of a  
265 deficient school shall comply fully with the conservator appointed  
266 by the State Board of Education. The cost of the salary of the  
267 conservator and any other actual and necessary costs related to  
268 the conservatorship paid by the State Department of Education  
269 shall be reimbursed by the local school district from nonminimum  
270 program funds. The department shall submit an itemized statement  
271 to the superintendent of the local school district for

272 reimbursement purposes, and any unpaid balance may be withheld  
273 from the district's minimum or adequate education program funds;

274 (d) \* \* \* Grant transfers to students who attend this  
275 school district so that they may attend other accredited schools  
276 or districts in a manner which is not in violation of state or  
277 federal law;

278 (e) If the accreditation deficiencies are related to  
279 the fact that the school district is too small, with too few  
280 resources, to meet the required standards and if another school  
281 district is willing to accept those students, abolish that  
282 district and assign that territory to another school district or  
283 districts. If the school district has proposed a voluntary  
284 consolidation with another school district or districts, then if  
285 the State Board of Education finds that it is in the best interest  
286 of the pupils of the district for such consolidation to proceed,  
287 the voluntary consolidation shall have priority over any such  
288 assignment of territory by the State Board of Education.

289 (12) The Commission on School Accreditation shall be  
290 responsible for public notice at least once a week for at least  
291 three (3) consecutive weeks, after a state of emergency has been  
292 declared, in a newspaper published within the jurisdiction of the  
293 school district failing to meet accreditation standards, or if no  
294 newspaper is published therein, then in a newspaper having a  
295 general circulation therein. The size of such notice shall be no  
296 smaller than one-fourth (1/4) of a standard newspaper page and  
297 shall be printed in bold print. Such notice shall begin as  
298 follows: "By authority of Section 37-17-6, Mississippi Code of  
299 1972, adopted by the Mississippi Legislature during the 1991  
300 Regular Session, this school district (name of school district) is

301 hereby placed under the jurisdiction of the State Department of  
302 Education acting through its appointed conservator (name of  
303 conservator)."

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

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

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

319 (14) If the State Board of Education and the Commission on  
320 School Accreditation determine that an extreme emergency situation  
321 exists in a school district which jeopardizes the safety, security  
322 or educational interests of the children enrolled in the schools  
323 in that district and such emergency situation is believed to be  
324 related to a serious violation or violations of accreditation  
325 standards or state or federal law, the State Board of  
326 Education \* \* \* may request the Governor to declare a state of  
327 emergency in that school district. For purposes of this  
328 subsection, such declarations of a state of emergency shall not be  
329 limited to those instances when a school district's impairments

330 are related to a lack of financial resources, but also shall  
331 include serious failure to meet minimum academic standards, as  
332 evidenced by a continued pattern of poor student performance.  
333 During the state of emergency, the State Board of Education shall  
334 take such action as prescribed in Section 37-17-13 and may take  
335 one or more of the following actions:

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

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

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

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

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

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

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

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

371                   (b) Override any decision of the local school board or  
372 superintendent of education, or both, relating to the  
373 administration and operation of the school district or initiate  
374 and make decisions concerning the management and operation of the  
375 school district;

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

383                   (d) Grant transfers to students who attend this school  
384 district so that they may attend other accredited schools or  
385 districts in a manner which is not in violation of state or  
386 federal law;

387                   (e) Require the production of the necessary reports,

388 correspondence, financial statements and any other documents or  
389 information necessary to ascertain the extent of the district's  
390 deficiencies and the corrective action required to remove the  
391 district's impairment status.

392 The cost of the salary of the conservator and any other  
393 actual and necessary costs related to the conservatorship paid by  
394 the State Department of Education shall be reimbursed by the local  
395 school district from nonminimum program funds. The department  
396 shall submit an itemized statement to the superintendent of the  
397 local school district for reimbursement purposes, and any unpaid  
398 balance may be withheld from the district's minimum or adequate  
399 education program funds.

400 Upon the declaration of a state of emergency in a school  
401 district under this subsection, the State Board of Education shall  
402 cause notice to be published for at least three (3) consecutive  
403 weeks in a newspaper published within the jurisdiction of that  
404 school district, or if no newspaper is published therein, in a  
405 newspaper having a general circulation in the school district.  
406 The notice shall be no smaller than one-fourth (1/4) of a standard  
407 newspaper page and shall be printed in bold print in a section  
408 other than the legal notices section of the newspaper. The notice  
409 shall include, in the discretion of the State Board of Education,  
410 any or all details relating to the district's emergency status,  
411 including the declaration of a state of emergency in the school  
412 district and a description of the district's impairment  
413 deficiencies and corrective actions recommended and being taken in  
414 the emergency situation.

415 At such time as satisfactory corrective action has been taken  
416 in such school district, the State Board of Education \* \* \* may

417 request the Governor to declare that the state of emergency no  
418 longer exists in such district, and the powers and  
419 responsibilities of an interim conservator assigned to such  
420 district shall cease from and after the termination of the state  
421 of emergency. Upon termination of the state of emergency in such  
422 school district, the State Board of Education shall cause notice  
423 to be published in the school district in the same manner provided  
424 above, to include any or all details relating to the corrective  
425 action taken in the school district which resulted in the  
426 termination of the state of emergency.

427 In order to provide loans to school districts under a state  
428 of emergency which have impairments related to a lack of financial  
429 resources, the School District Emergency Assistance Fund is  
430 created as a special fund in the State Treasury into which monies  
431 may be transferred or appropriated by the Legislature from any  
432 available public education funds. The maximum amount that may be  
433 appropriated or transferred to the School District Emergency  
434 Assistance Fund for any one (1) emergency shall be Two Million  
435 Dollars (\$2,000,000.00), and the maximum amount that may be  
436 appropriated during any fiscal year shall be Three Million Dollars  
437 (\$3,000,000.00).

438 The State Board of Education may loan monies from the School  
439 District Emergency Assistance Fund to a school district that is  
440 under a state of emergency in such amounts, as determined by the  
441 board, which are necessary to correct the district's impairments  
442 related to a lack of financial resources. The loans shall be  
443 evidenced by an agreement between the school district and the  
444 State Board of Education and shall be repayable in principal,  
445 without necessity of interest, to the State General Fund or the

446 Education Enhancement Fund, depending on the source of funding for  
447 such loan, by the school district from any allowable funds that  
448 are available. The total amount loaned to the district shall be  
449 due and payable within five (5) years after the impairments  
450 related to a lack of financial resources are corrected. If a  
451 school district fails to make payments on the loan in accordance  
452 with the terms of the agreement between the district and the State  
453 Board of Education, the State Department of Education, in  
454 accordance with rules and regulations established by the State  
455 Board of Education, may withhold that district's minimum program  
456 funds in an amount and manner that will effectuate repayment  
457 consistent with the terms of the agreement; such funds withheld by  
458 the department shall be deposited into the State General Fund or  
459 the Education Enhancement Fund, as the case may be.

460 If the State Board of Education determines that an extreme  
461 emergency exists, simultaneous with the powers exercised in this  
462 subsection, it shall take immediate action against all parties  
463 responsible for the affected school districts having been  
464 determined to be in an extreme emergency. Such action shall  
465 include, but not be limited to, initiating civil actions to  
466 recover funds and criminal actions to account for criminal  
467 activity. Any funds recovered by the State Auditor or the State  
468 Board of Education from the surety bonds of school officials or  
469 from any civil action brought under this subsection shall be  
470 applied toward the repayment of any loan made to a school district  
471 hereunder.

472 A declaration by the Governor that a state of emergency  
473 exists in a school district under this subsection shall have no  
474 effect on the requirements set forth in subsections (9) through



475 (12) of this section. During the period of a state of emergency  
476 declared under this subsection, the State Board of Education may  
477 proceed under the authority of subsections (9) through (12) of  
478 this section. If a provision in this subsection directly  
479 conflicts with a provision in subsection (9), (10), (11) or (12),  
480 during the state of emergency, this subsection shall prevail.

481 (15) In the event a majority of the membership of the school  
482 board of any school district resigns from office, the State Board  
483 of Education shall be authorized to assign an interim conservator,  
484 who shall be responsible for the administration, management and  
485 operation of the school district until such time as new board  
486 members are selected or the Governor declares a state of emergency  
487 in that school district under subsection (14), whichever occurs  
488 first. In such case, the State Board of Education, acting through  
489 the interim conservator, shall have all powers which were held by  
490 the previously existing school board, and may take such action as  
491 prescribed in Section 37-17-13 and/or one or more of the actions  
492 authorized in subsection (14)(a) through (d) of this section.

493 (16) Beginning with the school district audits conducted for  
494 the 1997-1998 fiscal year, the State Board of Education, acting  
495 through the Commission on School Accreditation, shall require each  
496 school district to comply with standards established by the State  
497 Department of Audit for the verification of fixed assets and the  
498 auditing of fixed assets records as a minimum requirement for  
499 accreditation.

500 (17) The State Board of Education shall establish, design  
501 and implement an Improving and High-Performing Schools Program for  
502 identifying and rewarding public schools that improve or are  
503 high-performing. The State Board of Education shall develop rules

504 and regulations for the program, establish criteria, and establish  
505 a process through which improving high-performing schools will be  
506 identified and rewarded.

507 Upon designation, Improving or High-Performing Schools shall  
508 be eligible to receive: (a) an incentive amount to be determined  
509 by the State Board of Education per certificated personnel and an  
510 incentive amount to be determined by the State Board of Education  
511 per noncertificated personnel; (b) all such funds earned through  
512 designation as an Improving School shall be used for salary  
513 expenses for existing personnel.

514 The State Superintendent of Education and the State Board of  
515 Education shall develop a comprehensive accountability plan to  
516 ensure that local school boards, superintendents, principals and  
517 teachers are held accountable for student achievement, and shall  
518 make a report thereon to the Education Committees of both houses  
519 of the Legislature on or before January, 2000, with any necessary  
520 legislative recommendations. No incentive awards shall be made to  
521 a school under this subsection until the accountability plan has  
522 been developed and approved by the State Board of Education, and  
523 necessary statutory amendments have been enacted.

524 This subsection (17) shall be subject to specific  
525 appropriation therefor by the Legislature.

526 SECTION 4. Section 37-17-13, Mississippi Code of 1972, is  
527 amended as follows:

528 37-17-13. (1) Whenever the Governor declares a state of  
529 emergency in a school district in response to a certification by  
530 the State Board of Education and the Commission on School  
531 Accreditation made under Section 37-17-6(14), the State Board of  
532 Education, in addition to any actions taken under Section

533 37-17-6(14), shall abolish the school district and assume control  
534 and administration of the schools formerly constituting the  
535 district, and appoint a conservator to carry out this purpose  
536 under the direction of the State Board of Education. In such  
537 case, the State Board of Education shall have all powers which  
538 were held by the previously existing school board, and the  
539 previously existing superintendent of schools or county  
540 superintendent of education, including, but not limited to, those  
541 enumerated in Section 37-7-301, and the authority to request tax  
542 levies from the appropriate governing authorities for the support  
543 of the schools and to receive and expend the tax funds as provided  
544 by Section 37-57-1 et seq., and Section 37-57-105 et seq.

545 (2) When a school district is abolished under this section,  
546 loans from the School District Emergency Assistance Fund may be  
547 made by the State Board of Education for the use and benefit of  
548 the schools formerly constituting the district in accordance with  
549 the procedures set forth in Section 37-17-6(14) for such loans to  
550 the district. The abolition of a school district under this  
551 section shall not impair or release the property of that school  
552 district from liability for the payment of the loan indebtedness,  
553 and it shall be the duty of the appropriate governing authorities  
554 to levy taxes on the property of the district so abolished from  
555 year to year according to the terms of the indebtedness until same  
556 shall be fully paid.

557 (3) After a school district is abolished under this section,  
558 at such time as the State Board of Education determines that the  
559 impairments have been substantially corrected, the State Board of  
560 Education shall reconstitute, reorganize or change or alter the  
561 boundaries of the previously existing district; provided, however,

562 that no partition or assignment of territory formerly included in  
563 the abolished district to one or more other school districts may  
564 be made by the State Board of Education without the consent of the  
565 school board of the school district to which such territory is to  
566 be transferred, such consent to be spread upon its minutes. At  
567 that time, the State Board of Education, in appropriate cases,  
568 shall notify the appropriate governing authority or authorities of  
569 its action and request them to provide for the election or  
570 appointment of school board members and a superintendent or  
571 superintendents to govern the district or districts affected, in  
572 the manner provided by law.

573 SECTION 5. Section 25-9-120, Mississippi Code of 1972, is  
574 amended as follows:

575 25-9-120. (1) Contract personnel, whether classified as  
576 contract workers or independent contractors shall not be deemed  
577 state service or nonstate service employees of the State of  
578 Mississippi, and shall not be eligible to participate in the  
579 Public Employees' Retirement System, or the state employee health  
580 plan, nor be allowed credit for personal and sick leave and other  
581 leave benefits as employees of the State of Mississippi,  
582 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101  
583 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through  
584 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth  
585 herein. Contract workers, i.e., contract personnel who do not  
586 meet the criteria of independent contractors, shall be subject to  
587 the provisions of Section 25-11-127.

588 (2) There is hereby created the Personal Service Contract  
589 Review Board, which shall be composed of the State Personnel  
590 Director, the Executive Director of the Department of Finance and

591 Administration, or his designee, the Commissioner of Corrections,  
592 or his designee, the Executive Director of the Mississippi  
593 Department of Wildlife and Fisheries, or his designee, and the  
594 Executive Director of the Department of Environmental Quality, or  
595 his designee. The State Personnel Director shall be chairman and  
596 shall preside over the meetings of the board. The board shall  
597 annually elect a vice-chairman, who shall serve in the absence of  
598 the chairman. No business shall be transacted, including adoption  
599 of rules of procedure, without the presence of a quorum of the  
600 board. Three (3) members shall be a quorum. No action shall be  
601 valid unless approved by the chairman and two (2) other of those  
602 members present and voting, entered upon the minutes of the board  
603 and signed by the chairman. Necessary clerical and administrative  
604 support for the board shall be provided by the State Personnel  
605 Board. Minutes shall be kept of the proceedings of each meeting,  
606 copies of which shall be filed on a monthly basis with the  
607 Legislative Budget Office.

608 (3) The Personal Service Contract Review Board shall have  
609 the following powers and responsibilities:

610 (a) Promulgate rules and regulations governing the  
611 solicitation and selection of contractual services personnel  
612 including personal and professional services contracts for any  
613 form of consulting, policy analysis, public relations, marketing,  
614 public affairs, legislative advocacy services or any other  
615 contract that the board deems appropriate for oversight, with the  
616 exception of any personal service contracts entered into for  
617 computer or information technology-related services governed by  
618 the Mississippi Department of Information Technology Services, any  
619 personal service contracts entered into by the Mississippi

620 Department of Transportation, and any contract for attorney,  
621 accountant, auditor, physician, dentist, architect, engineer,  
622 veterinarian and utility rate expert services. Any such rules and  
623 regulations shall provide for maintaining continuous internal  
624 audit covering the activities of such agency affecting its revenue  
625 and expenditures as required under Section 7-7-3(6)(d),  
626 Mississippi Code of 1972.

627 (b) Approve all personal and professional services  
628 contracts involving the expenditures of funds in excess of One  
629 Hundred Thousand Dollars (\$100,000.00);

630 (c) Develop standards with respect to contractual  
631 services personnel which require invitations for public bid,  
632 requests for proposals, record keeping and financial  
633 responsibility of contractors. The Personal Service Contract  
634 Review Board may, in its discretion, require the agency involved  
635 to advertise such contract for public bid, and may reserve the  
636 right to reject any or all bids;

637 (d) Prescribe certain circumstances whereby agency  
638 heads may enter into contracts for personal and professional  
639 services without receiving prior approval from the Personal  
640 Service Contract Review Board. The Personal Service Contract  
641 Review Board may establish a pre-approved list of providers of  
642 various personal and professional services for set prices with  
643 which state agencies may contract without bidding or prior  
644 approval from the board.

645 (e) To provide standards for the issuance of requests  
646 for proposals, the evaluation of proposals received, consideration  
647 of costs and quality of services proposed, contract negotiations,  
648 the administrative monitoring of contract performance by the

649 agency and successful steps in terminating a contract;

650 (f) To present recommendations for governmental  
651 privatization and to evaluate privatization proposals submitted by  
652 any state agency;

653 (g) To authorize personal and professional service  
654 contracts to be effective for more than one (1) year provided a  
655 funding condition is included in any such multiple year contract,  
656 except the State Board of Education, which shall have the  
657 authority to enter into contractual agreements for student  
658 assessment for a period up to ten (10) years. The State Board of  
659 Education shall procure these services in accordance with the  
660 Personal Service Contract Review Board procurement regulations;

661 (h) To request the State Auditor to conduct a  
662 performance audit on any personal or professional service  
663 contract;

664 (i) Prepare an annual report to the Legislature  
665 concerning the issuance of personal service contracts during the  
666 previous year, collecting any necessary information from state  
667 agencies in making such report.

668 (4) No member of the Personal Service Contract Review Board  
669 shall use his official authority or influence to coerce, by threat  
670 of discharge from employment, or otherwise, the purchase of  
671 commodities or the contracting for personal or professional  
672 services under this section.

673 SECTION 6. Section 37-15-29, Mississippi Code of 1972, is  
674 amended as follows:

675 37-15-29. (1) Except as provided in subsections (2), (3)  
676 and (4) of this section, no minor child may enroll in or attend  
677 any school except in the school district of his residence, unless

678 such child be lawfully transferred from the school district of his  
679 residence to a school in another school district in accord with  
680 the statutes of this state now in effect or which may be hereafter  
681 enacted.

682 (2) Those children whose parent(s) or legal guardian(s) are  
683 instructional personnel or certificated employees of a school  
684 district may at such employee's discretion enroll and attend the  
685 school or schools of their parent's or legal guardian's employment  
686 regardless of the residence of the child.

687 (3) No child shall be required to be transported in excess  
688 of thirty (30) miles on a school bus from his or her home to  
689 school, or in excess of thirty (30) miles from school to his or  
690 her home, if there is another school in an adjacent school  
691 district located on a shorter school bus transportation route by  
692 the nearest traveled road. Those children residing in such  
693 geographical situations may, at the discretion of their parent(s)  
694 or legal guardian(s), enroll and attend the nearer school,  
695 regardless of the residence of the child. In the event the parent  
696 or legal guardian of such child and the school board are unable to  
697 agree on the school bus mileage required to transport the child  
698 from his or her home to school, an appeal shall lie to the State  
699 Board of Education, or its designee, whose decision shall be  
700 final.

701 (4) Those children lawfully transferred from the school  
702 district of his residence to a school in another school district  
703 prior to July 1, 1992, may, at the discretion of their parent(s)  
704 or legal guardian(s), continue to enroll and attend school in the  
705 transferee school district. Provided further, that the brother(s)  
706 and sister(s) of said children lawfully transferred prior to July



707 1, 1992, may also, at the discretion of their parent(s) or legal  
708 guardian(s), enroll and attend school in the transferee school  
709 district.

710 (5) Any child whose parent(s) or legal guardian(s) own real  
711 property located in a school district which is adjacent to the  
712 school district of his residence may, at the discretion of his  
713 parent(s) or legal guardian(s), enroll and attend the school  
714 located in the adjacent district if such school or school district  
715 is accredited at a higher level than the school or school district  
716 of his residence. The accreditation level of the applicable  
717 school or school district shall be determined by the State Board  
718 of Education, acting through the Mississippi Commission on School  
719 Accreditation.

720 SECTION 7. Section 37-15-31, Mississippi Code of 1972, is  
721 amended as follows:

722 37-15-31. (1) (a) Except as provided in subsections (2),  
723 (3) and (4) of this section, upon the petition in writing of a  
724 parent or guardian resident of the school district of an  
725 individual student filed or lodged with the president or secretary  
726 of the school board of a school district in which the pupil has  
727 been enrolled or is qualified to be enrolled as a student under  
728 Section 37-15-9, or upon the aforesaid petition or the initiative  
729 of the school board of a school district as to the transfer of a  
730 grade or grades, individual students living in one school district  
731 or a grade or grades of a school within the districts may be  
732 legally transferred to another school district, by the mutual  
733 consent of the school boards of all school districts concerned,  
734 said consent to be given in writing and spread upon the minutes of  
735 such boards.

736           (b) In the event such student transfer involves a  
737 school district in a county having an administrative  
738 superintendent as defined in Section 37-6-3, the transfer shall  
739 also require the approval in writing of the county board of  
740 education of such county. If such a transfer should be refused by  
741 the school board of either school district, then an appeal may be  
742 had to such county board of education. The county board of  
743 education to which the appeal is taken shall act thereon not later  
744 than the date of its next regular meeting subsequent to the  
745 disapproval or failure to act by the school board of said school  
746 district, or not later than the date of its next regular meeting  
747 subsequent to the filing of such appeal.

748           (c) The school board of the transferring school  
749 district to which such petition may be addressed shall act thereon  
750 not later than its next regular meeting subsequent to the filing  
751 or lodging of the petition, and a failure to act within said time  
752 shall constitute a rejection of such request. The school board of  
753 the other school district involved, the transferee board, and the  
754 county board of education, if applicable under paragraph (b) of  
755 this subsection, shall act on such request for transfer as soon as  
756 possible after the transferor board shall have approved or  
757 rejected such transfer and no later than the next regular meeting  
758 of the transferee board or county board of education, and a  
759 failure of such transferee board to act within such time shall  
760 constitute a rejection of such request. If such a transfer is  
761 approved by the transferee board, and the county board of  
762 education if applicable under paragraph (b) of this subsection,  
763 then such decision shall be final. If such a transfer should be  
764 refused by the school board of either school district or the

765 county board of education, then such decision shall be final.

766 (d) Any legal guardianship formed for the purpose of  
767 establishing residency for school district attendance purposes  
768 shall not be recognized by the affected school board.

769 (2) (a) Upon the petition in writing of any parent or  
770 guardian who is a resident of Mississippi and is an instructional  
771 or certificated employee of a school district, but not a resident  
772 of such district, the school board of the employer school district  
773 shall consent to the transfer of such employee's dependent  
774 school-age children to its district and shall spread the same upon  
775 the minutes of the board. Upon the petition in writing of any  
776 parent or guardian who is not a resident of Mississippi and on  
777 January 1, 1993, is an instructional or certificated employee of a  
778 school district in Mississippi, the school board of the employer  
779 school district shall consent to the transfer of such employee's  
780 dependent school-age children to its district and shall spread the  
781 same upon the minutes of the board.

782 (b) The school board of any school district may, in its  
783 discretion, adopt a uniform policy to allow the enrollment and  
784 attendance of the dependent children of noninstructional and  
785 noncertificated employees, who are residents of Mississippi but  
786 are not residents of their district. Such policy shall be based  
787 upon the employment needs of the district, implemented according  
788 to job classification groups and renewed each school year.

789 (c) The employer transferee school district shall  
790 notify in writing the school district from which the pupil or  
791 pupils are transferring, and the school board of the transferor  
792 school district shall spread the same upon its minutes.

793 (d) Any such agreement by school boards for the legal

794 transfer of a student shall include a provision providing for the  
795 transportation of the student. In the absence of such a provision  
796 the responsibility for transporting the student to the transferee  
797 school district shall be that of the parent or guardian.

798 (e) Any school district which accepts a student under  
799 the provisions of this subsection shall not assess any tuition  
800 fees upon such transferring student in accordance with the  
801 provisions of Section 37-19-27.

802 (3) Upon the petition in writing of any parent or legal  
803 guardian of a school-age child who is a resident of an adjacent  
804 school district residing in the geographical situation described  
805 in Section 37-15-29(3), the school board of the school district  
806 operating the school located in closer proximity to the residence  
807 of the child shall consent to the transfer of the child to its  
808 district, and shall spread the same upon the minutes of the board.

809 Any such agreement by school boards for the legal transfer of a  
810 student under this subsection shall include a provision for the  
811 transportation of the student by either the transferor or the  
812 transferee school district. In the event that either the school  
813 board of the transferee or the transferor school district shall  
814 object to said transfer, it shall have the right to appeal to the  
815 State Board of Education whose decision shall be final. However,  
816 if the school boards agreeing on the legal transfer of any student  
817 shall fail to agree on which district shall provide  
818 transportation, the responsibility for transporting the student to  
819 the transferee school district shall be that of the parent or  
820 guardian.

821 (4) Upon the petition in writing of any parent or legal  
822 guardian of a school-age child who was lawfully transferred to

823 another school district prior to July 1, 1992, as described in  
824 Section 37-15-29(4), the school board of the transferee school  
825 district shall consent to the transfer of such child and the  
826 transfer of any school-age brother and sister of such child to its  
827 district, and shall spread the same upon the minutes of the board.

828 (5) Upon the petition in writing of any parent or legal  
829 guardian of a school-age child who is a resident of an adjacent  
830 school district owning real property located in such transferee  
831 school district as described in Section 37-15-29(5), the school  
832 board of the adjacent school district shall consent to the  
833 transfer of the child to its district, and shall spread the same  
834 upon the minutes of the board. Any such agreement by school  
835 boards for the legal transfer of a student under this subsection  
836 shall include a provision for the transportation of the student by  
837 either the transferor or the transferee school district. In the  
838 event that either the school board of the transferee or the  
839 transferor school district shall object to said transfer, it shall  
840 have the right to appeal to the State Board of Education whose  
841 decision shall be final. However, if the school boards agreeing  
842 on the legal transfer of any student shall fail to agree on which  
843 district shall provide transportation, the responsibility for  
844 transporting the student to the transferee school district shall  
845 be that of the parent or guardian.

846 SECTION 8. This act shall take effect and be in force from  
847 and after its passage.