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To: Education;
Appropriations

HOUSE BILL NO. 1134

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH
2 AND IMPLEMENT IMPROVING AND HIGH-PERFORMING SCHOOLS PROGRAM FOR
3 IDENTIFYING AND GRANTING FINANCIAL INCENTIVES TO LOW PERFORMING
4 SCHOOLS THAT IMPROVE AND TO THE HIGHEST PERFORMING SCHOOLS IN
5 THEIR CLASSIFICATION; TO ESTABLISH CRITERIA AND AUTHORIZE SALARY
6 PAYMENTS TO SCHOOL PERSONNEL UNDER THIS PROGRAM SUBJECT TO
7 SPECIFIC APPROPRIATION BY THE LEGISLATURE; TO AUTHORIZE THE STATE
8 BOARD OF EDUCATION TO DEVELOP A SCHOOL IMPROVEMENT PROGRAM AND A
9 PROBATIONARY PERIOD FOR SCHOOLS WITH ACCREDITATION DEFICIENCIES,
10 TO BE DESIGNATED AS "SCHOOLS AT RISK," TO PROVIDE FOR AN
11 EVALUATION PROCESS, TO PROVIDE FOR THE IDENTIFICATION AND TRAINING
12 OF INDEPENDENT EVALUATION TEAM MEMBERS AND TO PROVIDE SCHOOL
13 EVALUATION PROCEDURES FOR THE EVALUATION TEAMS; TO PROVIDE FOR THE
14 DEVELOPMENT OF SCHOOL IMPROVEMENT PLANS FOR SCHOOLS AT RISK AND TO
15 PROVIDE FOR THE APPOINTMENT OF ASSISTANCE TEAMS BY THE STATE
16 DEPARTMENT OF EDUCATION; TO AUTHORIZE THE SCHOOL AT RISK
17 IMPROVEMENT PROCESS TO INCLUDE MANDATORY PROFESSIONAL DEVELOPMENT
18 FOR INDIVIDUAL PRINCIPALS, TEACHERS AND SUPERINTENDENTS OF SUCH
19 SCHOOLS AND TO PROVIDE EMPLOYMENT SANCTIONS FOR PRINCIPALS OR
20 TEACHERS WHO FAIL TO PARTICIPATE IN SUCH PROFESSIONAL DEVELOPMENT,
21 TO PROVIDE FOR A PERFORMANCE-BASED EVALUATION OF SUCH PRINCIPALS
22 AND TEACHERS WHO HAVE PARTICIPATED IN SUCH PROFESSIONAL
23 DEVELOPMENT, TO PROVIDE FOR RECALL ELECTIONS OR APPOINTMENT
24 DECISIONS FOR SUPERINTENDENTS OR SCHOOL BOARD MEMBERS IN CERTAIN
25 SITUATIONS WHERE SCHOOLS AT RISK DO NOT IMPROVE DEFICIENCIES, AND
26 TO REQUIRE CERTAIN REPORTS BY THE STATE DEPARTMENT OF EDUCATION;
27 TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY
28 THERETO; TO AMEND SECTION 37-7-306, MISSISSIPPI CODE OF 1972, TO
29 REQUIRE ALL LOCAL SCHOOL BOARD MEMBERS SELECTED AFTER JULY 1,
30 2000, TO HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND TO
31 REQUIRE SCHOOL BOARD MEMBERS OF SCHOOLS THAT HAVE LOST THEIR
32 ACCREDITATION TO COMPLETE ANNUAL TRAINING COURSES IN ORDER TO
33 RETAIN THEIR OFFICE; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF
34 1972, TO DELETE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION
35 SUBMIT CERTAIN REPORTS TO THE LEGISLATURE BEFORE DECEMBER 1, 1999;
36 AND FOR RELATED PURPOSES.

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

38 SECTION 1. (1) The State Board of Education shall
39 establish, design and implement a High-Performing Schools Program
40 and an Improving Schools Program for identifying and rewarding
41 public schools that improve. The State Board of Education shall
42 develop rules and regulations for the program, establish criteria,
43 and establish a process through which high-performing and

44 improving schools will be identified and rewarded. Upon full
45 implementation of the statewide testing program, High-Performing
46 or Improving School designation shall be made by the State Board
47 of Education in accordance with the following:

48 (a) A growth expectation will be established by testing
49 students annually and, using a psychometrically approved formula,
50 by tracking their progress. This growth expectation will result
51 in a composite score each year for each school.

52 (b) A determination will be made as to the percentage
53 of students proficient in each school. This measurement will
54 define what a student must know in order to be deemed proficient
55 at each grade level and will clearly show how well a student is
56 performing. The definition of proficiency shall be developed for
57 each grade, based on input from teachers and their review of the
58 curriculum requirements.

59 (c) A school has the following two (2) methods for
60 designation as either an Improving or a High-Performing School, to
61 be determined on an annual basis:

62 (i) A school exceeds its growth expectation by a
63 percentage established by the State Board of Education; or

64 (ii) A school achieves the grade level proficiency
65 standard established by the State Board of Education.

66 Any school having lost its accreditation and designated as a
67 School at Risk which exceeds its growth expectation by a
68 percentage established by the State Board of Education shall no
69 longer be considered a School at Risk and shall be eligible for
70 monetary awards under this section. High-Performing School
71 designation may not be achieved by a school where the lowest
72 quartile of student achievement scores is not improving.

73 (2) Upon designation, Improving and High-Performing Schools
74 shall be eligible to receive an incentive amount per licensed and
75 nonlicensed school personnel, to be determined annually by the
76 State Board of Education, for salary supplements for the schools'
77 employees. All funds awarded under this subsection shall be
78 subject to specific appropriation therefor by the Legislature.

79 Salary supplements authorized under this subsection for
80 employees of schools receiving Improving or High-Performing

81 designation shall not be considered bonus payments and shall be
82 made in lump sum payments during the first pay period of the
83 school year following such designation. All such salary
84 supplements shall be paid directly by the State Department of
85 Education to the local school district for delivery to the
86 designated school, in accordance with regulations promulgated by
87 the State Board of Education. The salary supplements shall be in
88 addition to the minimum and adequate education program allotments
89 and not a part thereof.

90 (3) In addition to salary supplements for Improving and
91 High-Performing Schools, the State Board of Education shall award
92 the schools receiving such designation an additional incentive
93 amount to be used for selected school needs, as identified by a
94 vote of all licensed and instructional personnel employed at the
95 school. This incentive amount will include a base amount per
96 school plus an additional amount based on that school's average
97 daily attendance. These incentive funds may be used for specific
98 school needs, including, but not limited to:

99 (a) Funding for unique staff professional development
100 activities. Staff participating in such activities will report to
101 the school and school district about the benefits and lessons
102 learned from such training;

103 (b) Technology needs;

104 (c) Sabbaticals for outstanding teachers or
105 administrators, or both, to pursue additional professional
106 development or educational enrichment.

107 All funds awarded under this subsection shall be subject to
108 specific appropriation therefor by the Legislature.

109 (4) The State Board of Education shall provide special
110 recognition to all schools receiving Improving or High-Performing
111 designation and their school districts. Examples of such
112 recognition include, but are not limited to: public announcements
113 and events; certificates of recognition and plaques for teachers,

114 principals, superintendents and parents; and media announcements
115 utilizing the services of Mississippi Educational Television.

116 SECTION 2. (1) Upon full implementation of the statewide
117 testing programs developed by the State Board of Education
118 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, the
119 board shall establish for those individual schools failing to meet
120 accreditation standards established under this chapter, a program
121 of development to be complied with in order to receive state
122 funds.

123 (2) Following a thorough analysis of school data each year,
124 the State Department of Education shall identify those schools
125 that are the most deficient in educating students and are in need
126 of improvement. This analysis shall measure the individual school
127 performance by determining if a school met its assigned yearly
128 growth expectation and by determining what percentage of the
129 students in the school are proficient. A school shall be
130 identified as needing assistance and labeled a "School at Risk" if
131 the school: (a) does not meet its growth expectation; and (b) has
132 a percentage of students functioning below grade level, as
133 designated by the State Board of Education.

134 (3) Once a School at Risk has been identified and written
135 notice sent by the State Board of Education by certified mail to
136 both the school principal and the local board of education, the
137 State Board of Education and the State Department of Education
138 shall assign an evaluation team to the school. The evaluation
139 team shall consist of a minimum of four (4) trained members
140 appointed by the department and approved by the State Board of
141 Education from the following categories: (a) school
142 superintendents; (b) school principals; (c) curriculum
143 coordinators; (d) teachers; and (e) local school board members.
144 Optional evaluation team members in specialized areas may be
145 utilized by the State Department of Education if needed. These
146 additional members may include individuals with expertise and

147 knowledge in such areas as vocational-technical education, special
148 education, federal programs and school technology. Evaluation
149 team members shall be independent of the school being evaluated
150 and shall not be employees of the State Department of Education.
151 The team may include retired educators who have met certain
152 standards and have completed all necessary training. All
153 evaluation team members shall be trained, at a minimum, in the
154 following: (a) school accreditation legal requirements; (b) data
155 analysis; (c) curriculum alignment; (d) effective curriculum and
156 instructional strategies; (e) the State Department of Education
157 school improvement plan process; (f) personnel appraisal; (g)
158 effective community involvement; (h) public relations; (i) safe
159 and orderly school climate; (j) policy development and
160 implementation; and (k) effective school resource allocation. A
161 team leader shall be chosen by the department for each evaluation
162 team to provide overall guidance to the team. The State
163 Department of Education shall assist each evaluation team by
164 providing administrative and clerical support.

165 (4) An approved evaluation team shall have the following
166 powers and duties:

167 (a) The evaluation team may request any financial
168 documentation that it deems necessary, and the School at Risk,
169 with the assistance and cooperation of the school district central
170 office, shall submit such requested financial information to the
171 evaluation team.

172 (b) The evaluation team shall analyze the School at
173 Risk's data to determine probable areas of weakness before
174 conducting an on-site audit. The evaluation team shall proceed to
175 conduct an on-site audit and shall prepare an evaluation report.
176 If necessary, the evaluation team may request additional
177 individuals in specialty areas to participate as team members in
178 preparing the evaluation. After completing the evaluation of the
179 School at Risk, the team shall prepare and adopt its school

180 evaluation report, which shall be submitted to the State
181 Superintendent of Public Education for review and approval. The
182 school evaluation report shall identify any personnel who were
183 found by the evaluation team to be in need of participation in a
184 professional development plan.

185 (5) Following the approval of the evaluation report by the
186 State Superintendent of Public Education, a representative from
187 the State Department of Education and the evaluation team leader
188 shall present the evaluation report to the principal of the School
189 at Risk and to the superintendent and school board members of the
190 local school district. Following this presentation, the
191 evaluation report shall be presented to the community served by
192 the School at Risk at an advertised public meeting.

193 SECTION 3. (1) Based on the findings of the evaluation
194 report prepared pursuant to Section 2 of House Bill No. _____, 2000
195 Regular Session, and the results of the public meeting, the State
196 Department of Education and the evaluation team leader shall
197 assist the school principal and other local school officials in
198 the development of a school improvement plan to improve its
199 deficiencies. A local parent advisory committee shall be
200 established by the evaluation team at the school in order to
201 provide input and guidance into the development of the school
202 improvement plan and its evaluation during the implementation
203 period. Local parent-teacher associations or organizations shall
204 have input in the selection of the parent advisory committee.
205 Where no active local parent-teacher group exists, the State
206 Department of Education may request assistance from the
207 Mississippi Parent-Teacher Association in the selection of the
208 local parent advisory committee.

209 (2) The school improvement plan shall be approved by the
210 principal of the School at Risk, the superintendent of the local
211 school district, the local school board and a majority of the
212 teachers of the school, within a time period to be determined by

213 the evaluation team.

214 (3) The State Department of Education may provide technical
215 assistance to the School at Risk in the implementation of the
216 school improvement plan, including the implementation of any
217 recommended professional development plan, or the department may
218 contract with the institutions of higher learning or other
219 appropriate private entities to provide such technical assistance.

220 The assistance team shall collaborate with school and school
221 district employees in the implementation and monitoring of the
222 school improvement plan and shall report, as appropriate, to the
223 local school board and the local community.

224 SECTION 4. (1) As part of the school improvement plan for a
225 School at Risk, a professional development plan shall be prepared
226 for those school administrators, teachers or other employees who
227 are identified by the evaluation team as needing improvement.

228 (2) (a) If a principal is deemed to be in need of
229 improvement by the evaluation team, a professional development
230 plan shall be developed for the principal regardless of his period
231 of employment at the school. The principal's full participation
232 in the professional development plan shall be required. The plan
233 shall provide professional training in the roles and behaviors of
234 an instructional leader and shall offer training specifically
235 identified for that principal's needs. The principal of a School
236 at Risk also may be assigned a mentor who has demonstrated
237 expertise as a high-performing principal. Mentors shall make a
238 personal time commitment to this process and may not be evaluators
239 of the principals being mentored. The local school board and
240 superintendent shall continue to evaluate all school personnel
241 during this period, evaluate their professional development plans
242 and make personnel decisions as appropriate.

243 (b) At the end of the second year, if a school
244 continues to be a School at Risk, the local school board shall
245 initiate one (1) of the following three (3) options concerning the

246 school's principal:

247 (i) Impose a cap on the principal's salary, make
248 any necessary adjustments in his professional development plan,
249 and continue a third year of professional development and
250 mentoring; or

251 (ii) Nonrenew the principal's contract for the
252 next school year; or

253 (iii) Dismiss the principal consistent with
254 Section 37-9-59.

255 If extenuating circumstances exist, such as the assignment of a
256 principal at a School at Risk for less than two (2) years, other
257 options may be considered, subject to approval by the State Board
258 of Education.

259 (c) At the end of the third year, if a school continues
260 to be a School at Risk, the local school board shall initiate one
261 (1) of the following four (4) options concerning the school's
262 principal:

263 (i) Transfer the principal to another school, but
264 not to another School at Risk; or

265 (ii) Reassign the principal to other duties than
266 that of principal with the appropriate salary reduction; or

267 (iii) Nonrenew the principal's contract for the
268 next school year; or

269 (iv) Dismiss the principal, consistent with
270 Section 37-9-59.

271 If extenuating circumstances exist, such as the assignment of a
272 principal at a School at Risk for less than three (3) years, other
273 options may be considered, subject to approval by the State Board
274 of Education.

275 (d) At the end of the fourth year, if a school
276 continues to be a School at Risk and a principal has been at that
277 school for more than three (3) years, the local school board shall
278 dismiss the principal in a manner consistent with Section 37-9-59,

279 and the State Board of Education may initiate the school district
280 conservatorship process authorized under Section 37-17-6.

281 (3) (a) If a teacher is deemed to be in need of
282 professional development by the independent evaluation team, that
283 teacher shall be required to participate in a professional
284 development plan. This plan will provide professional training
285 and will be based on each teacher's specific needs and teaching
286 assignments. The teacher's full participation in the professional
287 development plan shall be required. This process shall be
288 followed by a performance-based evaluation, which shall monitor
289 the teacher's teaching skills and teaching behavior over a period
290 of time. This monitoring shall include announced and unannounced
291 reviews. This procedure may be similar to the process used by the
292 National Board for Professional Teaching Standards, which includes
293 such activities as videotaping teachers and providing videotapes
294 to the evaluators. Additionally, the teacher also may be assigned
295 a mentor who has demonstrated expertise as a high-performing
296 teacher.

297 (b) If, after one (1) year, the teacher fails to
298 perform, the local school board shall reevaluate the teacher's
299 professional development plan, make any necessary adjustments to
300 it, and require his participation in the plan for a second year.

301 (c) If, after the second year, the teacher fails to
302 perform, his performance and professional development plan shall
303 be reevaluated; and the local school board shall take one (1) of
304 the following three (3) actions:

305 (i) Impose a cap on the teacher's salary, make any
306 necessary adjustments in the teacher's professional development
307 plan, and develop a professional development plan for the third
308 year; or

309 (ii) Nonrenew the teacher's contract for the next
310 school year; or

311 (iii) Dismiss the teacher, consistent with Section

312 37-9-59.

313 (d) If, after the third year, the teacher fails to
314 perform, his performance and professional development plan shall
315 again be reevaluated, and the local school board shall take one
316 (1) of the following three (3) actions:

317 (i) Reassign the teacher to a nonteaching position
318 with appropriate salary reduction; or

319 (ii) Nonrenew the teacher's contract for the next
320 school year; or

321 (iii) Dismiss the teacher, consistent with Section
322 37-9-59.

323 (e) If, after the fourth year, a teacher does not meet
324 performance expectations, the local school board shall dismiss the
325 teacher in a manner consistent with Section 37-9-59.

326 (4) (a) If the evaluation report reveals a school district
327 central office problem, a superintendent of the school district
328 having a School at Risk may be required to participate in a
329 professional development plan. Additionally, the superintendent
330 may be assigned a mentor who is a high-performing superintendent
331 and has demonstrated expertise and knowledge of high-performing
332 schools. The local school board will continue to evaluate the
333 performance of the superintendent and his participation in a
334 professional development plan, making appropriate revisions to the
335 plan as needed.

336 (b) If a school continues to be a School at Risk after
337 a second year or a third year, the local school board may take one
338 (1) of the following actions:

339 (i) Impose a cap on the superintendent's salary;
340 or

341 (ii) Make any necessary adjustments to his
342 professional development plan and require his continued
343 participation in a plan.

344 (c) If a school continues to be designated a School at

345 Risk after four (4) years of implementing a school improvement
346 plan, or if more than fifty percent (50%) of the schools within
347 the school district are designated as schools at risk in any one
348 (1) year, the State Board of Education shall issue a written
349 request with documentation to the Governor asking that the office
350 of the superintendent of such school district be subject to
351 recall. Whenever the Governor declares that the office of the
352 superintendent of such school district is subject to recall, the
353 local school board or the county election commission, as the case
354 may be, shall take the following action:

355 (i) If the office of superintendent is an elected
356 office, in those years in which there is no general election, the
357 name shall be submitted by the State Board of Education to the
358 county election commission at least sixty (60) days before the
359 next regular special election, and the county election commission
360 shall submit the question at the next regular special election to
361 the voters eligible to vote for the office of superintendent
362 within the county. The ballot shall read substantially as
363 follows:

364 "Shall County Superintendent of Education _____
365 (here the name of the superintendent shall be inserted) of the
366 _____ (here the title of the school district shall be
367 inserted) be retained in office? Yes _____ No _____"

368 If a majority of those voting on the question votes against
369 retaining the superintendent in office, a vacancy shall exist
370 which shall be filled in the manner provided by law; otherwise,
371 the superintendent shall remain in office for the term of such
372 office, and at the expiration of such term shall be eligible for
373 qualification and election to another term or terms.

374 (ii) If the office of superintendent is an
375 appointive office, the name of the superintendent shall be
376 submitted by the president of the local school board at the next
377 regular meeting of the school board for retention in office or

378 dismissal from office. If a majority of the school board voting
379 on the question votes against retaining him in office, a vacancy
380 shall exist which shall be filled in the manner provided by law;
381 otherwise, the superintendent shall remain in office for the
382 duration of his employment contract.

383 (5) If a school continues to be designated a School at Risk
384 after four (4) years of implementing a school improvement plan, or
385 if more than fifty percent (50%) of the schools within the school
386 district are designated as schools at risk in any one (1) year,
387 the State Board of Education shall issue a written request with
388 documentation to the Governor asking that the membership of the
389 school board of such school district be subject to recall.

390 Whenever the Governor declares that the membership of the school
391 board is subject to recall, the county election commission or the
392 local governing authorities, as the case may be, shall take the
393 following action:

394 (a) If the members of the local school board are
395 elected to office, in those years in which the specific member's
396 office is not up for election, the name of the school board member
397 shall be submitted by the State Board of Education to the county
398 election commission at least sixty (60) days before the next
399 regular special election, and the county election commission at
400 the next regular special election shall submit the question to the
401 voters eligible to vote for the particular member's office within
402 the county or school district, as the case may be. The ballot
403 shall read substantially as follows:

404 "Members of the _____ (here the title of the school
405 district shall be inserted) School Board who are not up for
406 election this year are subject to recall because of the school
407 district's continued designation as a School at Risk. Shall the
408 member of the school board representing this area, _____
409 (here the name of the school board member holding the office shall
410 be inserted), be retained in office? Yes _____ No _____"

411 If a majority of those voting on the question vote against
412 retaining the member of the school board in office, a vacancy in
413 that board member's office shall exist which shall be filled in
414 the manner provided by law; otherwise, the school board member
415 shall remain in office for the term of such office, and at the
416 expiration of the term of office, the member shall be eligible for
417 qualification and election to another term or terms of office.
418 However, if a majority of the school board members are recalled in
419 the regular special election, the Governor shall authorize the
420 board of supervisors of the county in which the school district is
421 situated to appoint members to fill the offices of the members
422 recalled. The board of supervisors shall make such appointments
423 in the manner provided by law for filling vacancies on the school
424 board, and the appointed members shall serve until the office is
425 filled at the next regular special election or general election.

426 (b) If the local school board is an appointed school
427 board, the name of all school board members shall be submitted as
428 a collective board by the president of the municipal or county
429 governing authority, as the case may be, at the next regular
430 meeting of the governing authority for retention in office or
431 dismissal from office. If a majority of the governing authority
432 voting on the question vote against retaining the board in office,
433 a vacancy shall exist in each school board member's office, which
434 shall be filled as provided by law; otherwise, the members of the
435 appointed school board shall remain in office for the duration of
436 their term of appointment, and such members may be reappointed.

437 (c) If the local school board is comprised of both
438 elected and appointed members, the elected members shall be
439 subject to recall in the manner provided in paragraph (a) of this
440 subsection. Appointed members shall be subject to recall in the
441 manner provided in paragraph (b).

442 (6) If a school continues to be designated a School at Risk
443 after four (4) years of implementing a school improvement plan, or

444 if more than fifty percent (50%) of the schools within the school
445 district are designated as schools at risk in any one (1) year,
446 the State Board of Education may request that the Governor declare
447 a state of emergency in that school district. Upon the
448 declaration of the state of emergency by the Governor, the State
449 Board of Education may take those actions for dealing with the
450 school district authorized under Section 37-17-6, including the
451 appointment of an interim conservator.

452 (7) The State Department of Education shall make a
453 semiannual report to the State Board of Education identifying the
454 number and names of schools classified as a School at Risk, which
455 shall include a description of the deficiencies identified and the
456 actions recommended and implemented. The department also shall
457 notify the State Board of Education of any School at Risk that has
458 successfully completed its improvement plan and shall notify the
459 Governor and the Legislature of such school's progress.

460 SECTION 5. Section 37-9-25, Mississippi Code of 1972, is
461 amended as follows:[RDD1]

462 37-9-25. The school board shall have the power and
463 authority, in its discretion, to employ the superintendent, unless
464 such superintendent is elected, for not exceeding four (4)
465 scholastic years and the principals or licensed employees for not
466 exceeding three (3) scholastic years. In such case, contracts
467 shall be entered into with such superintendents, principals and
468 licensed employees for the number of years for which they have
469 been employed. All such contracts with licensed employees shall
470 for the years after the first year thereof be subject to the
471 contingency that the licensed employee may be released if, during
472 the life of the contract, the average daily attendance should
473 decrease from that existing during the previous year and thus
474 necessitate a reduction in the number of licensed employees during
475 any year after the first year of the contract. However, in all
476 such cases the licensed employee must be released before July 1 or

477 at least thirty (30) days prior to the beginning of the school
478 term, whichever date should occur earlier. All contracts with
479 superintendents, principals and licensed teachers shall be subject
480 to the contingency that after the first year of the contract, the
481 superintendent, principal or teacher may be released if, during
482 the life of the contract, the school becomes designated as a
483 School at Risk pursuant to Section 2 of House Bill No. _____, 2000
484 Regular Session, and the school or school district's deficiencies
485 are not improved as required under House Bill No. _____, 2000
486 Regular Session. The salary to be paid for the years after the
487 first year of such contract shall be subject to revision, either
488 upward or downward, in the event of an increase or decrease in the
489 funds available for the payment thereof, but, unless such salary
490 is revised prior to the beginning of a school year, it shall
491 remain for such school year at the amount fixed in such contract.

492 However, where school district funds, other than minimum
493 education program funds, are available during the school year in
494 excess of the amount anticipated at the beginning of the school
495 year the salary to be paid for such year may be increased to the
496 extent that such additional funds are available and nothing herein
497 shall be construed to prohibit same.

498 SECTION 6. Section 37-7-306, Mississippi Code of 1972, is
499 amended as follows:[JU2]

500 37-7-306. (1) Every school board member selected after July
501 1, 2000, shall have a high school diploma or its equivalent.

502 (2) Every school board member selected after July 1, 1993,
503 shall be required to complete a basic course of training and
504 education for local school board members, in order for board
505 members to carry out their duties more effectively and be exposed
506 to new ideas involving school restructuring. Such basic course of
507 training, approved by the State Board of Education, shall be
508 conducted by the School Executive Management Institute of the
509 State Department of Education. Upon completion of the basic

510 course of training, the School Executive Management Institute
511 shall file a certificate of completion for the school board member
512 with the office of the local school board. In the event that a
513 board member fails to complete such training within six (6) months
514 of his selection, or six (6) months from April 15, 1993, such
515 board member shall no longer be qualified to serve and shall be
516 removed from office.

517 (3) In addition to meeting the requirements of subsection
518 (2) of this section, after taking office, each school board member
519 shall be required to file annually in the office of the school
520 board a certificate of completion of a course of continuing
521 education conducted by the Mississippi School Boards Association.

522 (4) Upon the failure of any local school board member to
523 file with the school board the certificate of completion of the
524 basic course of training as provided in subsection (2) of this
525 section, the school board member shall be removed from office.

526 (5) Upon the failure of any local school board member of a
527 school district with a school failing to meet minimum
528 accreditation standards to file with the school board the
529 certificate of completion of the continuing education course of
530 training required under subsection (3) of this section, the school
531 board member shall be removed from office.

532 SECTION 7. Section 37-17-6, Mississippi Code of 1972, is
533 amended as follows:[LH3]

534 37-17-6. (1) The State Board of Education, acting through
535 the Commission on School Accreditation, shall establish and
536 implement a permanent performance-based accreditation system, and
537 all public elementary and secondary schools shall be accredited
538 under this system.

539 (2) No later than June 30, 1995, the State Board of
540 Education, acting through the Commission on School Accreditation,
541 shall require school districts to provide school classroom space
542 that is air conditioned as a minimum requirement for

543 accreditation.

544 (3) (a) Beginning with the 1994-1995 school year, the State
545 Board of Education, acting through the Commission on School
546 Accreditation, shall require that school districts employ
547 certified school librarians according to the following formula:

548	Number of Students		Number of Certified
549	Per School Library		School Librarians
550	0 - 499 Students	½	Full-time Equivalent
551			Certified Librarian
552	500 or More Students	1	Full-time Certified
553			Librarian

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

556 (c) The assignment of such school librarians to the
557 particular schools shall be at the discretion of the local school
558 district. No individual shall be employed as a certified school
559 librarian without appropriate training and certification as a
560 school librarian by the State Department of Education.

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

565 (e) Nothing in this subsection shall prohibit any
566 school district from employing more certified school librarians
567 than are provided for in this section.

568 (f) Any additional millage levied to fund school
569 librarians required for accreditation under this subsection shall
570 be included in the tax increase limitation set forth in Sections
571 37-57-105 and 37-57-107 and shall not be deemed a new program for
572 purposes of the limitation.

573 (4) On or before July 1, 2000, the State Board of Education
574 shall implement the performance-based accreditation system for
575 school districts and for individual schools which shall include

576 the following:

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

579 (b) Strong accountability for results with appropriate
580 local flexibility for local implementation;

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

583 (d) Individual schools shall be held accountable for
584 student growth and performance;

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

588 (f) A determination of which schools exceed their
589 standards and a plan for providing recognition and rewards to such
590 schools;

591 (g) A determination of which schools are failing to
592 meet their standards and a determination of the appropriate role
593 of the State Board of Education and the State Department of
594 Education in providing assistance and initiating possible
595 intervention; and

596 (h) Development of a comprehensive student assessment
597 system to implement these requirements.

598 The State Board of Education may continue to assign school
599 district performance levels by using a number classification and
600 may assign individual school performance levels by using a number
601 classification to be consistent with school district performance
602 levels.

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

606 (6) The State Board of Education shall create an
607 accreditation audit unit under the Commission on School
608 Accreditation to determine whether schools are complying with

609 accreditation standards.

610 (7) The State Board of Education shall be specifically
611 authorized and empowered to withhold adequate minimum education
612 program or adequate education program fund allocations, whichever
613 is applicable, to any public school district for failure to timely
614 report student, school personnel and fiscal data necessary to meet
615 state and/or federal requirements.

616 (8) Deleted.

617 (9) The State Board of Education shall establish, for those
618 school districts failing to meet accreditation standards, a
619 program of development to be complied with in order to receive
620 state funds, except as otherwise provided in subsection (14) of
621 this section when the Governor has declared a state of emergency
622 in a school district or as otherwise provided in Section 206,
623 Mississippi Constitution of 1890. The state board, in
624 establishing these standards, shall provide for notice to schools
625 and sufficient time and aid to enable schools to attempt to meet
626 these standards, unless procedures under subsection (14) of this
627 section have been invoked.

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

631 (a) Develop an impairment report for each district
632 failing to meet accreditation standards in conjunction with school
633 district officials;

634 (b) Notify any applicable school district failing to
635 meet accreditation standards that it is on probation until
636 corrective actions are taken or until the deficiencies have been
637 removed. The local school district shall develop a corrective
638 action plan to improve its deficiencies. For district academic
639 deficiencies, the corrective action plan for each such school
640 district shall be based upon a complete analysis of the following:
641 student test data, student grades, student attendance reports,

642 student drop-out data, existence and other relevant data. The
643 corrective action plan shall describe the specific measures to be
644 taken by the particular school district and school to improve:
645 (a) instruction; (b) curriculum; (c) professional development; (d)
646 personnel and classroom organization; (e) student incentives for
647 performance; (f) process deficiencies; and (g) reporting to the
648 local school board, parents and the community. The corrective
649 action plan shall describe the specific individuals responsible
650 for implementing each component of the recommendation and how each
651 will be evaluated. All corrective action plans shall be provided
652 to the State Board of Education as may be required. The decision
653 of the State Board of Education establishing the probationary
654 period of time shall be final;

655 (c) Offer, during the probationary period, technical
656 assistance to the school district in making corrective actions.
657 Beginning July 1, 1998, subject to the availability of funds, the
658 State Department of Education shall provide technical and/or
659 financial assistance to all such school districts in order to
660 implement each measure identified in that district's corrective
661 action plan through professional development and on-site
662 assistance. Each such school district shall apply for and utilize
663 all available federal funding in order to support its corrective
664 action plan in addition to state funds made available under this
665 paragraph;

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

669 (e) Provide for publication of public notice at least
670 one (1) time during the probationary period, in a newspaper
671 published within the jurisdiction of the school district failing
672 to meet accreditation standards, or if no newspaper is published
673 therein, then in a newspaper having a general circulation therein.
674 The publication shall include the following: declaration of

675 school system's status as being on probation; all details relating
676 to the impairment report, and other information as the State Board
677 of Education deems appropriate. Public notices issued under this
678 section shall be subject to Section 13-3-31 and not contrary to
679 other laws regarding newspaper publication.

680 (11) (a) If the recommendations for corrective action are
681 not taken by the local school district or if the deficiencies are
682 not removed by the end of the probationary period, the Commission
683 on School Accreditation shall conduct a hearing to allow such
684 affected school district to present evidence or other reasons why
685 its accreditation should not be withdrawn. Subsequent to its
686 consideration of the results of such hearing, the Commission on
687 School Accreditation shall be authorized, with the approval of the
688 State Board of Education, to withdraw the accreditation of a
689 public school district, and issue a request to the Governor that a
690 state of emergency be declared in that district.

691 (b) If the State Board of Education and the Commission
692 on School Accreditation determine that an extreme emergency
693 situation exists in a school district which jeopardizes the
694 safety, security or educational interests of the children enrolled
695 in the schools in that district and such emergency situation is
696 believed to be related to a serious violation or violations of
697 accreditation standards or state or federal law, the State Board
698 of Education may request the Governor to declare a state of
699 emergency in that school district. For purposes of this
700 paragraph, such declarations of a state of emergency shall not be
701 limited to those instances when a school district's impairments
702 are related to a lack of financial resources, but also shall
703 include serious failure to meet minimum academic standards, as
704 evidenced by a continued pattern of poor student performance.

705 (c) Whenever the Governor declares a state of emergency
706 in a school district in response to a request made under paragraph
707 (a) or (b) of this subsection, the State Board of Education may

708 take one or more of the following actions:

709 (i) Declare a state of emergency, under which some
710 or all of state funds can be escrowed except as otherwise provided
711 in Section 206, Constitution of 1890, until the board determines
712 corrective actions are being taken or the deficiencies have been
713 removed, or that the needs of students warrant the release of
714 funds. Such funds may be released from escrow for any program
715 which the board determines to have been restored to standard even
716 though the state of emergency may not as yet be terminated for the
717 district as a whole;

718 (ii) Override any decision of the local school
719 board or superintendent of education, or both, concerning the
720 management and operation of the school district, or initiate and
721 make decisions concerning the management and operation of the
722 school district;

723 (iii) Assign an interim conservator who will have
724 those powers and duties prescribed in subsection (14) of this
725 section;

726 (iv) Grant transfers to students who attend this
727 school district so that they may attend other accredited schools
728 or districts in a manner which is not in violation of state or
729 federal law;

730 (v) For states of emergency declared under
731 paragraph (a) only, if the accreditation deficiencies are related
732 to the fact that the school district is too small, with too few
733 resources, to meet the required standards and if another school
734 district is willing to accept those students, abolish that
735 district and assign that territory to another school district or
736 districts. If the school district has proposed a voluntary
737 consolidation with another school district or districts, then if
738 the State Board of Education finds that it is in the best interest
739 of the pupils of the district for such consolidation to proceed,
740 the voluntary consolidation shall have priority over any such

741 assignment of territory by the State Board of Education;

742 (vi) For states of emergency declared under
743 paragraph (b) only, reduce local supplements paid to school
744 district employees, including, but not limited to, instructional
745 personnel, assistant teachers and extracurricular activities
746 personnel, if the district's impairment is related to a lack of
747 financial resources, but only to an extent which will result in
748 the salaries being comparable to districts similarly situated, as
749 determined by the State Board of Education;

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

753 (d) At such time as satisfactory corrective action has
754 been taken in a school district in which a state of emergency has
755 been declared, the State Board of Education may request the
756 Governor to declare that the state of emergency no longer exists
757 in the district.

758 (12) Upon the declaration of a state of emergency in a
759 school district under subsection (11) of this section, the
760 Commission on School Accreditation shall be responsible for public
761 notice at least once a week for at least three (3) consecutive
762 weeks in a newspaper published within the jurisdiction of the
763 school district failing to meet accreditation standards, or if no
764 newspaper is published therein, then in a newspaper having a
765 general circulation therein. The size of such notice shall be no
766 smaller than one-fourth (1/4) of a standard newspaper page and
767 shall be printed in bold print. If a conservator has been
768 appointed for the school district, such notice shall begin as
769 follows: "By authority of Section 37-17-6, Mississippi Code of
770 1972, as amended, adopted by the Mississippi Legislature during
771 the 1991 Regular Session, this school district (name of school
772 district) is hereby placed under the jurisdiction of the State
773 Department of Education acting through its appointed conservator

774 (name of conservator)."

775 The notice also shall include, in the discretion of the State
776 Board of Education, any or all details relating to the school
777 district's emergency status, including the declaration of a state
778 of emergency in the school district and a description of the
779 district's impairment deficiencies, conditions of any
780 conservatorship and corrective actions recommended and being
781 taken. Public notices issued under this section shall be subject
782 to Section 13-3-31 and not contrary to other laws regarding
783 newspaper publication.

784 Upon termination of the state of emergency in a school
785 district, the Commission on School Accreditation shall cause
786 notice to be published in the school district in the same manner
787 provided in this section, to include any or all details relating
788 to the corrective action taken in the school district which
789 resulted in the termination of the state of emergency.

790 (13) The State Board of Education or the Commission on
791 School Accreditation shall have the authority to require school
792 districts to produce the necessary reports, correspondence,
793 financial statements, and any other documents and information
794 necessary to fulfill the requirements of this section.

795 Nothing in this section shall be construed to grant any
796 individual, corporation, board or conservator the authority to
797 levy taxes except in accordance with presently existing statutory
798 provisions.

799 (14) (a) Whenever the Governor declares a state of
800 emergency in a school district in response to a request made under
801 subsection (11) of this section, the State Board of Education, in
802 its discretion, may assign an interim conservator to the school
803 district who will be responsible for the administration,
804 management and operation of the school district, including, but
805 not limited to, the following activities:

806 (i) Approving or disapproving all financial

807 obligations of the district, including, but not limited to, the
808 employment, termination, nonrenewal and reassignment of all
809 certified and noncertified personnel, contractual agreements and
810 purchase orders, and approving or disapproving all claim dockets
811 and the issuance of checks; in approving or disapproving
812 employment contracts of superintendents, assistant superintendents
813 or principals, the interim conservator shall not be required to
814 comply with the time limitations prescribed in Sections 37-9-15
815 and 37-9-105;

816 (ii) Supervising the day-to-day activities of the
817 district's staff, including reassigning the duties and
818 responsibilities of personnel in a manner which, in the
819 determination of the conservator, will best suit the needs of the
820 district;

821 (iii) Reviewing the district's total financial
822 obligations and operations and making recommendations to the
823 district for cost savings, including, but not limited to,
824 reassigning the duties and responsibilities of staff;

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

827 (v) Approving or disapproving all athletic, band
828 and other extracurricular activities and any matters related to
829 those activities;

830 (vi) Maintaining a detailed account of
831 recommendations made to the district and actions taken in response
832 to those recommendations;

833 (vii) Reporting periodically to the State Board of
834 Education on the progress or lack of progress being made in the
835 district to improve the district's impairments during the state of
836 emergency; and

837 (viii) Appointing a parent advisory committee,
838 comprised of parents of students in the school district, which may
839 make recommendations to the conservator concerning the

840 administration, management and operation of the school district.

841 Except when, in the determination of the State Board of
842 Education, the school district's impairment is related to a lack
843 of financial resources, the cost of the salary of the conservator
844 and any other actual and necessary costs related to the
845 conservatorship paid by the State Department of Education shall be
846 reimbursed by the local school district from nonminimum program
847 funds. The department shall submit an itemized statement to the
848 superintendent of the local school district for reimbursement
849 purposes, and any unpaid balance may be withheld from the
850 district's minimum or adequate education program funds.

851 At such time as the Governor, pursuant to the request of the
852 State Board of Education, declares that the state of emergency no
853 longer exists in a school district, the powers and
854 responsibilities of the interim conservator assigned to such
855 district shall cease.

856 (b) In order to provide loans to school districts under
857 a state of emergency which have impairments related to a lack of
858 financial resources, the School District Emergency Assistance Fund
859 is created as a special fund in the State Treasury into which
860 monies may be transferred or appropriated by the Legislature from
861 any available public education funds. The maximum amount that may
862 be appropriated or transferred to the School District Emergency
863 Assistance Fund for any one (1) emergency shall be Two Million
864 Dollars (\$2,000,000.00), and the maximum amount that may be
865 appropriated during any fiscal year shall be Three Million Dollars
866 (\$3,000,000.00).

867 The State Board of Education may loan monies from the School
868 District Emergency Assistance Fund to a school district that is
869 under a state of emergency in such amounts, as determined by the
870 board, which are necessary to correct the district's impairments
871 related to a lack of financial resources. The loans shall be
872 evidenced by an agreement between the school district and the

873 State Board of Education and shall be repayable in principal,
874 without necessity of interest, to the State General Fund or the
875 Education Enhancement Fund, depending on the source of funding for
876 such loan, by the school district from any allowable funds that
877 are available. The total amount loaned to the district shall be
878 due and payable within five (5) years after the impairments
879 related to a lack of financial resources are corrected. If a
880 school district fails to make payments on the loan in accordance
881 with the terms of the agreement between the district and the State
882 Board of Education, the State Department of Education, in
883 accordance with rules and regulations established by the State
884 Board of Education, may withhold that district's minimum program
885 funds in an amount and manner that will effectuate repayment
886 consistent with the terms of the agreement; such funds withheld by
887 the department shall be deposited into the State General Fund or
888 the Education Enhancement Fund, as the case may be.

889 If the State Board of Education determines that an extreme
890 emergency exists, simultaneous with the powers exercised in this
891 subsection, it shall take immediate action against all parties
892 responsible for the affected school districts having been
893 determined to be in an extreme emergency. Such action shall
894 include, but not be limited to, initiating civil actions to
895 recover funds and criminal actions to account for criminal
896 activity. Any funds recovered by the State Auditor or the State
897 Board of Education from the surety bonds of school officials or
898 from any civil action brought under this subsection shall be
899 applied toward the repayment of any loan made to a school district
900 hereunder.

901 (15) In the event a majority of the membership of the school
902 board of any school district resigns from office, the State Board
903 of Education shall be authorized to assign an interim conservator,
904 who shall be responsible for the administration, management and
905 operation of the school district until such time as new board

906 members are selected or the Governor declares a state of emergency
907 in that school district under subsection (11), whichever occurs
908 first. In such case, the State Board of Education, acting through
909 the interim conservator, shall have all powers which were held by
910 the previously existing school board, and may take such action as
911 prescribed in Section 37-17-13 and/or one or more of the actions
912 authorized in this section.

913 (16) Beginning with the school district audits conducted for
914 the 1997-1998 fiscal year, the State Board of Education, acting
915 through the Commission on School Accreditation, shall require each
916 school district to comply with standards established by the State
917 Department of Audit for the verification of fixed assets and the
918 auditing of fixed assets records as a minimum requirement for
919 accreditation.

920 * * *

921 SECTION 8. The Attorney General of the State of Mississippi
922 shall submit Sections 4 and 6 of this act, immediately upon
923 approval by the Governor, or upon approval by the Legislature
924 subsequent to a veto, to the Attorney General of the United States
925 or to the United States District Court for the District of
926 Columbia in accordance with the provisions of the Voting Rights
927 Act of 1965, as amended and extended.

928 SECTION 9. Sections 1 through 3, 5, 7 and 8 of this act
929 shall take effect and be in force from and after July 1, 2000.
930 Sections 4 and 6 of this act shall take effect and be in force
931 from and after July 1, 2000, if they are effectuated on or before
932 that date under Section 5 of the Voting Rights Act of 1965, as
933 amended and extended. If Sections 4 and 6 of this act are
934 effectuated under Section 5 of the Voting Rights Act of 1965, as
935 amended and extended, after July 1, 2000, such sections shall take
936 effect and be in force from and after the date they are
937 effectuated under Section 5 of the Voting Rights Act of 1965, as
938 amended and extended.