

By: Senator(s) Ferris

To: Education

SENATE BILL NO. 2156  
(As Sent to Governor)

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 AND TO REQUIRE THE STATE BOARD OF EDUCATION TO  
16 RECOMMEND TO THE HOUSE AND SENATE EDUCATION COMMITTEES A PROGRAM  
17 FOR IDENTIFYING AND GRANTING FINANCIAL INCENTIVES TO SCHOOLS THAT  
18 IMPROVE; TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972, TO  
19 CLARIFY THAT THE STATE BOARD OF EDUCATION SHALL HAVE ALL POWERS OF  
20 THE PREVIOUSLY EXISTING SCHOOL SUPERINTENDENT IN CASES WHERE THE  
21 SCHOOL DISTRICT HAS BEEN ABOLISHED DUE TO A STATE OF EMERGENCY AND  
22 IN CONFORMITY; TO AMEND SECTION 25-9-120, MISSISSIPPI CODE OF  
23 1972, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ENTER INTO  
24 LONG-TERM CONTRACTS FOR STUDENT ASSESSMENT; AND FOR RELATED  
25 PURPOSES.

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

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

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

31 37-16-7. (1) Each district school board shall establish  
32 standards for graduation from its schools which shall include as a  
33 minimum:

34 (a) Mastery of \* \* \* minimum academic skills as  
35 measured by assessments developed and administered by the State  
36 Board of Education \* \* \*.

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

39 school board.

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

43 (3) The State Board of Education may establish student  
44 proficiency standards for promotion to grade levels leading to  
45 graduation.

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

48 37-17-6. (1) The State Board of Education, acting through  
49 the Commission on School Accreditation, shall establish and  
50 implement a permanent performance-based accreditation system, and  
51 all public elementary and secondary schools shall be accredited  
52 under this system.

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

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

62 Number of Students		63 Number of Certified
64 Per School Library		65 School Librarians
66 0 - 499 Students	67 ½	68 Full-time Equivalent
		69 Certified Librarian
70 500 or More Students	71 1	72 Full-time Certified
		Librarian

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

70 (c) The assignment of such school librarians to the  
71 particular schools shall be at the discretion of the local school  
72 district. No individual shall be employed as a certified school

73 librarian without appropriate training and certification as a  
74 school librarian by the State Department of Education.

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

79 (e) Nothing in this subsection shall prohibit any  
80 school district from employing more certified school librarians  
81 than are provided for in this section.

82 (f) Any additional millage levied to fund school  
83 librarians required for accreditation under this subsection shall  
84 be included in the tax increase limitation set forth in Sections  
85 37-57-105 and 37-57-107 and shall not be deemed a new program for  
86 purposes of the limitation.

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

91 (a) High expectations for students and high standards  
92 for all schools, with a focus on the basic curriculum;

93 (b) Strong accountability for results with appropriate  
94 local flexibility for local implementation;

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

97 (d) Individual schools shall be held accountable for  
98 student growth and performance;

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

102 (f) A determination of which schools exceed their  
103 standards and a plan for providing recognition and rewards to such  
104 schools;

105 (g) A determination of which schools are failing to  
106 meet their standards and a determination of the appropriate role

107 of the State Board of Education and the State Department of  
108 Education in providing assistance and initiating possible  
109 intervention; and

110 (h) Development of a comprehensive student assessment  
111 system to implement these requirements.

112 The State Board of Education may continue to assign school  
113 district performance levels by using a number classification and  
114 may assign individual school performance levels by using a number  
115 classification to be consistent with school district performance  
116 levels.

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

120 (6) The State Board of Education shall create an  
121 accreditation audit unit under the Commission on School  
122 Accreditation \* \* \* to determine whether schools are complying  
123 with accreditation standards. \* \* \*

124 (7) The State Board of Education shall be specifically  
125 authorized and empowered to withhold adequate minimum education  
126 program or adequate education program fund allocations, whichever  
127 is applicable, to any public school district for failure to timely  
128 report student, school personnel and fiscal data necessary to meet  
129 state and/or federal requirements.

130 (8) \* \* \*

131 (9) The State Board of Education shall establish, for those  
132 school districts failing to meet accreditation standards, a  
133 program of development to be complied with in order to receive  
134 state funds, except as otherwise provided in subsection (14) of  
135 this section when the Governor has declared a state of emergency  
136 in a school district or as otherwise provided in Section 206,  
137 Mississippi Constitution of 1890. The state board, in  
138 establishing these standards, shall provide for notice to schools  
139 and sufficient time and aid to enable schools to attempt to meet  
140 these standards, unless procedures under subsection (14) of this

141 section have been invoked.

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

145 (a) Develop an impairment report for each district  
146 failing to meet accreditation standards in conjunction with school  
147 district officials \* \* \*;

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

170 (c) Offer, during the probationary period, technical  
171 assistance to the school district in making corrective actions.  
172 Beginning July 1, 1998, subject to the availability of funds, the  
173 State Department of Education shall provide technical and/or  
174 financial assistance to all such school districts in order to

175 implement each measure identified in that district's corrective  
176 action plan through professional development and on-site  
177 assistance. Each such school district shall apply for and utilize  
178 all available federal funding in order to support its corrective  
179 action plan in addition to state funds made available under this  
180 paragraph;

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

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

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

195 (11) (a) If the recommendations for corrective action are  
196 not taken by the local school district or if the deficiencies are  
197 not removed by the end of the probationary period, the Commission  
198 on School Accreditation shall conduct a hearing to allow such  
199 affected school district to present evidence or other reasons why  
200 its accreditation should not be withdrawn. Subsequent to its  
201 consideration of the results of such hearing, the Commission on  
202 School Accreditation shall be authorized, with the approval of the  
203 State Board of Education, to withdraw the accreditation of a  
204 public school district, and issue a request to the Governor that a  
205 state of emergency be declared in that district \* \* \*.

206 (b) If the State Board of Education and the Commission  
207 on School Accreditation determine that an extreme emergency  
208 situation exists in a school district which jeopardizes the

209 safety, security or educational interests of the children enrolled  
210 in the schools in that district and such emergency situation is  
211 believed to be related to a serious violation or violations of  
212 accreditation standards or state or federal law, the State Board  
213 of Education may request the Governor to declare a state of  
214 emergency in that school district. For purposes of this  
215 paragraph, such declarations of a state of emergency shall not be  
216 limited to those instances when a school district's impairments  
217 are related to a lack of financial resources, but also shall  
218 include serious failure to meet minimum academic standards, as  
219 evidenced by a continued pattern of poor student performance.

220 (c) Whenever the Governor declares a state of emergency  
221 in a school district in response to a request made under paragraph  
222 (a) or (b) of this subsection, the State Board of Education may  
223 take one or more of the following actions:

224 (i) Declare a state of emergency, under which some  
225 or all of state funds can be escrowed except as otherwise provided  
226 in Section 206, Constitution of 1890, until the board determines  
227 corrective actions are being taken or the deficiencies have been  
228 removed, or that the needs of students warrant the release of  
229 funds. Such funds may be released from escrow for any program  
230 which the board determines to have been restored to standard even  
231 though the state of emergency may not as yet be terminated for the  
232 district as a whole;

233 (ii) Override any decision of the local school  
234 board or superintendent of education, or both, concerning the  
235 management and operation of the school district, or initiate and  
236 make decisions concerning the management and operation of the  
237 school district;

238 (iii) Assign an interim conservator who will have  
239 those powers and duties prescribed in subsection (14) of this  
240 section;

241 (iv) \* \* \* Grant transfers to students who attend  
242 this school district so that they may attend other accredited

243 schools or districts in a manner which is not in violation of  
244 state or federal law;

245 (v) For states of emergency declared under  
246 paragraph (a) only, if the accreditation deficiencies are related  
247 to the fact that the school district is too small, with too few  
248 resources, to meet the required standards and if another school  
249 district is willing to accept those students, abolish that  
250 district and assign that territory to another school district or  
251 districts. If the school district has proposed a voluntary  
252 consolidation with another school district or districts, then if  
253 the State Board of Education finds that it is in the best interest  
254 of the pupils of the district for such consolidation to proceed,  
255 the voluntary consolidation shall have priority over any such  
256 assignment of territory by the State Board of Education;

257 (vi) For states of emergency declared under  
258 paragraph (b) only, reduce local supplements paid to school  
259 district employees, including, but not limited to, instructional  
260 personnel, assistant teachers and extracurricular activities  
261 personnel, if the district's impairment is related to a lack of  
262 financial resources, but only to an extent which will result in  
263 the salaries being comparable to districts similarly situated, as  
264 determined by the State Board of Education;

265 (vii) For states of emergency declared under  
266 paragraph (b) only, the State Board of Education must take such  
267 action as prescribed in Section 37-17-13.

268 (d) At such time as satisfactory corrective action has  
269 been taken in a school district in which a state of emergency has  
270 been declared, the State Board of Education may request the  
271 Governor to declare that the state of emergency no longer exists  
272 in the district.

273 (12) Upon the declaration of a state of emergency in a  
274 school district under subsection (11) of this section, the  
275 Commission on School Accreditation shall be responsible for public  
276 notice at least once a week for at least three (3) consecutive



277 weeks \* \* \* in a newspaper published within the jurisdiction of  
278 the school district failing to meet accreditation standards, or if  
279 no newspaper is published therein, then in a newspaper having a  
280 general circulation therein. The size of such notice shall be no  
281 smaller than one-fourth (1/4) of a standard newspaper page and  
282 shall be printed in bold print. If a conservator has been  
283 appointed for the school district, such notice shall begin as  
284 follows: "By authority of Section 37-17-6, Mississippi Code of  
285 1972, as amended, adopted by the Mississippi Legislature during  
286 the 1991 Regular Session, this school district (name of school  
287 district) is hereby placed under the jurisdiction of the State  
288 Department of Education acting through its appointed conservator  
289 (name of conservator)."

290 The notice also shall \* \* \* include, in the discretion of the  
291 State Board of Education, any or all details relating to the  
292 school district's emergency status, including the declaration of a  
293 state of emergency in the school district and a description of the  
294 district's impairment deficiencies, conditions of any  
295 conservatorship and corrective actions recommended and being  
296 taken. Public notices issued under this section shall be subject  
297 to Section 13-3-31 and not contrary to other laws regarding  
298 newspaper publication.

299 Upon termination of the state of emergency in a school  
300 district, the Commission on School Accreditation shall cause  
301 notice to be published in the school district in the same manner  
302 provided in this section, to include any or all details relating  
303 to the corrective action taken in the school district which  
304 resulted in the termination of the state of emergency.

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

310 Nothing in this section shall be construed to grant any

311 individual, corporation, board or conservator the authority to  
312 levy taxes except in accordance with presently existing statutory  
313 provisions.

314 (14) (a) Whenever the Governor declares a state of  
315 emergency in a school district in response to a request made under  
316 subsection (11) of this section, the State Board of Education, in  
317 its discretion, may assign an interim conservator to the school  
318 district who will be responsible for the administration,  
319 management and operation of the school district, including, but  
320 not limited to, the following activities:

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

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

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

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

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

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

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

352 (viii) Appointing a parent advisory committee,  
353 comprised of parents of students in the school district, which may  
354 make recommendations to the conservator concerning the  
355 administration, management and operation of the school district.

356 Except when, in the determination of the State Board of  
357 Education, the school district's impairment is related to a lack  
358 of financial resources, the cost of the salary of the conservator  
359 and any other actual and necessary costs related to the  
360 conservatorship paid by the State Department of Education shall be  
361 reimbursed by the local school district from nonminimum program  
362 funds. The department shall submit an itemized statement to the  
363 superintendent of the local school district for reimbursement  
364 purposes, and any unpaid balance may be withheld from the  
365 district's minimum or adequate education program funds.

366 At such time as \* \* \* the Governor, pursuant to the request  
367 of the State Board of Education, declares that the state of  
368 emergency no longer exists in a school district, \* \* \* the powers  
369 and responsibilities of the interim conservator assigned to such  
370 district shall cease \* \* \*.

371 (b) In order to provide loans to school districts under  
372 a state of emergency which have impairments related to a lack of  
373 financial resources, the School District Emergency Assistance Fund  
374 is created as a special fund in the State Treasury into which  
375 monies may be transferred or appropriated by the Legislature from  
376 any available public education funds. The maximum amount that may  
377 be appropriated or transferred to the School District Emergency  
378 Assistance Fund for any one (1) emergency shall be Two Million

379 Dollars (\$2,000,000.00), and the maximum amount that may be  
380 appropriated during any fiscal year shall be Three Million Dollars  
381 (\$3,000,000.00).

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

404         If the State Board of Education determines that an extreme  
405 emergency exists, simultaneous with the powers exercised in this  
406 subsection, it shall take immediate action against all parties  
407 responsible for the affected school districts having been  
408 determined to be in an extreme emergency. Such action shall  
409 include, but not be limited to, initiating civil actions to  
410 recover funds and criminal actions to account for criminal  
411 activity. Any funds recovered by the State Auditor or the State  
412 Board of Education from the surety bonds of school officials or

413 from any civil action brought under this subsection shall be  
414 applied toward the repayment of any loan made to a school district  
415 hereunder.

416 \* \* \*

417 (15) In the event a majority of the membership of the school  
418 board of any school district resigns from office, the State Board  
419 of Education shall be authorized to assign an interim conservator,  
420 who shall be responsible for the administration, management and  
421 operation of the school district until such time as new board  
422 members are selected or the Governor declares a state of emergency  
423 in that school district under subsection (11), whichever occurs  
424 first. In such case, the State Board of Education, acting through  
425 the interim conservator, shall have all powers which were held by  
426 the previously existing school board, and may take such action as  
427 prescribed in Section 37-17-13 and/or one or more of the actions  
428 authorized in \* \* \* this section.

429 (16) Beginning with the school district audits conducted for  
430 the 1997-1998 fiscal year, the State Board of Education, acting  
431 through the Commission on School Accreditation, shall require each  
432 school district to comply with standards established by the State  
433 Department of Audit for the verification of fixed assets and the  
434 auditing of fixed assets records as a minimum requirement for  
435 accreditation.

436 (17) Before December 1, 1999, the State Board of Education  
437 shall recommend a program to the Education Committees of the House  
438 of Representatives and the Senate for identifying and rewarding  
439 public schools that improve or are high-performing. The program  
440 shall be described by the board in a written report, which shall  
441 include criteria and a process through which improving schools and  
442 high-performing schools will be identified and rewarded.

443 The State Superintendent of Education and the State Board of  
444 Education also shall develop a comprehensive accountability plan  
445 to ensure that local school boards, superintendents, principals  
446 and teachers are held accountable for student achievement. A

447 written report on the accountability plan shall be submitted to  
448 the Education Committees of both houses of the Legislature before  
449 December 1, 1999, with any necessary legislative recommendations.

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

452 37-17-13. (1) Whenever the Governor declares a state of  
453 emergency in a school district in response to a certification by  
454 the State Board of Education and the Commission on School  
455 Accreditation made under Section 37-17-6(11)(b), the State Board  
456 of Education, in addition to any actions taken under Section  
457 37-17-6 \* \* \*, shall abolish the school district and assume  
458 control and administration of the schools formerly constituting  
459 the district, and appoint a conservator to carry out this purpose  
460 under the direction of the State Board of Education. In such  
461 case, the State Board of Education shall have all powers which  
462 were held by the previously existing school board, and the  
463 previously existing superintendent of schools or county  
464 superintendent of education, including, but not limited to, those  
465 enumerated in Section 37-7-301, and the authority to request tax  
466 levies from the appropriate governing authorities for the support  
467 of the schools and to receive and expend the tax funds as provided  
468 by Section 37-57-1 et seq., and Section 37-57-105 et seq.

469 (2) When a school district is abolished under this section,  
470 loans from the School District Emergency Assistance Fund may be  
471 made by the State Board of Education for the use and benefit of  
472 the schools formerly constituting the district in accordance with  
473 the procedures set forth in Section 37-17-6(14) for such loans to  
474 the district. The abolition of a school district under this  
475 section shall not impair or release the property of that school  
476 district from liability for the payment of the loan indebtedness,  
477 and it shall be the duty of the appropriate governing authorities  
478 to levy taxes on the property of the district so abolished from  
479 year to year according to the terms of the indebtedness until same  
480 shall be fully paid.

481           (3) After a school district is abolished under this section,  
482 at such time as the State Board of Education determines that the  
483 impairments have been substantially corrected, the State Board of  
484 Education shall reconstitute, reorganize or change or alter the  
485 boundaries of the previously existing district; \* \* \*  
486 however, \* \* \* no partition or assignment of territory formerly  
487 included in the abolished district to one or more other school  
488 districts may be made by the State Board of Education without the  
489 consent of the school board of the school district to which such  
490 territory is to be transferred, such consent to be spread upon its  
491 minutes. At that time, the State Board of Education, in  
492 appropriate cases, shall notify the appropriate governing  
493 authority or authorities of its action and request them to provide  
494 for the election or appointment of school board members and a  
495 superintendent or superintendents to govern the district or  
496 districts affected, in the manner provided by law.

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

499           25-9-120. (1) Contract personnel, whether classified as  
500 contract workers or independent contractors shall not be deemed  
501 state service or nonstate service employees of the State of  
502 Mississippi, and shall not be eligible to participate in the  
503 Public Employees' Retirement System, or the state employee health  
504 plan, nor be allowed credit for personal and sick leave and other  
505 leave benefits as employees of the State of Mississippi,  
506 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101  
507 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through  
508 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth  
509 herein. Contract workers, i.e., contract personnel who do not  
510 meet the criteria of independent contractors, shall be subject to  
511 the provisions of Section 25-11-127.

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

515 Administration, or his designee, the Commissioner of Corrections,  
516 or his designee, the Executive Director of the Mississippi  
517 Department of Wildlife and Fisheries, or his designee, and the  
518 Executive Director of the Department of Environmental Quality, or  
519 his designee. The State Personnel Director shall be chairman and  
520 shall preside over the meetings of the board. The board shall  
521 annually elect a vice-chairman, who shall serve in the absence of  
522 the chairman. No business shall be transacted, including adoption  
523 of rules of procedure, without the presence of a quorum of the  
524 board. Three (3) members shall be a quorum. No action shall be  
525 valid unless approved by the chairman and two (2) other of those  
526 members present and voting, entered upon the minutes of the board  
527 and signed by the chairman. Necessary clerical and administrative  
528 support for the board shall be provided by the State Personnel  
529 Board. Minutes shall be kept of the proceedings of each meeting,  
530 copies of which shall be filed on a monthly basis with the  
531 Legislative Budget Office.

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

534 (a) Promulgate rules and regulations governing the  
535 solicitation and selection of contractual services personnel  
536 including personal and professional services contracts for any  
537 form of consulting, policy analysis, public relations, marketing,  
538 public affairs, legislative advocacy services or any other  
539 contract that the board deems appropriate for oversight, with the  
540 exception of any personal service contracts entered into for  
541 computer or information technology-related services governed by  
542 the Mississippi Department of Information Technology Services, any  
543 personal service contracts entered into by the Mississippi  
544 Department of Transportation, and any contract for attorney,  
545 accountant, auditor, physician, dentist, architect, engineer,  
546 veterinarian and utility rate expert services. Any such rules and  
547 regulations shall provide for maintaining continuous internal  
548 audit covering the activities of such agency affecting its revenue



549 and expenditures as required under Section 7-7-3(6)(d),  
550 Mississippi Code of 1972.

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

554 (c) Develop standards with respect to contractual  
555 services personnel which require invitations for public bid,  
556 requests for proposals, record keeping and financial  
557 responsibility of contractors. The Personal Service Contract  
558 Review Board may, in its discretion, require the agency involved  
559 to advertise such contract for public bid, and may reserve the  
560 right to reject any or all bids;

561 (d) Prescribe certain circumstances whereby agency  
562 heads may enter into contracts for personal and professional  
563 services without receiving prior approval from the Personal  
564 Service Contract Review Board. The Personal Service Contract  
565 Review Board may establish a pre-approved list of providers of  
566 various personal and professional services for set prices with  
567 which state agencies may contract without bidding or prior  
568 approval from the board.

569 (e) To provide standards for the issuance of requests  
570 for proposals, the evaluation of proposals received, consideration  
571 of costs and quality of services proposed, contract negotiations,  
572 the administrative monitoring of contract performance by the  
573 agency and successful steps in terminating a contract;

574 (f) To present recommendations for governmental  
575 privatization and to evaluate privatization proposals submitted by  
576 any state agency;

577 (g) To authorize personal and professional service  
578 contracts to be effective for more than one (1) year provided a  
579 funding condition is included in any such multiple year contract,  
580 except the State Board of Education, which shall have the  
581 authority to enter into contractual agreements for student  
582 assessment for a period up to ten (10) years. The State Board of

583 Education shall procure these services in accordance with the  
584 Personal Service Contract Review Board procurement regulations;

585 (h) To request the State Auditor to conduct a  
586 performance audit on any personal or professional service  
587 contract;

588 (i) Prepare an annual report to the Legislature  
589 concerning the issuance of personal service contracts during the  
590 previous year, collecting any necessary information from state  
591 agencies in making such report.

592 (4) No member of the Personal Service Contract Review Board  
593 shall use his official authority or influence to coerce, by threat  
594 of discharge from employment, or otherwise, the purchase of  
595 commodities or the contracting for personal or professional  
596 services under this section.

597 SECTION 6. The Attorney General of the State of Mississippi  
598 shall submit this act, immediately upon approval by the Governor,  
599 or upon approval by the Legislature subsequent to a veto, to the  
600 Attorney General of the United States or to the United States  
601 District Court for the District of Columbia in accordance with the  
602 provisions of the Voting Rights Act of 1965, as amended and  
603 extended.

604 SECTION 7. This act shall take effect and be in force from  
605 and after the date it is effectuated under Section 5 of the Voting  
606 Rights Act of 1965, as amended and extended.