

By: Senator(s) Johnson (19th), Farris, Ross, To: Education;
Hawks, Moffatt, Nunnelee, White (29th), Appropriations
Kirby, Scoper, Huggins, Hall, Minor, Smith

SENATE BILL NO. 2836

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16 ACCREDITATION WITHDRAWN; TO AMEND SECTIONS 37-6-13, 37-9-37 AND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

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

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

28 (a) Any Level 1 school which achieves Level 2 of the
29 performance-based accreditation standards as prescribed in Section
30 37-17-6 shall be designated as an Excellent School.

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

36 to, the following:

37 (i) High student achievement scores;

38 (ii) Low dropout rates;

39 (iii) Good student attendance;

40 (iv) High teacher attendance and participation in

41 professional development activities and organizations. Teacher

42 absence from school for professional development and/or

43 contributions should be weighted in favor of the school district;

44 (v) Percent of students in core curriculum as

45 developed by the Board of Trustees of State Institutions of Higher

46 Learning;

47 (vi) Measures of parental and community

48 participation;

49 (vii) Student participation in extracurricular

50 academic and community-based activities to experience success;

51 (viii) The ratio of administrative budget as

52 compared to instructional budget.

53 No Level 2 school shall be designated as an Excellent School

54 until it has completed the review process and met the criteria

55 established by the State Board of Education.

56 An Excellent School designation shall be given by the board

57 to any Level 2 school whose composite index improved from one

58 school year to the next and the level of improvement was deemed

59 "substantial" by the board. The board shall define and publish

60 what improvements will be considered substantial prior to the

61 beginning of each school year. Excellent School designation shall

62 not depend upon a favorable comparison with the index achieved by

63 any other school in the state. The index shall be applied to the

64 school data by the State Board of Education and shall be

65 structured so that Excellent School designation shall not be

66 achieved by a school where the lowest quartile of student

67 achievement scores is not improving.

68 (2) Upon designation, Excellent Schools shall be eligible to

69 receive: (a) an incentive amount to be determined by the State

70 Board of Education per certificated personnel and an incentive

71 amount to be determined by the State Board of Education per

72 noncertificated personnel; (b) seventy percent (70%) of the funds

73 earned through designation as an Excellent School shall be used

74 for salary expenses for existing personnel. Use of the remaining
75 thirty percent (30%) of said funds shall be determined by a vote
76 of all personnel employed at the school or attendance center. No
77 portion of the funds shall be expended for athletics.

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

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

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

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

| 95 | Number of Students | | Number of Certified |
|-----|----------------------|---|----------------------|
| 96 | Per School Library | | School Librarians |
| 97 | 0 - 499 Students | ½ | Full-time Equivalent |
| 98 | | | Certified Librarian |
| 99 | 500 or More Students | 1 | Full-time Certified |
| 100 | | | Librarian |

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

103 (c) The assignment of such school librarians to the
104 particular schools shall be at the discretion of the local school
105 district. No individual shall be employed as a certified school
106 librarian without appropriate training and certification as a
107 school librarian by the State Department of Education.

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

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

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

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

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

133 (6) The State Board of Education shall create an
134 accreditation audit unit under the Commission on School
135 Accreditation. This audit unit shall be made up of full-time
136 employees of the State Department of Education who are trained as
137 accreditation auditors. This audit unit shall conduct field
138 audits of schools on a random basis or when ordered by the
139 Commission on School Accreditation, to determine whether schools
140 are complying with accreditation standards. The audit unit shall
141 also train the evaluators set forth in subsection (10) of this

142 section. The audit unit shall report directly to the Commission
143 on School Accreditation on the result of all audits.

144 (7) The State Board of Education shall be specifically
145 authorized and empowered to withhold adequate minimum education
146 program or adequate education program fund allocations, whichever
147 is applicable, to any public school district for failure to timely
148 report student, school personnel and fiscal data necessary to meet
149 state and/or federal requirements.

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

158 (9) The State Board of Education shall establish, for those
159 school districts failing to meet accreditation standards, a
160 program of development to be complied with in order to receive
161 state funds, except as otherwise provided in subsection (14) of
162 this section when the Governor has declared a state of emergency
163 in a school district or as otherwise provided in Section 206,
164 Mississippi Constitution of 1890. The state board, in
165 establishing these standards, shall provide for notice to schools
166 and sufficient time and aid to enable schools to attempt to meet
167 these standards, unless procedures under subsection (14) of this
168 section have been invoked.

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

172 (a) Develop an impairment report for each district
173 failing to meet accreditation standards in conjunction with school
174 district officials, no later than the end of the school year, and
175 make recommendations for corrective actions to remove the

176 impairment status;

177 (b) Notify any applicable * * * school district failing
178 to meet accreditation standards that it is on probation until the
179 recommendations for corrective action are taken or until the
180 deficiencies have been removed. * * * The State Department of
181 Education shall develop a corrective action plan with the school
182 district to improve its deficiencies. For district academic
183 deficiencies, the corrective action plan for each such school
184 district shall be based upon a complete analysis of the following:
185 student test data, student grades, student attendance reports,
186 student drop-out data, existence and other relevant data. The
187 corrective action plan shall describe the specific measures to be
188 taken by the particular school district to improve: (a)
189 instruction; (b) curriculum; (c) professional development; (d)
190 personnel and classroom organization; (e) student incentives for
191 performance; (f) process deficiencies; and (g) reporting to the
192 local school board, parents and the community. The corrective
193 action plan shall describe the specific individuals responsible
194 for implementing each component of the recommendation and how each
195 will be evaluated. All corrective action plans shall be presented
196 to the State Board of Education for approval. Local school
197 districts may revise their corrective action plans at any time;
198 however, all revisions shall be submitted to the State Department
199 of Education for review and shall be submitted to the State Board
200 of Education for final approval. Local school districts may
201 recommend to the State Board of Education a schedule for the
202 completion of its corrective action plan, to be approved by the
203 State Board of Education prior to its implementation. The
204 decision of the State Board of Education establishing the
205 probationary period of time shall be final;

206 (c) Offer, during the probationary period, technical
207 assistance to the school district in making corrective actions.
208 Beginning July 1, 1998, subject to the availability of funds, the
209 State Department of Education shall provide technical and/or

210 financial assistance to all such school districts in order to
211 implement each measure identified in that district's corrective
212 action plan through professional development and on-site
213 assistance. Each such school district shall apply for and utilize
214 all available federal funding in order to support its corrective
215 action plan in addition to state funds made available under this
216 paragraph;

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

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

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

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

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

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

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

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

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

277 (12) The Commission on School Accreditation shall be

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

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

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

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

307 (14) If the State Board of Education and the Commission on
308 School Accreditation determine that an extreme emergency situation
309 exists in a school district which jeopardizes the safety, security
310 or educational interests of the children enrolled in the schools
311 in that district and such emergency situation is believed to be

312 related to a serious violation or violations of accreditation
313 standards or state or federal law, the State Board of Education,
314 with the concurrence of the State Auditor, may request the
315 Governor to declare a state of emergency in that school district.
316 For purposes of this subsection, such declarations of a state of
317 emergency shall not be limited to those instances when a school
318 district's impairments are related to a lack of financial
319 resources, but also shall include serious failure to meet minimum
320 academic standards, as evidenced by a continued pattern of poor
321 student performance. During the state of emergency, the State
322 Board of Education shall take such action as prescribed in Section
323 37-17-13 and may take one or more of the following actions:

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

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

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

343 (iii) Reviewing the district's total financial
344 obligations and operations and making recommendations to the
345 district for cost savings, including, but not limited to,

346 reassigning the duties and responsibilities of staff;

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

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

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

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

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

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

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

374 Upon the declaration of a state of emergency in a school
375 district under this subsection, the State Board of Education shall
376 cause notice to be published for at least three (3) consecutive
377 weeks in a newspaper published within the jurisdiction of that
378 school district, or if no newspaper is published therein, in a
379 newspaper having a general circulation in the school district.

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

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

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

413 The State Board of Education may loan monies from the School

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

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

447 A declaration by the Governor that a state of emergency

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

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

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

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

481 (a) Develop an impairment report for each school

482 failing to meet accreditation standards in conjunction with the
483 school principal, no later than the end of the school year, and
484 make recommendations for school improvements to remove the
485 impairment status;

486 (b) Notify any applicable school failing to meet
487 accreditation standards that it is on probation until the
488 recommendations for school improvement are taken or until the
489 deficiencies have been removed. The State Department of Education
490 shall develop a school improvement plan with the school principal
491 to improve its deficiencies to be presented to the State Board of
492 Education for approval. School principals may revise their school
493 improvement plans at any time; however, all revisions shall be
494 submitted to the State Department of Education for review and
495 shall be submitted to the State Board of Education for final
496 approval. The decision of the State Board of Education
497 establishing the probationary period of time shall be final;

498 (c) Offer, during the probationary period, technical
499 assistance to the school in making improvement actions; or
500 contract, in its discretion, with the institutions of higher
501 learning or other appropriate private entities to develop school
502 improvement plans and provide professional development for schools
503 placed on probation;

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

514 (e) If the recommendations for corrective action are
515 not taken by the school or if the deficiencies are not removed by

516 the end of the probationary period, the Commission on School
517 Accreditation shall conduct a hearing to allow such school to
518 present evidence or other reasons why its accreditation should not
519 be withdrawn. Subsequent to its consideration or the results of
520 such hearing, the Commission on School Accreditation shall be
521 authorized, with the approval of the State Board of Education, to
522 withdraw the accreditation of the school and shall be authorized
523 to select from the following actions:

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

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

529 (f) The State Board of Education, acting through the
530 Commission on School Accreditation may assign an assistance team
531 to any school identified as low-performing under this subsection
532 or to any other school that requests an assistance team and that
533 the State Board determines would benefit from an assistance team.

534 The State Board shall give priority to low-performing schools in
535 which the educational performance of the students is declining.

536 The State Department of Education shall, with the approval of the
537 State Board, provide staff as needed and requested by an
538 assistance team. When assigned to an identified low-performing
539 school, an assistance team shall:

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

543 (ii) Evaluate at least semiannually the
544 certificated personnel assigned to the school and make findings
545 and recommendations concerning their performance;

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

550 performance at that school;

551 (iv) Make recommendations as the school develops
552 and implements this plan;

553 (v) Review the school's progress;

554 (iv) Report as appropriate, to the local school
555 board, the community and the State Board on the school's progress.

556 If an assistance team determines that an accepted school
557 improvement plan is impeding student performance at a school, the
558 team may recommend to the local school board that it vacate the
559 relevant portions of that plan and direct the school to revise
560 those portions;

561 (vi) If a school fails to improve student
562 performance after assistance is provided under this subsection,
563 the assistance team may recommend that the assistance continues or
564 that the State Board take further action under this section.

565 (g) The State Board of Education may revoke or refuse
566 to renew a teacher's or administrator's license when (i) the State
567 Board identifies the school in which the teacher is employed as
568 low-performing under this subsection (17); and (ii) the assistance
569 team assigned to that school under this subsection (17) makes the
570 recommendation to revoke or refuse to renew the teacher's
571 certificate for one or more reasons established by the State Board
572 of Education, acting through the Commission on Teacher and
573 Administrator Education, Certification and Licensure and
574 Development, in its rules for certificate/license suspension or
575 revocation established under Section 37-3-2. A teacher, assistant
576 principal, or other licensed school employee may request a hearing
577 before a panel of three (3) members of the Commission on Teacher
578 and Administrator Education, Certification and Licensure within
579 thirty (30) days of any dismissal under this paragraph. The State
580 Board of Education shall adopt procedures to ensure that due
581 process rights are afforded to persons recommended for dismissal
582 under this paragraph. Decisions of the panel may be appealed on
583 the record to the State Board of Education, with further right of

584 judicial review as provided under Section 37-3-2.

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

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

597 37-6-13. Each person serving as a member of the school board
598 of any school district shall receive per diem in the amount of
599 Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
600 meetings of the school board during any one (1) fiscal year or, in
601 his or her discretion, irrevocably may choose to receive as
602 compensation for his or her services an annual salary in the
603 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
604 choice shall remain in force for all successive terms or periods
605 of service of that member. The receipt of the compensation shall
606 not entitle any member of a school board to receive or be eligible
607 for any state employee group insurance, retirement or other fringe
608 benefits. Each member shall be reimbursed for the necessary
609 expenses and mileage in attending meetings of the school board.
610 In addition to the foregoing, all members may be reimbursed for
611 mileage and actual expenses incurred in the further performance of
612 their duties, including attendance at any mandatory school board
613 training session or at regional and national education meetings,
614 when such mileage and other expenses are authorized by the board
615 prior to the date on which they occur. Detailed vouchers shall be
616 submitted for reimbursement for all expenses authorized by this
617 section. Such reimbursement shall be in accordance with Section

618 25-3-41.

619 Such expenses shall be paid on order of the school board by
620 pay certificates issued by the superintendent of the school
621 district involved against the funds available for payment of the
622 administrative expense of said district.

623 This section shall not entitle any school board member to per
624 diem or other compensation if the school is low-performing as
625 provided in Section 37-17-6(14), Mississippi Code of 1972.

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

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

645 This section shall not entitle any superintendent of schools
646 or county superintendent of education to salary or other
647 compensation if the school is low-performing as provided in
648 Section 37-17-6(14), Mississippi Code of 1972.

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

651 37-9-105. In the event that a determination is made by a

652 school district not to offer an employee a renewal contract for a
653 successive year, written notice of nonrenewal shall be given
654 within seven (7) days of the date when the recommendation to
655 reemploy would have been made under the provisions of Sections
656 37-9-15 and 37-9-17, and amendments thereto, but in any event no
657 later than the following:

658 (a) If the employee is a superintendent, the school
659 district shall give notice of nonreemployment on or before
660 February 1;

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

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

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

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