

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2765

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH A SCHOOL ASSESSMENT TASK FORCE WITHIN THE STATE
3 DEPARTMENT OF EDUCATION TO STUDY AND PROPOSE A REVISED SYSTEM OF
4 SCHOOL ACCREDITATION AND TO MAKE A RECOMMENDATION THEREON TO THE
5 STATE BOARD OF EDUCATION, TO PRESCRIBE CERTAIN STANDARDS FOR THE
6 REVISED ACCREDITATION PLAN AND TO PROVIDE FOR A TWO-YEAR
7 IMPLEMENTATION PERIOD FOR THE PROPOSED ACCREDITATION SYSTEM; AND
8 FOR RELATED PURPOSES.

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

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

12 37-17-6. (1) In order to assist the work of the Commission
13 on School Accreditation in the implementation of school
14 accreditation, there is hereby established within the State
15 Department of Education a School Assessment Task Force to be
16 composed of seventeen (17) qualified members. The task force
17 shall consist of the following membership, to be appointed by the
18 Governor on or before July 1, 1999, with three (3) members to be
19 appointed from each congressional district and two (2) members to
20 be appointed from the state at large: two (2) classroom teachers,
21 two (2) school administrators, one (1) representative of public
22 junior colleges, one (1) representative of institutions of higher
23 learning, one (1) representative of the Commission on School
24 Accreditation, two (2) local school board members, one (1)
25 representative of the State Superintendent of Education and seven
26 (7) lay persons. The task force shall be appointed by the
27 Governor and shall become effective July 1, 1999. The Governor
28 shall designate one (1) of the members of the task force as its
29 chairman. The first meeting of the task force shall be called by

30 the Governor as soon after July 1, 1999, as practical. Thereafter
31 the task force shall meet when called by its chairman, but in no
32 event less than one (1) time per month. Members of the task force
33 shall be compensated at a rate of per diem as authorized by
34 Section 25-3-69 and be reimbursed for actual and necessary
35 expenses as authorized by Section 25-3-41.

36 (2) An appropriate staff member of the State Department of
37 Education shall be designated and assigned by the State
38 Superintendent of Public Education to serve as executive secretary
39 to the task force. The State Superintendent of Public Education
40 shall also assign sufficient staff members from the State
41 Department of Education to serve as the staff of the task force.

42 (3) It shall be the duty of the task force to undertake a
43 study and to propose a plan to establish guidelines and criteria
44 for a revised school accreditation system and to report to the
45 Commission on School Accreditation on or before July 1, 2000, on
46 such a study and plan, and it shall further be the duty of the
47 task force to conduct a study and to make recommendations to the
48 State Board of Education through the Commission on School
49 Accreditation concerning curriculum and courses of study to be
50 used in the public schools that are best designed to prepare the
51 state's children and youth to be productive, informed and creative
52 citizens, workers and leaders. Such a study and plan should take
53 into account, but not necessarily be limited to, the following
54 factors relating to school accreditation:

55 (a) The role and behavior of the school principal;

56 (b) The amount of time given to instruction (hours per
57 day and days per year), especially in fundamentals;

58 (c) The availability and quality of preschool programs
59 and the level of preparedness of children who have been in those
60 programs;

61 (d) School-wide student discipline practices and
62 policies;

63 (e) The emphasis placed on acquisition of basic skills;

64 (f) The commitment to bringing all children to a
65 minimum level of achievement;

66 (g) The nature and quality of feedback given to

67 students about their level of performance and the amount of
68 reinforcement given to learning;

69 (h) Teacher preparedness as reflected in lesson plans,
70 learning objectives, assessment criteria and materials;

71 (i) Classroom decorum, discipline and management;

72 (j) The use of mastery learning techniques, direct
73 instruction and active teaching in each classroom;

74 (k) The amount of time on task in all learning
75 situations, and methods of assessing time on task as a measure of
76 teacher effectiveness;

77 (l) The availability and use of diagnostic measurements
78 in grade placement, assessment of a need for compensatory work or
79 remediation, and academic achievement;

80 (m) The proper sequencing of subject matter from class
81 to class and grade level to grade level;

82 (n) The coordination of curriculum throughout the
83 system so that teachers know what has been taught in previous
84 grades and what will be taught in subsequent grades.

85 (4) To aid in carrying out this study, the task force is
86 authorized to hold public hearings and to hire expert consultants.

87 (5) The task force is to be disbanded by the State Board of
88 Education on or before July 1, 2000, upon the filing of the report
89 of the task force.

90 (6) Once the task force has made its report to the
91 Commission on School Accreditation, the State Board of Education,
92 acting through the Commission on School Accreditation, shall
93 develop by July 1, 2000, a revised accreditation system, based on
94 said report of the task force for use in accrediting schools in
95 the state. To ensure that a workable system is adopted, the State
96 Department of Education, through the Commission on School
97 Accreditation, shall undertake a two-year field testing and
98 implementation period of the proposed accreditation system.

99 (7) No later than June 30, 1995, the State Board of

100 Education, acting through the Commission on School Accreditation,
101 shall require school districts to provide school classroom space
102 that is air conditioned as a minimum requirement for
103 accreditation.

104 (8) (a) Beginning with the 1994-1995 school year, the State
105 Board of Education, acting through the Commission on School
106 Accreditation, shall require as a minimum requirement for Level
107 III, IV and V accreditation, that school districts employ
108 certified school librarians according to the following formula:

109	Number of Students		Number of Certified
110	Per School Library		School Librarians
111	0 - 499 Students	½	Full-time Equivalent
112			Certified Librarian
113	500 or More Students	1	Full-time Certified
114			Librarian

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

117 (c) The assignment of such school librarians to the
118 particular schools shall be at the discretion of the local school
119 district. No individual shall be employed as a certified school
120 librarian without appropriate training and certification as a
121 school librarian by the State Department of Education.

122 (d) To qualify for Level III accreditation, school
123 librarians in such district shall spend at least fifty percent
124 (50%) of direct work time in a school library and shall devote no
125 more than one-fourth (1/4) of the workday to administrative
126 activities which are library related.

127 (e) Nothing in this subsection shall prohibit any
128 school district from employing more certified school librarians
129 than are provided for in this section.

130 (f) Any additional millage levied to fund school
131 librarians required for accreditation under this subsection shall
132 be included in the tax increase limitation set forth in Sections

133 37-57-105 and 37-57-107 and shall not be deemed a new program for
134 purposes of the limitation.

135 * * *

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

139 (10) The State Board of Education shall create an
140 accreditation audit unit under the Commission on School
141 Accreditation. This audit unit shall be made up of full-time
142 employees of the State Department of Education who are trained as
143 accreditation auditors. This audit unit shall conduct field
144 audits of schools on a random basis or when ordered by the
145 Commission on School Accreditation, to determine whether schools
146 are complying with accreditation standards. The audit unit shall
147 also train the evaluators set forth in subsection (10) of this
148 section. The audit unit shall report directly to the Commission
149 on School Accreditation on the result of all audits.

150 (11) The State Board of Education shall be specifically
151 authorized and empowered to withhold adequate minimum education
152 program or adequate education program fund allocations, whichever
153 is applicable, to any public school district for failure to timely
154 report student, school personnel and fiscal data necessary to meet
155 state and/or federal requirements.

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

164 (13) The State Board of Education shall establish, for those
165 schools failing to meet accreditation standards, a program of

166 development to be complied with in order to receive state funds,
167 except as otherwise provided in subsection (18) of this section
168 when the Governor has declared a state of emergency in a school
169 district or as otherwise provided in Section 206, Mississippi
170 Constitution of 1890. The state board, in establishing these
171 standards, shall provide for notice to schools and sufficient time
172 and aid to enable schools to attempt to meet these standards,
173 unless procedures under subsection (18) of this section have been
174 invoked.

175 (14) Beginning July 1, 1998, the State Board of Education
176 shall be charged with the implementation of the program of
177 development in each applicable Level I and II school district as
178 follows:

179 (a) Develop an impairment report for each district
180 failing to meet accreditation standards in conjunction with school
181 district officials, no later than the end of the school year, and
182 make recommendations for corrective actions to remove the
183 impairment status;

184 (b) Notify any applicable Level I school district
185 failing to meet accreditation standards that it is on probation
186 until the recommendations for corrective action are taken or until
187 the deficiencies have been removed. When a school district has
188 been assigned a Level I or II accreditation status, the State
189 Department of Education shall develop a corrective action plan
190 with the school district to improve its deficiencies. For
191 district academic deficiencies, the corrective action plan for
192 each such school district shall be based upon a complete analysis
193 of the following: student test data, student grades, student
194 attendance reports, student drop-out data, existence and other
195 relevant data. The corrective action plan shall describe the
196 specific measures to be taken by the particular school district to
197 improve: (a) instruction; (b) curriculum; (c) professional
198 development; (d) personnel and classroom organization; (e) student

199 incentives for performance; (f) process deficiencies; and (g)
200 reporting to the local school board, parents and the community.
201 The corrective action plan shall describe the specific individuals
202 responsible for implementing each component of the recommendation
203 and how each will be evaluated. All corrective action plans shall
204 be presented to the State Board of Education for approval. Local
205 school districts may revise their corrective action plans at any
206 time; however, all revisions shall be submitted to the State
207 Department of Education for review and shall be submitted to the
208 State Board of Education for final approval. Local school
209 districts may recommend to the State Board of Education a schedule
210 for the completion of its corrective action plan, to be approved
211 by the State Board of Education prior to its implementation. The
212 decision of the State Board of Education establishing the
213 probationary period of time shall be final;

214 (c) Offer, during the probationary period, technical
215 assistance to the school district in making corrective actions.
216 Beginning July 1, 1998, subject to the availability of funds, the
217 State Department of Education shall provide technical and/or
218 financial assistance to all Level I and Level II school districts
219 in order to implement each measure identified in that district's
220 corrective action plan through professional development and
221 on-site assistance. Each Level I and Level II school district
222 shall apply for and utilize all available federal funding in order
223 to support its corrective action plan in addition to state funds
224 made available under this paragraph;

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

229 (e) Provide for publication of public notice at least
230 one (1) time during the probationary period, in a newspaper
231 published within the jurisdiction of the school district failing

232 to meet accreditation standards, or if no newspaper is published
233 therein, then in a newspaper having a general circulation therein.

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

240 (15) If the recommendations for corrective action are not
241 taken by the local school district or if the deficiencies are not
242 removed by the end of the probationary period, the Commission on
243 School Accreditation shall conduct a hearing to allow such
244 affected school district to present evidence or other reasons why
245 its accreditation should not be withdrawn. Subsequent to its
246 consideration of the results of such hearing, the Commission on
247 School Accreditation shall be authorized, with the approval of the
248 State Board of Education, to withdraw the accreditation of a
249 public school district, and issue a request to the Governor that a
250 state of emergency be declared in that district which would allow
251 the State Board of Education to select from the following actions:

252 (a) Declare a state of emergency, under which some or
253 all of state funds can be escrowed except as otherwise provided in
254 Section 206, Constitution of 1890, until the board determines
255 corrective actions are being taken or the deficiencies have been
256 removed, or that the needs of students warrant the release of
257 funds. Such funds may be released from escrow for any program
258 which the board determines to have been restored to standard even
259 though the state of emergency may not as yet be terminated for the
260 district as a whole;

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

263 (c) Assign an interim "conservator" who will administer
264 the management and operation of the school system through the

265 school superintendent until corrective actions are implemented or
266 the deficiencies are removed. The school superintendent of a
267 deficient school shall comply fully with the conservator appointed
268 by the State Board of Education;

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

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

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

298 Education acting through its appointed conservator (name of
299 conservator)."

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

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

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

315 (18) If the State Board of Education and the Commission on
316 School Accreditation determine that an extreme emergency situation
317 exists in a school district which jeopardizes the safety, security
318 or educational interests of the children enrolled in the schools
319 in that district and such emergency situation is believed to be
320 related to a serious violation or violations of accreditation
321 standards or state or federal law, the State Board of Education,
322 with the concurrence of the State Auditor, may request the
323 Governor to declare a state of emergency in that school district.
324 For purposes of this subsection, such declarations of a state of
325 emergency shall not be limited to those instances when a school
326 district's impairments are related to a lack of financial
327 resources, but also shall include serious failure to meet minimum
328 academic standards, as evidenced by a continued pattern of poor
329 student performance. During the state of emergency, the State
330 Board of Education shall take such action as prescribed in Section

331 37-17-13 and may take one or more of the following actions:

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

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

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

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

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

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

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

363 (vii) Reporting periodically to the State Board of

364 Education on the progress or lack of progress being made in the
365 district to improve the district's impairments during the state of
366 emergency;

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

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

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

382 Upon the declaration of a state of emergency in a school
383 district under this subsection, the State Board of Education shall
384 cause notice to be published for at least three (3) consecutive
385 weeks in a newspaper published within the jurisdiction of that
386 school district, or if no newspaper is published therein, in a
387 newspaper having a general circulation in the school district.
388 The notice shall be no smaller than one-fourth (1/4) of a standard
389 newspaper page and shall be printed in bold print in a section
390 other than the legal notices section of the newspaper. The notice
391 shall include, in the discretion of the State Board of Education,
392 any or all details relating to the district's emergency status,
393 including the declaration of a state of emergency in the school
394 district and a description of the district's impairment
395 deficiencies and corrective actions recommended and being taken in
396 the emergency situation.

397 At such time as satisfactory corrective action has been taken
398 in such school district, the State Board of Education, with the
399 concurrence of the State Auditor, may request the Governor to
400 declare that the state of emergency no longer exists in such
401 district, and the powers and responsibilities of an interim
402 conservator assigned to such district shall cease from and after
403 the termination of the state of emergency. Upon termination of
404 the state of emergency in such school district, the State Board of
405 Education shall cause notice to be published in the school
406 district in the same manner provided above, to include any or all
407 details relating to the corrective action taken in the school
408 district which resulted in the termination of the state of
409 emergency.

410 In order to provide loans to school districts under a state
411 of emergency which have impairments related to a lack of financial
412 resources, the School District Emergency Assistance Fund is
413 created as a special fund in the State Treasury into which monies
414 may be transferred or appropriated by the Legislature from any
415 available public education funds. The maximum amount that may be
416 appropriated or transferred to the School District Emergency
417 Assistance Fund for any one (1) emergency shall be Two Million
418 Dollars (\$2,000,000.00), and the maximum amount that may be
419 appropriated during any fiscal year shall be Three Million Dollars
420 (\$3,000,000.00).

421 The State Board of Education may loan monies from the School
422 District Emergency Assistance Fund to a school district that is
423 under a state of emergency in such amounts, as determined by the
424 board, which are necessary to correct the district's impairments
425 related to a lack of financial resources. The loans shall be
426 evidenced by an agreement between the school district and the
427 State Board of Education and shall be repayable in principal,
428 without necessity of interest, to the State General Fund or the
429 Education Enhancement Fund, depending on the source of funding for

430 such loan, by the school district from any allowable funds that
431 are available. The total amount loaned to the district shall be
432 due and payable within five (5) years after the impairments
433 related to a lack of financial resources are corrected. If a
434 school district fails to make payments on the loan in accordance
435 with the terms of the agreement between the district and the State
436 Board of Education, the State Department of Education, in
437 accordance with rules and regulations established by the State
438 Board of Education, may withhold that district's minimum program
439 funds in an amount and manner that will effectuate repayment
440 consistent with the terms of the agreement; such funds withheld by
441 the department shall be deposited into the State General Fund or
442 the Education Enhancement Fund, as the case may be.

443 If the State Board of Education determines that an extreme
444 emergency exists, simultaneous with the powers exercised in this
445 subsection, it shall take immediate action against all parties
446 responsible for the affected school districts having been
447 determined to be in an extreme emergency. Such action shall
448 include, but not be limited to, initiating civil actions to
449 recover funds and criminal actions to account for criminal
450 activity. Any funds recovered by the State Auditor or the State
451 Board of Education from the surety bonds of school officials or
452 from any civil action brought under this subsection shall be
453 applied toward the repayment of any loan made to a school district
454 hereunder.

455 A declaration by the Governor that a state of emergency
456 exists in a school district under this subsection shall have no
457 effect on the requirements set forth in subsections (13) through
458 (16) of this section. During the period of a state of emergency
459 declared under this subsection, the State Board of Education may
460 proceed under the authority of subsections (13) through (16) of
461 this section. If a provision in this subsection directly
462 conflicts with a provision in subsection (13), (14), (15) or (16),

463 during the state of emergency, this subsection shall prevail.

464 (19) In the event a majority of the membership of the school
465 board of any school district resigns from office, the State Board
466 of Education shall be authorized to assign an interim conservator,
467 who shall be responsible for the administration, management and
468 operation of the school district until such time as new board
469 members are selected or the Governor declares a state of emergency
470 in that school district under subsection (18), whichever occurs
471 first. In such case, the State Board of Education, acting through
472 the interim conservator, shall have all powers which were held by
473 the previously existing school board, and may take such action as
474 prescribed in Section 37-17-13 and/or one or more of the actions
475 authorized in subsection (18)(a) through (d) of this section.

476 (20) Beginning with the school district audits conducted for
477 the 1997-1998 fiscal year, the State Board of Education, acting
478 through the Commission on School Accreditation, shall require each
479 school district to comply with standards established by the State
480 Department of Audit for the verification of fixed assets and the
481 auditing of fixed assets records as a minimum requirement for
482 accreditation.

483 SECTION 2. This act shall take effect and be in force from
484 and after July 1, 1999.